



THE IMPACT OF THE EMERGING PRIVATE SECURITY SECTOR

- Julie Nel

To what extent is the emerging private security sector changing the UK security landscape and architecture for criminal investigations and what does it mean for state-governed law enforcement?

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Abstract

This report assesses the extent of changes within the security landscape and architecture of criminal investigations in the UK. It examines academic studies from the last forty years, media reports, interviews with those directly involved in the private security sector (PSS) and reports completed by state agencies responsible for inspecting and reviewing state governed Law Enforcement Agencies (LEA). It concludes that changes within criminal investigations have occurred and that the police and other LEAs are effectively pushing investigations into the domain of the PSS. The PSS are increasingly investigating crime traditionally the preserve of the police and LEAs, however, this is not occurring within a formalised setting. The change has not been recognised by those regulating and inspecting law enforcement nor is it being accepted by the police or other LEAs.

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Introduction

In the UK the public's perception of criminal investigations is simple – the police complete them; if you have a crime committed against you, or you wish to report a crime, you simply report it to the police. If one suggested to the general public that this perception was inaccurate and that the landscape of criminal investigations was changing - that the Private Security Sector (PSS) were gradually changing the security architecture of criminal investigations, it would be met with a mixture of concern and surprise. This 'police fetishism' is described by Adam White where he states that liberal democracies are socialized into thinking, at an early age, that policing functions ought to be delivered by the state.¹ In the public consciousness the PSS are the ones who provide the bouncers at pubs and clubs, security guards patrolling public spaces or security guards and store detectives inside shops.² This, in reality, is a limited view, the PSS has changed vastly over the last four decades and the public, and indeed the police themselves, appear to be unaware of this change in the architecture of criminal investigations. When examining the sphere of criminal investigations, it is apparent that an activity traditionally monopolized by the police has now changed. The PSS has become far more engaged and has an increasing impact and influence on how criminal investigations are conducted. The PSS are increasingly undertaking criminal investigations; this takes the form of private security companies working on behalf of victims who are both private individuals and private companies, investigation departments within commercial companies investigating crimes against them and, lastly, not-for-profit groups or individuals completing often complex and covert crime investigations in areas such as child abuse.

These differing PSS groups are changing the criminal investigations landscape with the police and other Law Enforcement Agencies (LEAs), such as the National Crime Agency (NCA), being forced to accept their involvement. This enforced acceptance is observed by Elizabeth Joh who states that the rise in 'private police' tells only half a story, in reality the police are increasingly relying upon the PSS to act as partners while public confidence in the police's capability to control crime wanes.³ This is further supported by another academic Bob Hoogenboom who gives three main reasons for the change in security

¹ Adam White, *The Politics of Police 'privatization': A Multiple Streams Approach*, Vol. 15 (London, England: SAGE Publications, 2015)pp.284-285. doi:10.1177/1748895814549643. <http://journals.sagepub.com/doi/full/10.1177/1748895814549643>.

² Martin Gill, *The Handbook of Security*, 2nd Edition ed., 2014)p.21.

³ Elizabeth E. Joh, *The Paradox of Private Policing*, Vol. 95 (Chicago: Northwestern University School of Law, 2004)p.67-68. <https://www.jstor.org/stable/3491382>.

architecture:

- Declining public trust in government – where people now feel the Police have too many rules to be able to fight crime effectively or are viewed as corrupt
- State Withdrawal – government reducing spending in policing leading to a drop in resourcing
- Increasing crime and subjective insecurity – crime statistics have increased globally, as a result an objective and a subjective feeling of insecurity has arisen. This is partially fuelled by inflated security assessments and media coverage.⁴

The ‘state withdrawal’ and increase in crime, particularly fraud and child abuse, means the police can no longer meet the needs of those experiencing many different types of crime. This has caused the police to set a ‘minimum standard of acceptance’ before it investigates a crime, that is to say unless there is already a suspect or enough evidence to lead to an arrest then the crime will not be investigated further.⁵ This has led to both members of the public and businesses hiring their own private investigators to ensure this ‘threshold’ is met, and subsequently they have their crimes investigated by the police. Having the PSS fulfilling police services is described by numerous academics as a form of ‘plural policing’, and it raises concerns about a two-tier police service.⁶ This draws parallels with the NHS and private health services, and it inevitably leads to all sorts of ethical dilemmas and debates about a two-tier policing service, but this will not be discussed in this report.

When examining existing literature and academic studies of the relationship between the police and the PSS it becomes apparent that there is a plentiful supply of written articles about the privatisation of certain police services. An example of this would be private guards patrolling public spaces or completing prisoner escorts, however the role of the PSS within criminal investigations remains under-researched. Jones and Newburn in their book ‘Private Security and Public Policing’ described private investigators as possibly the least visible part of the PSS.⁷ Other academics agree stating that there is a ‘strong need

⁴ Bob Hoogenboom, *The Governance of Policing and Security: Ironies, Myths and Paradoxes* (Hampshire, UK: Palgrave Macmillan, 2010)p.91.

⁵ Patrick Scott and Ellie Kempster, *Revealed: How Likely is it that the Police Will Manage to Catch the Person Who Burgles Your House?*, (2017).
<https://www.telegraph.co.uk/news/2017/10/19/nine-10-home-burglaries-now-go-unsolved-effective-police-force/>.

⁶ Dominique Boels and Antoinette Verhage, *Plural Policing: A State-of-the-Art Review*, Vol. 39 (Bradford: Emerald Group Publishing Limited, 2016)p.10. doi:10.1108/PIJPSM-05-2015-0069.
<http://www.emeraldinsight.com/doi/abs/10.1108/PIJPSM-05-2015-0069>.

⁷ Trevor Jones and Tim Newburn, *Private Security and Public Policing* (New York: Oxford University Press, 1998)p.64.

for more empirical research that is more in tune with the queries raised by contemplative research'.⁸ Hilary Draper published her book 'Private Police' in 1976 and pioneered this academic field; surprisingly she is still arguably one of the best sources of information into PSS investigations.⁹ In 1978 Draper describes the public's perception of the private investigator as either 'Sherlock Holmes' type characters, or 'sordid snoopers' wearing dirty rain macs with turned up collars.¹⁰ Their work, back then, mainly involved matrimonial type investigations - investigating spouses suspected of adultery, process serving for solicitors, tracing beneficiaries of a will or tracing stolen goods, with criminal investigation only taking up about 10 per cent of their work.¹¹ Looking into the 1990's the role of the PSS had started to change, Les Johnston - a prolific writer of academic studies into the roles of the police and private security, wrote that the work of the private detective is diverse: tracing missing persons, process serving (as with Drapers view) but now includes vetting prospective employees, investigating insurance claims, infringements of patents and fraud investigation with a lesser commitment to matrimonial work.¹² Johnston also discusses the even less researched area of the PSS, the vigilante groups, which he describes as 'active citizenship' whereby individuals and groups keep an 'eye out' for each other.¹³ However the PSS during the 1990's was still very much seen as acting as part of a 'junior partner model' with the police monopolizing the investigations arena.¹⁴

The PSS involvement in criminal investigations has changed considerably since then, and their roles within the investigations architecture have also changed. The PSS consists of commercially driven groups and those 'wanting to help'. They include:

- Professional security companies, often run by ex-senior police officers, conducting criminal investigations into anything from rape, burglary to counterfeit crime
- Vigilante groups conducting complex covert online child abuse investigations, and
- Security departments of large corporations investigating fraud

They all have one commonality - they are all filling either an actual or perceived void being left by the police. This void was recently highlighted by Her Majesty's Inspectorate of Constabulary (HMIC) in a 2016 inspection on police effectiveness - 'some forces, the

⁸ Boels and Verhage, *Plural Policing: A State-of-the-Art Review*, Vol. 39 (Bradford: Emerald Group Publishing Limited, 2016)p.13. doi:10.1108/PIJPSM-05-2015-0069.

<http://www.emeraldinsight.com/doi/abs/10.1108/PIJPSM-05-2015-0069>.

⁹ Jones and Newburn, *Private Security and Public Policing* (New York: Oxford University Press, 1998)pp.64-67.

¹⁰ Hilary Draper, *Private Police* (Sussex, UK: The Harvester Press Limited, 1978)p.26.

¹¹ Hilary Draper, *Private Police* (Sussex, UK: The Harvester Press Limited, 1978)pp.30-31.

¹² Les Johnston, *The Rebirth of Private Policing* (London: Routledge, 1992)p.107.

¹³ Les Johnston, *The Rebirth of Private Policing* (London: Routledge, 1992)p.192.

¹⁴ Les Johnston, *The Rebirth of Private Policing* (London: Routledge, 1992)p.193.

police are simply not doing some of the basic things they should do. For example, police officers are arresting fewer people, some crimes are apparently being shelved without proper investigations taking place and too often suspects wanted in connection with crimes are not being tracked down relentlessly'.¹⁵

This report explores the change in the security landscape by examining three distinct groups working within the PSS to ascertain its impact and influence within the current security architecture. The groups specifically examined are private security companies working for profit, investigations departments within corporations and vigilante groups. Case studies were completed on each of these groups, and interviews with those directly involved in the groups were conducted. The interviews supported academic literature and also introduced new developments that have slowly evolved. It found that private security companies are 'springing up' within both business and residential communities almost becoming 'mini private police forces'.¹⁶ They are taking on crime investigations where police have decided to take 'no further action' as there was insufficient evidence for the police to pursue.¹⁷ Corporations, specifically financial institutions, are completing investigations into billion-pound frauds where criminals are not 'touching' the criminal justice system and are instead being subjected to a form of 'private justice'.¹⁸ This is leading to a somewhat bizarre division between those criminals involved in fraud and those involved in other types of crime, such as supplying drugs and terrorism. Perhaps the most interesting change in architecture is that of the vigilantes. They were once groups of individuals intent on revenge or good willed citizens patrolling their streets to ward off prostitution and drug dealers. These vigilante groups now complete complex, covert sting operations, traditionally the domain of the police, and have now had such an impact that the Crown Prosecution Service (CPS) has written new guidance on how to integrate their investigations into the criminal justice system dubbing them 'internet vigilantes'.¹⁹

¹⁵ *HMIC Peel: Police Effectiveness 2016 A National Overview*, 2017c)pp.4-5.

¹⁶ *London's Richest Neighbourhoods are Getting their Own Private Police Force*, <http://www.independent.co.uk/news/uk/home-news/london-richest-neighbourhoods-private-police-force-knightsbridge-mayfair-belgravia-metropolitan-a7615711.html> ed., Vol. 2018, 2017e). <http://www.independent.co.uk/news/uk/home-news/london-richest-neighbourhoods-private-police-force-knightsbridge-mayfair-belgravia-metropolitan-a7615711.html>.

¹⁷ *Stopping a Spate of Burglaries*, <https://home.nationalbusinesscrimesolution.com/case-studies/stopping-a-spate-of-burglaries/> ed., Vol. 2018, n). <https://home.nationalbusinesscrimesolution.com/case-studies/stopping-a-spate-of-burglaries/>.

¹⁸ Clarissa Meerts, *A World Apart: Private Investigations in the Corporate Sector* (direction: rtl;"/div>, 2016). <http://heinonline.org>.

¹⁹ *CPS Guidance: Vigilantes on the Internet - Cases Involving Child Sexual Abuse*, <https://www.cps.gov.uk/legal-guidance/vigilantes-internet-cases-involving-child-sexual-abuse> ed., Vol. 2018, 2017b).

This change has both negative and positive impacts on the UK security landscape. The negatives are that criminals engaged in an activity that is not being investigated by the police or a LEA are not 'getting into the system', basically they are evading the intelligence community within the law enforcement arena and, as such, integral links between criminals investigated by the police and those being investigated by the PSS are missed. There is a distinct lack of intelligence sharing protocols between law enforcement and the PSS. This is due to mistrust, jealousies and protectionism, and this is being used advantageously by organised criminality.²⁰ The PSS is not regulated, audited or inspected when it comes to investigations, it appears this is the only un-regulated area of the PSS and as such anyone can start investigating crime. This clearly opens up issues of corruption, criminals investigating themselves and victims getting an unknown level of service. On the positive side, the void in criminal investigations left by the police is being filled by the PSS and criminals, particularly those preying on children, are being captured and dealt with. The change in the security landscape has evolved, it seems, through necessity and social demand, it has crept in through informal channels as opposed to more traditionally recognised outsourcing or partnership approaches, and it is on the rise. The need for UK law enforcement to recognise and start treating the PSS as an intelligence and investigation partner is integral, and this report seeks to shed some more light on this under-researched area of the UK security landscape.

Chapter one: Changes in Security Landscape

This chapter will be discussing how, over the last four decades, the security landscape has changed with regard to crime investigation and the reasons behind this change. It will argue how over the last few decades crime investigation, which has predominantly been monopolised by the police and other LEAs, is now being slowly taken on by the Private

²⁰ Seth W. Stoughton, *The Blurred Blue Line: Reform in an Era of Public & Private Policing*, Vol. 44 University of Texas School of Law, 2017)p.134.

Security Sector (PSS) and display how this is changing the UK security architecture. The public's perception that it is only the domain of the police to enforce the law and fight crime is inaccurate, there is now an ever-increasing overlap between the police and the Private Security Sector (PSS).²¹ Although there is literature about PSSs completing private security patrols and guarding of private premises, there is little mentioned about PSSs being actively engaged in the investigation of crime with the majority of such literature predominantly covering the investigation of fraud.

The existing body of literature is mainly non-empirical, contemplative work, and this lack of research and reporting is supported when examining inspection reports and reviews completed by Her Majesty's Inspectorate of Constabulary (HMIC). There is no mention of the PSS and their impact and influence on how the police conduct their criminal investigations.²² This sentiment of lack of research into the PSS is echoed by Button who describes the PSSs contribution to policing as 'under-researched, under-utilised and under-estimated'.²³ With this in mind it is hardly unexpected that the public's perception of the role of PSSs in investigating crime is limited, and somewhat skewed. It appears to have been left alone by those in government, the private sector and academia - all three of whom, will perhaps, have their own reasons. Government because it highlights vacuums in policing, PSS because the more the general public learn of the increasing involvement of them in the field of criminal investigations and possible encroachments into private lives the more regulated they may become and, academia because perhaps there is a lack of cooperation between themselves, the PSS and police/LEA's?²⁴

There is often outcry and fear from various groups that the police are becoming increasingly more powerful with new statutes and laws passed to assist with enforcing the law.²⁵ Many of these new statutes were implemented post 9/11 in the 'war on terrorism'. For instance, in the UK numerous new Acts of Parliament have been introduced, causing concern for civil rights groups and campaigners.²⁶ What the public are unaware of

²¹ Seth W. Stoughton, *The Blurred Blue Line: Reform in an Era of Public & Private Policing*, Vol. 44 University of Texas School of Law, 2017)p.118.

²² Lesley Noaks, *Diversification of British Policing*, Vol. 27 (Bradford: Emerald Group Publishing Limited, 2004)p.6. doi:10.1108/13639510410536850. <https://search.proquest.com/docview/211272590>.

²³ Mark Button, *Private Security and its Contribution to Policing: Under-Researched, Under-Utilised and Underestimated*, Vol. 2 (London, England: SAGE Publications, 1999)pp.106-107. doi:10.1177/146135579900200202. <http://journals.sagepub.com/doi/full/10.1177/146135579900200202>.

²⁴ Elizabeth E. Joh, *The Paradox of Private Policing*, Vol. 95 (Chicago: Northwestern University School of Law, 2004)p.50. <https://www.jstor.org/stable/3491382>.

²⁵ Elizabeth E. Joh, *The Paradox of Private Policing*, Vol. 95 (Chicago: Northwestern University School of Law, 2004)p.49. <https://www.jstor.org/stable/3491382>.

²⁶ *Overview of Terrorism Legislation*, <https://www.libertyhumanrights.org.uk/human-rights/countering-terrorism/overview-terrorism-legislation> ed., Vol. 2018, h).

however, is the ever-increasing impact and influence of the PSS and how the security landscape is changing. As Seth Stoughton perhaps a little cynically describes it: 'the Thin Blue Line is neither particularly thin nor exclusively blue'.²⁷ Academics offer numerous different explanations for this overlap or blurring between policing and the PSS – 'multilateralised' policing, plural policing, grey policing to name a few.²⁸ The difference between the police and the PSS though, is that the police are subject to scrutiny, audit and regulation. The PSS - not so much, if at all, and this will be covered in more detail in chapter three of this report.²⁹ This 'policing' activity by PSSs is not just restricted to areas that the public are perhaps more aware of; private security patrols, store detectives or man-guarding but are also in fact increasingly utilised to investigate crime.³⁰

The world of Private Security is often portrayed by the media as being associated with celebrities and their bodyguards, or if it is regarding investigations then the stereotypical seedy looking Private Investigator or PI for short.³¹ In reality this is vastly different from the amount of professional security companies that actually exist, covering a huge array of security functions often working in conjunction with the police. The relationship between the police and PSS has also been given many descriptions by academia and is summed up by Gill who lists a few authors and their characterisations of this 'alliance'. Kaklik and Wildhorn (1972) presented 'junior partner' and 'equal partner' models; Jones and Newburn (1998) discuss the relationship as one of 'cooperation', 'competition' and 'coexistence'; South (1988) in terms of 'compromise', 'complement', 'competition' and 'circumvention'; Sklansky (2006) discusses the relationship as augmentation, displacement and transformation.³² These concentrate on the PSS completing patrol functions, guarding or prisoner detention, not the more complex arena of criminal investigation. This cooperation between the two is surprising when examining the traditional police view of the PSS, there is clearly a lack of trust by the police towards PSSs, this is not just within the UK but across many different countries. Traditionally the police show disdain for the PSS and regard them as incompetent, corrupt and

²⁷ Stoughton, *The Blurred Blue Line: Reform in an Era of Public & Private Policing*, Vol. 44 University of Texas School of Law, 2017)p118.

²⁸ Elizabeth E. Joh, *The Paradox of Private Policing*, Vol. 95 (Chicago: Northwestern University School of Law, 2004)p.49. <https://www.jstor.org/stable/3491382>.

²⁹ Johnston, *The Rebirth of Private Policing* (London: Routledge, 1992)p.86.

³⁰ Stoughton, *The Blurred Blue Line: Reform in an Era of Public & Private Policing*, Vol. 44 University of Texas School of Law, 2017)p.130.

³¹ Johnston, *The Rebirth of Private Policing* (London: Routledge, 1992)p. 107.

³² Martin Gill, *Senior Police Officers' Perspectives on Private Security: Sceptics, Pragmatists and Embracers*, Vol. 25 (Abingdon: Routledge, 2015)p.277. doi:10.1080/10439463.2013.865736. <http://www.tandfonline.com/doi/abs/10.1080/10439463.2013.865736>.

untrustworthy.³³ In Seth Stoughton's study he refers to a report made in 1977 by the United States Private Security Advisory Council, which advised the Law Enforcement Assistance Administration at the Department of Justice and who identified several major barriers between private and public policing, which they ranked in order of pervasiveness and intensity:

- lack of mutual respect
- lack of communication
- lack of cooperation
- lack of law enforcement knowledge of private security
- perceived competition
- lack of standards [for cooperation; and]
- perceived corruption.³⁴

The interaction between the police and the PSS is changing though and it appears to be through necessity rather than a change of perception. There are more demands on the police and the police are increasingly finding themselves having to make cuts to the service they provide and display value-for-money. In 2012 the Home Affairs Select Committee's Fourth Report of Session 2012-13 entitled: 'Private Investigators' was published. The Government's response to a recommendation about the police utilising the PSS more was - 'It is up to the police to decide the best way to achieve transformation in order to maintain and improve services for the public as they face the challenge of reduced budgets. We support the police in considering the value of the private sector to achieving this. The private sector has the skills to drive more efficiency in policing, delivering some services better and at lower cost'.³⁵ This was echoed in 2013 by the then Police Minister Damian Green who, when speaking at the Police Superintendent's conference stated that, "the days of the police being suspicious of the private sector should be over".³⁶ The public, both personal and commercial, demand more from the police who simply cannot keep pace with these demands. Therefore, they are turning to the PSS to fill the void left by the lack of police response.

³³ Button, *Private Security and its Contribution to Policing: Under-Researched, Under-Utilised and Underestimated*, Vol. 2 (London, England: SAGE Publications, 1999)p. 107.

doi:10.1177/146135579900200202. <http://journals.sagepub.com/doi/full/10.1177/146135579900200202>.

³⁴ Stoughton, *The Blurred Blue Line: Reform in an Era of Public & Private Policing*, Vol. 44University of Texas School of Law, 2017)p.134.

³⁵ *Government Response to the 4th Report from the Home Affairs Committee Session 2012-13 HC 100: Private Investigators*, 2013)p.2. <http://www.publicinformationonline.com/download/41154>.

³⁶ *Police Privatisation and how to Stop It* (London, England: UNISON, 2015a)p.4.

Commercial enterprises commonly employ private security, especially within guarding, patrols and crime prevention such as CCTV. However, there is now an increase within local communities to start paying for private security to assist where there is a perception that the police are no longer delivering a service.³⁷ There is an eroding of confidence in the UK of the police's ability to provide security to the public and its ability to control crime.³⁸ So where is this perception of fear of crime and lack of confidence in the police coming from and why is it driving the demand for the PSS? Hoogenboom details several reasons and in contrast to the earlier reference of fear of the police gaining too much power, there are those who fear that the police have too little power to deal with criminal activity. 'State-withdrawal' is also blamed – the public see police budgets cut continually which gives credence to the perception that the State are not supporting the police and the media play on crime statistics rising globally over the last 40 years.³⁹ Interestingly he highlights another reason which again is played on by the media and this is the increasing reports from both the PSS and the police on heightened risk of crime or terrorist activity. Hoogenboom states that there is a competition between the two and it is leading to 'exaggeration' of threat analyses, and although they partly reflect reality, they are also clearly driven by both political (the police to enhance budgets) and commercial (PSS to attract clients) interests.⁴⁰

The UK State withdrawal and perceived lack of police ability to deal with rising criminality are supported by government agency reports. In HMIC 2016 publication 'Peel: Police effectiveness', they are clearly highlighting serious areas of concern.⁴¹ HMIC report on emergency calls not being responded to appropriately, as they are often being re-classified from high risk to medium risk due to systems being overwhelmed, gangs of violent criminals not being classified correctly as Organised Crime Groups (OCGs) because the local police simply do not have resources to deal with OCGs.⁴² Perhaps the most pertinent area of concern for this report's research is that "police officers are arresting fewer people, some crimes are apparently being shelved without proper

³⁷ *London's Richest Neighbourhoods are Getting their Own Private Police Force*, <http://www.independent.co.uk/news/uk/home-news/london-richest-neighbourhoods-private-police-force-knightsbridge-mayfair-belgravia-metropolitan-a7615711.html> ed., Vol. 2018, 2017e). <http://www.independent.co.uk/news/uk/home-news/london-richest-neighbourhoods-private-police-force-knightsbridge-mayfair-belgravia-metropolitan-a7615711.html>.

³⁸ Elizabeth E. Joh, *The Paradox of Private Policing*, Vol. 95 (Chicago: Northwestern University School of Law, 2004)p.68. <https://www.jstor.org/stable/3491382>.

³⁹ Hoogenboom, *The Governance of Policing and Security: Ironies, Myths and Paradoxes* (Hampshire, UK: Palgrave Macmillan, 2010)p.91.

⁴⁰ Bob Hoogenboom, *The Governance of Policing and Security: Ironies, Myths and Paradoxes* (Hampshire, UK: Palgrave Macmillan, 2010)p.91.

⁴¹ *HMIC Peel: Police Effectiveness 2016 A National Overview*, 2017c).

⁴² *HMIC Peel: Police Effectiveness 2016 A National Overview*, 2017c).

investigations taking place and too often suspects wanted in connection with crimes are not being tracked down relentlessly”.⁴³ To add to this dire outlook, there is also a national shortage of Police Detectives, not enough trained investigators to deal with the increasing demand, and HMIC recommend police forces build the investigative capabilities of their workforce.⁴⁴ This demand is fuelled by increasing crime numbers, and the inclusion of historic cases i.e. the Saville enquiry, as well as more recent types of crime via the internet, be it fraud related or online child exploitation.⁴⁵

As a Public-Sector Service the police are given guidance on how they can contract or outsource work to the private sector and this is fairly commonplace and well-known within the police’s support function such as forensics, providing legal services, managing the vehicle fleet, finance and human resources.⁴⁶ However outsourcing is not well-known within the field of frontline police criminal investigation and any mention of it has received negative publicity and concern from the media. In 2012 Theresa May (then Home Secretary and now Prime Minister) imposed a 20% cut in Whitehall grants on police forces advising they utilise the PSS in frontline activities, giving clear indication that the PSS and the police’s use of them had Government support.⁴⁷ In this same year West Midlands and Surrey Police offered a £1.5bn contract under which private firms could investigate crime and detain suspects, this was the first of its kind and caused huge concern amongst the public and within the police.⁴⁸ This contract offer however did not come to anything as other Police forces along with their respective Police Crime Commissioners and the media debated strongly against it causing it to fall by the way-side.

2012 became a busy year in the debate regarding the PSS undertaking more police work. The negative publicity received regarding the proposed crime investigation contract prompted a response from one of the main PSS bidders G4S. David Taylor-Smith, the head of G4S for the UK and Africa stated that: “I have always found it somewhere between patronising and insulting the notion that the public sector has an exclusive franchise on some ethos, spirit, morality – it is just nonsense, the thought that everyone in

⁴³ HMIC Peel: *Police Effectiveness 2016 A National Overview*, 2017c)pp.4-5.

⁴⁴ HMIC Peel: *Police Effectiveness 2016 A National Overview*, 2017c)p.12.

⁴⁵ Forst, Brian and Manning, Peter, *The Privatization of Policing: Two Views* (Washington, D.C.: Georgetown University Press, 1999)p.55.

⁴⁶ Tom Gash, *Privatising the Police?*, <https://www.instituteforgovernment.org.uk/blog/privatising-police> ed., Vol. 2018, 2012). <https://www.instituteforgovernment.org.uk/blog/privatising-police>.

⁴⁷ Alan Travis and Zoe Williams, *Revealed: Government Plans for Police Privatisation*, 2012). <http://www.theguardian.com/uk/2012/mar/02/police-privatisation-security-firms-crime>.

⁴⁸ *Ibid.*

the private sector is primarily motivated by profit and that is why they come to work is just simply not accurate we employ 675,000 people and they are primarily motivated by pretty much the same as would motivate someone in the public sector.⁴⁹ However, all this rhetoric seriously backfired for G4S when G4S and the PSS (by default) were brought into disrepute during the London Olympics, highlighting that they were not 'pretty much' motivated in the same way that police forces are. Issues with staffing the Olympics led to the Armed Forces being drafted in to cover for lack of staffing by G4S who failed not only in the provision of staff, but also that those who had been hired did not turn up for work.⁵⁰ Although this incident led to an alleged re-think by Government Ministers in their pursuit of PSS support of frontline policing, it was clear from Minister's comments that it could still be on the table, putting the Olympics failures down as a 'learning curve'.⁵¹ As this report will display, the PSS are increasingly delivering frontline policing by way of criminal investigations and this is creeping in under different PSS guises with no formal contracting or outsourcing being involved.

A group that has joined the commercially driven PSS in taking on investigating crime are not driven by profit as they do not receive money for their services but are instead fuelled by public fear and outcry – the Vigilante Groups. These are given various titles by academics and Button discusses them under the heading of 'Autonomous Citizenship'.⁵² His study published in 2002 does not discuss the level of investigations that are now being conducted by these groups, instead his study relates to patrols by groups, those seeking revenge or their often violent reaction to named alleged suspects.⁵³ Button's and other academic research, displays that this group of 'concerned' citizens had not changed much in a decade as Johnston in his book *Rebirth of Private Policing* study in 1992 was discussing the same style of vigilantism and includes the well-publicised 'Guardian Angels', who would patrol the streets and public transport in both the U.S and the UK.⁵⁴ However, in the last decade there has been a noticeable change in the behaviours of these vigilante groups and these are often publicised via the media, the most common of the groups being the 'Paedophile Hunters'. A total of 259 individuals were convicted of

⁴⁹ Matthew Taylor and Alan Travis, *G4S Chief Predicts Mass Police Privatisation*, 2012).

<http://www.theguardian.com/uk/2012/jun/20/g4s-chief-mass-police-privatisation>.

⁵⁰ *Olympic Failure Leaves G4S in Tatters, Admits CEO*, 2012b).

<https://uk.reuters.com/article/uk-oly-4gs-hearing/parliament-awaits-as-g4s-scandal-grows-idUKBRE86G0AU20120717>.

⁵¹ *Ministers Mull G4S Row Lessons*, 2012a). <https://www.bbc.co.uk/news/uk-19251772>.

⁵² Mark Button, *Private Policing* (Cullompton: Willan, 2002)p. 89.

⁵³ Mark Button, *Private Policing* (Cullompton: Willan, 2002)pp. 89-95.

⁵⁴ Johnston, *The Rebirth of Private Policing* (London: Routledge, 1992)pp.165-173.

attempting to meet a child following sexual grooming in England, Wales and Northern Ireland in 2016, in 114 of those cases - 44% overall - prosecutors used evidence gathered not only by the police but also by online anti-paedophile vigilante groups.⁵⁵

This is not the traditional 'active citizenship' of patrolling the streets to prevent crime as with the Guardian Angels. Nor is it the other vigilante behaviour of seeking revenge, which occurred when vigilantes responded in revenge to a list of names and addresses of alleged sex offenders published by the News of the World with dire consequences.⁵⁶ These new vigilante groups are using complex and covert means to complete criminal investigations, they are then taking it a step further by trapping the alleged offenders in complex 'sting operations', effectively taking the crime investigation into their own hands.⁵⁷ The report will be covering a case study of this 'modern' version of vigilantism in chapter two but as references to this type of private investigation indicate in this chapter, there is little published academic work on the subject because it has only become prevalent over the last decade. Although there is much debate about the ethics of these 'Paedophile Hunters', the police cannot refuse to act on the evidence and investigations handed to them; children are clearly at serious risk but what other police work then gives way? What impact does this have on the police force that takes the investigation on if the Detectives are already stretched to their limits working on other serious cases? This is a good example of how the PSS are changing the security architecture away from police monopolization.

Another example of the PSS actively investigating crime and impacting on the security architecture is that of a company called National Business Crime Solutions (NBCS). They are advertised as a not-for-profit organisation and an example of their case studies details one of their 'members' as being a victim of burglary 11 times in two months

⁵⁵ *Paedophile Hunters: Should Police Work with Vigilantes?*, <http://www.theweek.co.uk/89069/paedophile-hunters-should-police-work-with-vigilantes> ed., Vol. 2018, 2017g). <http://www.theweek.co.uk/89069/paedophile-hunters-should-police-work-with-vigilantes>.

⁵⁶ *Vigilante Victim to Sue 'News of the World'*, <http://www.independent.co.uk/news/uk/this-britain/vigilante-victim-to-sue-news-of-the-world-710968.html> ed., Vol. 2018, 2000). <http://www.independent.co.uk/news/uk/this-britain/vigilante-victim-to-sue-news-of-the-world-710968.html>.

⁵⁷ *Paedophile Hunters: Should Police Work with Vigilantes?*, <http://www.theweek.co.uk/89069/paedophile-hunters-should-police-work-with-vigilantes> ed., Vol. 2018, 2017g). <http://www.theweek.co.uk/89069/paedophile-hunters-should-police-work-with-vigilantes>.

understandably being frustrated with lack of police response and activity.⁵⁸ NBCS claim that their 'involvement helped to elevate the offences through the police tasking process and a policing plan was put into place. As a result, three offenders were arrested, and the offences stopped immediately'.⁵⁹ This involved NBCS completing a criminal investigation which led them to linking the crimes. Although NBCS are alleging not-for-profit they are listed as a limited private company with Companies House. Their nature of business classed as Security systems service activities, therefore one assumes the employees and directors are paying themselves a decent salary so their motives surely remain largely mercenary.⁶⁰ As with the vigilante 'Paedophile Hunters', these crimes were passed to the police to develop and prosecute as the PSS is unable to prosecute through criminal proceedings without police assistance, so what impact did this have on the force it passed these crimes to?

NBCS appear to be supported by the National Police Chiefs' Council (NPCC) DCC Susannah Fish OBE the NPCC, Lead for Business Crime Reduction and Lead for Information Sharing states "I have been delighted to work closely with the NBCS during 2016 during which time the partnership between the NBCS and policing has gone from strength to strength. As a result organised criminals have been disrupted, arrested, and imprisoned and member businesses have been better protected. In recognition of this success the Home Office has agreed to fund the further expansion of the NBCS - an exciting development for law enforcement and the business community and will enhance our capability to tackle criminals who target business".⁶¹ The questions has to asked – why are the Home Office putting funding into the PSS to investigate crime rather than putting it into police budgets? The police have their own Strategic Threat Assessments which in turn inform their Control Strategy for the coming year. This Control Strategy details which crimes and concerns the force will prioritise and ensures that finite resources and budgets are dedicated to dealing with these assessed prioritised areas and this is all governed by the Strategic Tasking and Coordinating Group.⁶² NBCS claim they influenced this process

⁵⁸ *Stopping a Spate of Burglaries*,

<https://home.nationalbusinesscrimesolution.com/case-studies/stopping-a-spate-of-burglaries/> ed., Vol. 2018, n). <https://home.nationalbusinesscrimesolution.com/case-studies/stopping-a-spate-of-burglaries/>.

⁵⁹ *Stopping a Spate of Burglaries*,

<https://home.nationalbusinesscrimesolution.com/case-studies/stopping-a-spate-of-burglaries/> ed., Vol. 2018, n). <https://home.nationalbusinesscrimesolution.com/case-studies/stopping-a-spate-of-burglaries/>.

⁶⁰ NATIONAL BUSINESS CRIME SOLUTION LIMITED - Overview (Free Company Information from Companies House), <https://beta.companieshouse.gov.uk/company/08863690> ed., Vol. 2018, e).

<https://beta.companieshouse.gov.uk/company/08863690>.

⁶¹ *National Crime Businesses Solutions: End of Year Report 2016*, f).

⁶² *Intelligence Management*

and 'elevated' the crimes they investigated. This highlights that the PSS are slowly, but surely, impacting on the way police forces investigate crimes, this example displays a changing security landscape at strategic level.

The other impact and change is at a tactical level - the police have various acts and regulations regarding how they conduct their activity to ensure it is admissible in a court of law and not in conflict with the Human Rights Act. The Regulation of Investigatory Powers Act 2000 (RIPA) ensures that Public Authorities adhere to a scrutinized set of parameters in which they can engage in investigative activity.⁶³ This Act covers covert policing, for example - the use of Covert Human Intelligence Sources (CHIS), Informants in lay terms, surveillance or undercover work. The 'Paedophile Hunters' were completing undercover work by pretending they were someone they were not (a young girl), however, they still passed on the covertly gained evidence to the police who then used this in criminal proceedings. In 2017 a Judge ruled that one particular 'Paedophile Hunting' group who call themselves 'Dark Justice' had "acted as private citizens throughout" and, as such, "authorisation of them by any public authority to act as a covert human intelligence source was and is not required by law".⁶⁴ This opens a possible gateway for the PSS to work outside of regulatory rules that police are required to adhere to, and in turn opens up a potential avenue for police to bypass the act. By doing this the PSS are again influencing the way the police are working and effectively, between the PSS and the Courts, changing the security landscape. This raises the question of whether UK police are in fact sliding into what Elizabeth Joh discusses in her book 'The Paradox of Private Policing' as "the Silver Platter Doctrine" i.e. being handed covertly gained evidence on a silver platter without having to jump through the regulated hoops?⁶⁵ In criminal law, this was a doctrine that allowed a U.S. Federal Court to introduce illegally or improperly state-seized evidence, as long as federal officers had played no role in obtaining it. The doctrine was declared unconstitutional in 1960 (*Elkins v. United States*).⁶⁶ The UK however, appear to

Governance, <https://www.app.college.police.uk/app-content/intelligence-management/governance/> ed., Vol. 2018, d).

⁶³ *Regulation of Investigatory Powers Act 2000*, <https://www.legislation.gov.uk/ukpga/2000/23/contents> ed., Vol. 2018, j).

⁶⁴ reporter, Frances Perraudin North of England, *Judge Rules 'Paedophile Hunters' can Continue Posing as Children Online*, (2017).

<http://www.theguardian.com/society/2017/apr/08/judge-rules-paedophile-hunters-can-continue-posing-as-children-online>.

⁶⁵ Elizabeth E. Joh, *The Paradox of Private Policing*, Vol. 95 (Chicago: Northwestern University School of Law, 2004)pp.114-116. <https://www.jstor.org/stable/3491382>.

⁶⁶ *Silver Platter Doctrine*, https://law.academic.ru/14857/silver_platter_doctrine ed., Vol. 2018, m). https://law.academic.ru/14857/silver_platter_doctrine.

be at risk of introducing it into their criminal proceedings.

The PSS are filling the void in criminal investigation and this appears to be having an increasing influence and impact on the police and is indeed changing the security landscape and architecture of criminal investigations. The PSS and police appear to be circumnavigating the traditional routes of contracting out work in the forms of outsourcing and instead an informal partnership and collaboration approach appears to be taking place. This stealthy approach however, does appear to be falling under the radars of those oversight departments who inspect 'checks and balances' on police activity - the likes of HMIC and Investigatory Powers Commissioner's Office. In Gill's interviews of senior police leaders one quote almost resignedly states "whether I'd like to or not, I think it's inevitable that the private security industry will fill gaps in the market where there isn't capacity for the police to provide services or it's not the role of the police to provide the services. The police need to shape how those services are provided and ensure effective interaction between police and security companies".⁶⁷ Referring back to the NPCC and DCC Fish's quote above it appears that this is indeed increasingly starting to take shape.

Chapter Two: Case Studies

This chapter will be examining criminal investigations currently being completed within the PSS, its purpose is to assist in supporting the argument that the security landscape has, and is continuing, to change within criminal investigation. It will analyse what is currently happening within the PSS to ascertain what changes have occurred within the security architecture of criminal investigation. To do this it will examine three distinct areas of the PSS; the private 'for-profit' security sector, the private 'not-for-profit' security sector (vigilante) and the private investigations departments within the corporate sector. These particular sectors were chosen because, despite the continuing limited availability of literature, they have been the sectors most widely examined by academic studies. The chosen sectors will be examined by conducting and observing interviews with those directly involved, examining primary source literature and guidance, predominantly government regulatory guidance, policies and media sources. The lack of empirical studies of this subject is to be noted and many academic studies of the subject appear to concentrate on the ethical debates rather than concentrating on the actual change in architecture itself.

⁶⁷ Gill, *Senior Police Officers' Perspectives on Private Security: Sceptics, Pragmatists and Embracers*, Vol. 25 (Abingdon: Routledge, 2015)p.287. doi:10.1080/10439463.2013.865736. <http://www.tandfonline.com/doi/abs/10.1080/10439463.2013.865736>.

The interviews, conducted directly, used a semi-structured interviewing process covering areas such as police or LEA engagement with PSS, PSS involvement with the criminal justice system, amount and types of crimes investigated, why PSS investigate them instead of LEAs and their views on strengths and weaknesses of PSS investigating crime. The interviewees are reliable, experienced retired police officers who are engaged in the fields being examined. It should be noted that there may be bias in their views due to interaction they have had with LEAs since leaving the police and entering the PSS. The media used is predominantly news articles and social media. In the case of the PSS vigilante groups a direct interview was regrettably unobtainable and therefore a televised Channel 4 documentary was exploited. Of note, media and particularly the Channel 4 documentary will have both editor and producer influence and bias into what was read or viewed and subjective opinions will be present. However, the group interviewed were given ample opportunity to explain their involvement in investigations, describing what and how they investigate and their interaction with the police and criminal justice system.

The following three case studies will be concentrating on counterfeit crime, child sexual exploitation (CSE) and fraud. They display some of the ways in which the PSS conducts criminal investigations, clearly evidencing that a change has crept into to the security landscape. As previously discussed in chapter one, the vast majority of academic studies completed on the subject of private security and police working together, or in tandem, appear to concentrate on formalised outsourcing or contracting. However, as these case studies will demonstrate, over the last decade this landscape has changed and the security architecture between police and the PSS has evolved. As discussed in chapter one, there appears to be a shift in criminal investigations – an uneasy relationship is forming between the PSS and police or LEAs that is not mentioned in any formal setting and indeed may not be obvious to casual inspection as it is less visible.⁶⁸ Back in 1978 Hilary Draper wrote about this relationship as ‘unofficial’ where on occasions the police would enlist the help of a reputable Private Investigator (PI).⁶⁹ This ‘unofficial’ relationship appears to take the form of police departments taking on fully or almost completed, criminal investigations that are handed to them by the PSS. They are seemingly obliged to take on the investigation through political or coercive pressure as mentioned in chapter

⁶⁸ Trevor Jones, *Plural Policing*, 1. publ. ed. (London [u.a.]: Routledge, 2006)p.39.

⁶⁹ Draper, *Private Police* (Sussex, UK: The Harvester Press Limited, 1978)p.31.

one, the NBCS study.⁷⁰

Case study One - Private Commercial Security Company Completing Counterfeit Investigations (PSS1)

This case study relates to the investigation of counterfeit products and Intellectual Property infringement. PSS1 works for a well-known clothing and sports brand, they either get their crime investigation referral straight from their client or through the client's solicitor.⁷¹ The interviewee and owner of PSS1 is a retired police senior detective who served for 30 years within the police service. They employ their staff from other law enforcement areas such as the National Crime Agency (NCA), police, HMRC and military police and the investigations consist of a mix of open source research and covert intelligence/evidence gathering.⁷² When a client suspects there is an illegal counterfeiting operation going on within a geographical area, they instruct PSS1 to investigate. According to PSS1 the client company do not go to the police or other LEAs but instead turn to the PSS as the police and NCA will not take the investigation on without evidence or strong intelligence already having been obtained.⁷³ PSS1 will then start the investigation using the same tactics as a LEA would. This will often involve undercover work whereby PSS1 will pretend to be a customer for the counterfeit goods, they will record any exchanges made and use these as evidence or intelligence.⁷⁴ They will also buy the goods to gather evidence of the counterfeit products, "We use subterfuge to get a purchase but don't do anything that makes them do something they wouldn't normally be doing, so we make sure we don't act as an Agent Provocateur (AP) and create a market or entice them into committing a new level of criminality, although technically this is irrelevant as we are not bound by the RIPA but we try and stick to using the RIPA as a code especially if we want to look at passing it on to any LEA".⁷⁵ The details surrounding RIPA and AP are discussed in more detail in the second case study below.

PSS1 have access to a variety of false social media, emails and fake identities to assist them with their investigations, "Make no mistake some of the people we are investigating

⁷⁰ *Stopping a Spate of Burglaries*, <https://home.nationalbusinesscrimesolution.com/case-studies/stopping-a-spate-of-burglaries/> ed., Vol. 2018, n). <https://home.nationalbusinesscrimesolution.com/case-studies/stopping-a-spate-of-burglaries/>.

⁷¹ *Interview with Company Investigating Counterfeit Crime*, Essex, 28 Jun 2018b).

⁷² *Interview with Company Investigating Counterfeit Crime*, 2018b).

⁷³ *Ibid.*

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*

are dangerous not just because of the criminality they are linked to but because they stand to lose a lot of money and their livelihoods".⁷⁶ The false identities therefore also assist to keep the true identities of those conducting the investigation a secret from the suspect, thus helping to protect the PSS1 investigators. PSS1 initially attempt to refer their cases to the Police Intellectual Property Crime Unit (PIPCU) or Action Fraud both owned by the City of London Police.⁷⁷ However, when examining PIPCU's referral guidance one quickly ascertains how, in these investigations, the Police and LEAs themselves force the security landscape to change as they push investigations back to the PSS and away from the traditional Police/LEA monopoly.⁷⁸ PIPCU guidance states 'before referring a case to PIPCU you should conduct an investigation that leads you to believe that criminal activity within PIPCU's remit has occurred and:

- Conduct reasonable lines of enquiry to identify the primary suspects and their role in the offences
- Identify and secure relevant original evidence, exhibits and other material and where possible signpost where further evidence may be available.

All investigation prior to a referral to PIPCU should be conducted in the spirit of the Regulation of Investigatory Powers Act 2000 (RIPA) and be cognisant of the requirements of the Criminal Procedure and Investigations Act 1996. Any activity that may make the suspects aware of potential police interest is likely to limit the effectiveness of an investigation and may impact upon whether the case is accepted by PIPCU'.⁷⁹

This is effectively forcing the PSS to start its own criminal investigations, as, in order for it to get through the 'threshold of acceptance'; the PSS must have first completed a criminal investigation themselves. PSS1 states that even after completing this initial crime investigation, it is still unlikely to have cases accepted by the Police and where this lack of acceptance occurs PSS1 will then send a 'Cease and Desist' letter to the suspects.⁸⁰ With the 'Cease and Desist' letter process PSS1 inform the suspects that the client brand company has evidence of their counterfeiting crimes or infringement of IP licensing, it will inform the suspects that if they do not cease and desist then a private or criminal

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*

⁷⁸ *PIPCU Referral Guide,*

<https://www.cityoflondon.police.uk/advice-and-support/fraud-and-economic-crime/pipcu/Documents/pipcu-referral-guide.pdf> ed., Vol. 2018, 2017h).

⁷⁹ *PIPCU Referral Guide,*

<https://www.cityoflondon.police.uk/advice-and-support/fraud-and-economic-crime/pipcu/Documents/pipcu-referral-guide.pdf> ed., Vol. 2018, 2017h).

⁸⁰ *Interview with Company Investigating Counterfeit Crime, 2018b).*

prosecution will be conducted.⁸¹ The cease and desist route and private prosecution is part of the 'private justice' route highlighted by Hoogenboom and often circumnavigates LEAs and the criminal justice system, thereby leading to intelligence and information about criminality being 'lost'.⁸² PSS1 believe they are filling in the gaps that the Police are leaving, "the police are now purely focused on public protection which is a correct thing to do but there is a void left between their work and fraud or counterfeiting etc".⁸³ This is supported by a recent HMIC report where it stated that 'fewer than 50 percent of forces regularly assess the impact of fraud in their strategic risk assessments'.⁸⁴

When questioned about the sharing of intelligence PSS1 said there was no sharing and believes there are two reasons for this lack of sharing. Firstly, because if they became part of the intelligence architecture then they could become a Covert Human Intelligence Source as detailed in RIPA which would complicate matters, i.e. the police would want to covertly task them to form relationships in order to gather intelligence.⁸⁵ Secondly, a lack of trust of the PSS by the police and other LEA mixed with petty jealousies. This confirms Seth Stoughton's study back in 1977 and detailed in chapter one and shows that nothing has changed in this regard in over forty years.⁸⁶ PSS1 struggle to understand the lack of recognition from the LEAs to involve the PSS on a more official or formalised basis. "It's daft really it's a win win for both PSS and LEAs to share work and partner, the PSS gets the kudos from their clients as being able to get their investigations criminally prosecuted, by LEAs sending a clear message to suspects and the LEAs get intelligence and completed investigations handed to them with no effort or expense for them".

In some investigations PSS1 explains that it is clear to them that there are Organised Crime Groups (OCGs) or individuals involved in terrorism who are also involved or connected to their criminal investigations. In one investigation PSS1 discovered their

⁸¹ *IP Crime and Enforcement for Businesses*, <https://www.gov.uk/government/publications/ip-crime-and-enforcement-for-businesses/ip-crime-and-enforcement-for-businesses> ed., Vol. 2018, 2017d). <https://www.gov.uk/government/publications/ip-crime-and-enforcement-for-businesses/ip-crime-and-enforcement-for-businesses>.

⁸² Hoogenboom, *The Governance of Policing and Security: Ironies, Myths and Paradoxes* (Hampshire, UK: Palgrave Macmillan, 2010)p.175.

⁸³ *Interview with Company Investigating Counterfeit Crime*, 2018b).

⁸⁴ *Real Lives, Real Crimes* *A Study of Digital Crime and Policing*, 2015b)p.67.

⁸⁵ Clive Harfield and Karen Harfield, *Covert Investigation*, Third ed. (Oxford, UK: Oxford University Press, 2012)pp.132-142.

⁸⁶ Stoughton, *The Blurred Blue Line: Reform in an Era of Public & Private Policing*, Vol. 44University of Texas School of Law, 2017)p.134.

counterfeiting suspects were associated with counter terrorist (CT) suspects and linked to an active police operation. However, this was only discovered because PSS1 investigators saw the addresses associated with their suspects on the news being 'raided' by police CT officers. This investigation was referred to the police to ensure intelligence reached them, but the investigation into the counterfeiting suspects was not taken on by the police to investigate further and PSS1 proceeded down the 'private Justice' route as normal. This is a cause for concern as it evidences direct links to one of the most serious threats facing the UK falling into the private justice void. Similar to NBCS burglary example from chapter one, PSS1 seeks to elevate their investigations with the police to get them to take them on. They model their referral reports on the recognised 'Police National Decision Making Model' so that police priorities are catered for and easily assessed by those receiving the referral.⁸⁷ This also ensures that the police have to rationalise and justify their reasons for not taking on the referral. This correspondingly protects PSS1 as they are aware that they could be held accountable if the suspects are found to be involved in serious criminality or CT further down the line by a LEA therefore having this record of the referral being refused by the police in a standardised format 'covers their backs'. The NDA model guidance states 'decision makers are accountable for their decisions and must be prepared to provide a rationale for what they did and why'.⁸⁸

There are, however, unofficial pockets of intelligence sharing, and examples were given by PSS1 where they had investigated animal activists for a luxury clothing brand who had been receiving threats. A covert surveillance operation was conducted, and intelligence gathered, including photos and personal details of those suspected of being involved, these were passed to specified units within the Police who in turn shared intelligence with PSS1. This joint approach assisted in a successful investigation and subsequent prosecutions. However, because there is no formalised or recognised information sharing process set up, PSS1 argues that it is only because of their personal experience, morals and values that their intelligence is passed on to the police, and that other companies (especially those investigation companies who are not from a police background) would not be passing this on. On a more sinister note, PSS1 state that there have been cases

⁸⁷ *National Decision Model*, <https://www.app.college.police.uk/app-content/national-decision-model/the-national-decision-model/> ed., Vol. 2018, g).

⁸⁸ *National Decision Model*, <https://www.app.college.police.uk/app-content/national-decision-model/the-national-decision-model/> ed., Vol. 2018, g).

where they found it almost suspicious that the police at a senior level had turned down investigations, especially as there were links to OCGs and this has caused them to believe that perhaps political or corrupt reasons are playing a part.⁸⁹ This highlights the need for better oversight of the PSS and LEAs relationship specifically regarding criminal investigations, and perhaps an audit of declined and accepted referrals from PSSs should be introduced.

Although this assumes the police maintains records of any PSS referrals, it is suspected that they do not.

PSS1 have intelligence suggesting that the next big fraud/counterfeiting operations are going to be based in an area of Asia and will involve utilising well-known brands to sell electronic 'Vape' cigarettes.⁹⁰ These counterfeit vapes will appear, at a glance, to carry well known branding using luxury and household brand logos but closer inspection will highlight that they are 'ripping the brand logo off'.⁹¹ It is not known if this intelligence is within the LEA domain, however, it will clearly provide a lucrative source of money for many people, a considerable number of whom will be involved in criminality and possibly terrorist offences. PSS1 states that these vapes are already turning up and being sold by OCGs in the North of the UK, the same OCGs who are also supplying class A drugs and firearms.⁹² When dealing with OCGs the NCA strategic guidance is to use a full range of tactics to 'Pursue, Prevent, Protect and Prepare' (4P's) and under the Pursue strand 'relentless disruption and prosecution' is cited, but there is no mention of working with PSS in criminal investigations.⁹³ Indeed, when examining relevant NCA and National Police College guidance and strategy documents there are no references to working with the PSS or the impact or influence that the PSS have regarding OCG investigations.⁹⁴ This case study clearly highlights that the PSS is becoming more heavily involved in crime investigations and that the government, criminal justice system police and LEAs are encouraging this through regulatory and policy guidance. The obvious concern highlighted in this study is that of lack of engagement and interaction regarding intelligence sharing between the PSS and the police/LEAs.

⁸⁹ *Interview with Company Investigating Counterfeit Crime, 2018b).*

⁹⁰ *Ibid.*

⁹¹ *Interview with Company Investigating Counterfeit Crime, 2018b).*

⁹² *Ibid..*

⁹³ *NCA Annual Plan 2018-19, 2018g).*

⁹⁴ *Disrupting Serious and*

Organised Criminals

Menu of Tactics, http://whatworks.college.police.uk/Research/Documents/Menu_of_tactics.pdf ed., Vol. 2018, b).

Case Study 2 'Paedophile Hunters'

This area of 'traditional' policing, where the police investigate sex offenders and those sexually exploiting children, is now no longer solely in the police domain. The architecture of crime investigation has morphed in response to these offences and it is not just state actors, but also private actors, who now 'police' and investigate child sexual exploitation (CSE).⁹⁵ A range of non-state actors now investigate these offences including those from charities, commercial organisations, voluntary organisations, citizen focused partnerships and individual citizens and their families.⁹⁶ There are numerous organisations and individuals in the UK who now class themselves as 'Paedophile Hunters'. Some of the perhaps most well-known ones due their media publicity are - Dark Justice, Guardians of The North, Silent Justice and Stinson Hunter.⁹⁷ These PSS groups do not receive money for their investigations, so are not commercially motivated and they are not the traditional 'vigilante' groups as described in Chapter One. They carry out covert investigations and collect enough evidence to enable the police to take over the investigations and successfully take the suspects through the court process to prosecution.

In the Channel 4 documentary 'The Paedophile Hunter', Stinson Hunter describes how he and his team go about capturing this evidence.⁹⁸ They start by setting up a fake profile with a picture of a girl or boy aged between 11 and 15 years old. They then go on to an adult chat room website for 18 plus years that appear to be frequented by those wishing to discuss sex. The next step involves them engaging in conversation with a male (all the cases viewed were men).⁹⁹ Hunter's team refer to the fake profile as the 'decoy' and then start recording the text conversation and any videos sent by the alleged offender. Their aim is to 'capture' the individual by arranging to meet with them at a set up 'decoy' house

⁹⁵ Majid Yar, *The Policing of Internet Sex Offences: Pluralised Governance Versus Hierarchies of Standing*, Vol. 23 (Abingdon: Taylor & Francis Ltd, 2013)p.488. doi:10.1080/10439463.2013.780226.

<https://search.proquest.com/docview/1446934393>.

⁹⁶ Majid Yar, *The Policing of Internet Sex Offences: Pluralised Governance Versus Hierarchies of Standing*, Vol. 23 (Abingdon: Taylor & Francis Ltd, 2013), 482-497. doi:10.1080/10439463.2013.780226.

<https://search.proquest.com/docview/1446934393>.p.488

⁹⁷ Tyler Mears, *The Law on 'Paedophile Hunters' and Vigilantes*,

<http://www.walesonline.co.uk/news/wales-news/law-paedophile-hunters-how-can-14033527> ed., Vol. 2018, 2017).

<http://www.walesonline.co.uk/news/wales-news/law-paedophile-hunters-how-can-14033527>.

⁹⁸ *The Paedophile Hunter* Channel 4, 2014b). <http://documentaryheaven.com/paedophile-hunter/>.

⁹⁹ *Ibid.*

or venue.¹⁰⁰ It does appear that Hunter has an understanding of the law and ensures that evidence is gathered appropriately. He states during interview “we set the profile, that’s like the rope and if they then choose to put that rope around their neck and hang themselves that’s their choice, we’ve not pushed them”.¹⁰¹ Even though not applicable to the PSS, as they are not classed as a public authority and RIPA is only applicable to public authorities, this does display an understanding of RIPA. It displays knowledge of covert work ‘codes of practice’ with regard to acting as an ‘Agent Provocateur’ (AP) and ‘entrapment’ also an understanding of possible defences that the suspect may use in a court of law in order to escape justice.¹⁰² AP is defined in case law *R v Mealey and Sheriden* (1974) 60 Cr App R 59 at 61, quoting the 1928 Royal Commission on Police Powers (Cmd 3297): ‘a person who entices another to commit an express breach of the law which he would not otherwise have committed and then proceeds or informs against him in respect of such offence’, thus an undercover investigator can show a certain amount of enthusiasm and interest to the posed criminality in order to maintain their cover.¹⁰³ Interestingly perhaps such is the extent of these PSS investigations, the Crown Prosecution Service (CPS) has specific guidance for its prosecutors for what it now terms ‘*Internet Vigilantes*’ – ‘Where suspects are brought to the attention of the police as a result of vigilante activity, it is not unusual for the defence to seek to exclude the evidence and/or argue abuse of process. Prosecutors should note:

- There is no defence of entrapment or "agent provocateur" available in law.
- Case law distinguishes between entrapment by state and non-state agents but in most cases vigilantes, unless tasked or encouraged by the police, would be viewed as non-state agents.
- Entrapment is case specific and when applying the evidential test to the facts of the case the prosecutor may be required to consider the application of the Regulation of Investigatory Powers Act (RIPA) 2000 and/or the merits of an abuse of process argument following the guidance below’.¹⁰⁴

¹⁰⁰ *Ibid.*

¹⁰¹ *Ibid*

¹⁰² *Covert Surveillance and Covert Human Intelligence Sources Codes of Practice*, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/384976/Covert_Human_Intelligence_web.pdf ed., Vol. 2018, 2014a).

¹⁰³ Harfield and Harfield, *Covert Investigation*, Third ed. (Oxford, UK: Oxford University Press, 2012)p.142.

¹⁰⁴ *CPS Guidance: Vigilantes on the Internet - Cases Involving Child Sexual Abuse*, <https://www.cps.gov.uk/legal-guidance/vigilantes-internet-cases-involving-child-sexual-abuse> ed., Vol. 2018, 2017b).

This level of acceptance by those involved in the criminal justice system displays yet another clear example of the extensive change within the landscape of criminal investigations.

In this case study all of Hunters investigations and all the evidence was posted onto social media using Facebook; this included the suspects face, videos and chats, the team then place all the evidence onto a disc and submit it to the Police.¹⁰⁵ In an interview for the documentary, Hugh Davies QC states on one hand that what the team are doing is irresponsible and “that important evidence may be lost and suspects may face retribution or commit suicide”, but then states that all “the evidence, if preserved, is admissible in court”.¹⁰⁶ Hunter’s first trial, in which he gave evidence as a prosecution witness, was in 2013 against a teacher who had arranged to meet with what the teacher thought was a 15 year old girl, the case was successful and prosecution ensued.¹⁰⁷ Indeed in all but one of the cases shown in the documentary all suspects were successfully convicted and prosecuted, some receiving custodial sentences.¹⁰⁸ This study displays a significant change within the security landscape within the last decade. Even if the police are on record denouncing the action of the groups, they still act on the criminal investigations handed to them, and the criminal justice system and courts support the evidence gathered. Of note, the extent to which police are prepared to interact and accept investigations from the PSS regarding CSE appears to be greater than that of other crimes discussed in this report. In his article ‘The policing of internet sex offences: pluralised governance versus hierarchies of standing’ Majid Yar explains that this acceptance and interaction is due to where CSE is positioned within a ‘hierarchies of standing’, a standing that rank-orders crime types by socially agreed conceptions of ‘seriousness’.¹⁰⁹ Clearly CSE rates extremely highly in this standing and PSS investigations are therefore tolerated by the police, who although they may feel the PSS is interfering, cannot ignore them due to social and political pressure. The lack of regulation of PSS involved in this particular type of investigation is of concern and no forms of audit or control were discovered during research. Vulnerable children are being exploited and with no oversight monitoring those who are investigating these crimes the disturbing issue of children possibly being further exploited is highlighted.

¹⁰⁵ *The Paedophile Hunter* Channel 4, 2014b). <http://documentaryheaven.com/paedophile-hunter/>.

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid.*

¹⁰⁹ Majid Yar, *The Policing of Internet Sex Offences: Pluralised Governance Versus Hierarchies of Standing*, Vol. 23 (Abingdon: Taylor & Francis Ltd, 2013)p.491. doi:10.1080/10439463.2013.780226. <https://search.proquest.com/docview/1446934393>.

Case Study: 3 Financial institution investigating its own fraud cases

Unlike CSE, fraud does not appear to have such a ‘hierarchy of standing’ and is not a major priority for the police. Fraud OCGs are often not considered (except where fraud was an additional side-line), and what little local response there is tends to be piecemeal and ad hoc.¹¹⁰ Police see fraud as ‘beyond their remit’, which is concerning given that 35 to 40 per cent of fraud is organised, assets are rarely recovered and victims are rarely supported or compensated.¹¹¹ Too many cases result in ‘No Further Action’ and even cases that are investigated often collapse.¹¹² In an interview with a former senior police officer who is now Head of Investigations (HOI) for a large financial institution, frustration was displayed towards LEAs regarding their lack of interest in fraud, “we struggle even getting it through the door”, these fraud cases are frequently billions of pounds worth and yet the LEAs have little interest in engaging.¹¹³ HOI conceded that not all of their fraud investigations had links to crime networks or terrorism, however the fraud itself was still a serious criminal offence due to the sheer amount of money involved.¹¹⁴ They have therefore resorted to private criminal prosecutions, instructing private lawyers and asset recovery firms. HOI stated there is a whole new industry growing around asset tracing - companies with ‘hedge-funders’ supporting them and ‘no win, no fee’ contracts, if they win they typically take between 10% to 20% of the recovered assets.¹¹⁵ This is clearly a substantial payment as the scale of these frauds runs into billions of pounds.

Regarding the sharing of intelligence with UK LEA’s there appear to be blockages, they do submit all their cases via a system called ‘Action Fraud’ (AF) but this is only at the beginning when they discover that a fraud has occurred. This means that a full investigation and all subsequent intelligence garnered as part of a full investigation is not then passed on.¹¹⁶ AF, like PIPCU in case study one, is owned by the City of London Police but does not investigate. AF guidance states ‘When you report to us you will receive a police crime reference number. Reports taken are passed to the National Fraud

¹¹⁰ Martin et al Gill, *The Impact of Organised Crime in Local Communities*, 2017).

¹¹¹ *Ibid.*

¹¹² *Ibid.*

¹¹³ *Interview with Head of Security of a Private Financial Institution*, London, 12 Jul 2018c).

¹¹⁴ *Ibid.*

¹¹⁵ *Ibid.*

¹¹⁶ *Ibid.*

Intelligence Bureau. Action Fraud does not investigate the cases and cannot advise you on the progress of a case'.¹¹⁷ There does not appear to be any mechanism to continue the sharing of intelligence as the investigation progresses and according to HOI there is extremely limited intelligence, if any, coming back via LEA into the PSS.¹¹⁸ HOI states this is a UK issue as when they collaborate with the U.S, they experience a good intelligence sharing relationship with LEAs and HOI believes this to be due to the Patriot Act 2001.¹¹⁹ The official title of the USA Patriot Act is "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001."¹²⁰ The purpose of the USA Patriot Act is to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and other purposes, some of which include:

- To strengthen U.S. measures to prevent, detect and prosecute international money laundering and financing of terrorism;
- To subject to special scrutiny foreign jurisdictions, foreign financial institutions, and classes of international transactions or types of accounts that are susceptible to criminal abuse;
- To require all appropriate elements of the financial services industry to report potential money laundering;
- To strengthen measures to prevent use of the U.S. financial system for personal gain by corrupt foreign officials and facilitate repatriation of stolen assets to the citizens of countries to whom such assets belong¹²¹

HOI stated that they do not form part of, and are not invited to, any UK LEA strategy or tasking meetings or any other forum to share intelligence. HOI believes this is due to LEAs still viewing PSS as incompetent, untrustworthy or corrupt.¹²² This appears to be similar to the views expressed in case study one, and HOI has had experience of being informed that LEAs will not work with ex-police officers who now work within the PSS, because serving officers (particularly at a senior level) believe they somehow become corrupt and

¹¹⁷ *Action Fraud*, <https://www.actionfraud.police.uk/about-us/who-we-are> ed., Vol. 2018, a).

¹¹⁸ *Interview with Head of Security of a Private Financial Institution*, 2018c).

¹¹⁹ *Interview with Head of Security of a Private Financial Institution*, 2018c).

¹²⁰ *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (Usa Patriot Act) Act of 2001*, trans. Senate and House of Representatives of the United States of America in Congress assembled, 2001).

¹²¹ *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (Usa Patriot Act) Act of 2001*, trans. Senate and House of Representatives of the United States of America in Congress assembled, 2001).

¹²² *Interview with Head of Security of a Private Financial Institution*, 2018c).

will therefore 'taint' any serving officer who then deals with them.¹²³ This supports the findings in chapter one where perceptions of the PSS by the police were those of mistrust and incompetence, proving that not much has changed with regard to those perceptions in forty years.

There are regulations imposed upon financial institutions in the UK to report suspicious activity transaction reports (SARS) immediately to LEAs, and also an obligation for firms and trading venues to report suspicious 'orders' in addition to transactions (STORS) and these are governed by the Proceeds of Crime Act 2002.¹²⁴ However when looking at the increasing volume of this reporting compared to the available police/LEA resources to engage with the reporting, it is difficult to imagine that many of these are followed up. For example, the NCA work on a 'screening' basis matching names on SARs to their database, so if an individual is not already on their database then it appears the report does not get any investigation.¹²⁵ This study clearly displays an increasing demand for PSS crime investigation that is seemingly being pushed away from the traditional police/LEA arena and into the PSS by the police/LEAs themselves. There are no checks made by the police or LEAs into which organisations they are pushing the crimes back for investigation and again there is no regulation of those completing the investigations. As with case study one, this study clearly highlights the serious lack of intelligence sharing between the PSS and police/LEAs and as such, with the PSS increasing their volume of investigations, the loss of intelligence is also going to increase. Criminals will benefit from this lack of engagement and utilise this fracture in crime investigation to their full advantage.

These case studies display how the PSS is now investigating crime on a regular basis and how the security architecture formally monopolised by the police is now changing. They display that the police and other LEAs no longer hold the monopoly on crime investigations, but instead the police and NCA, in particular, rely on the PSS to fill the void being left by the police. Clearly the case studies display both weaknesses and strengths in this changing security landscape, including lack of regulation of the PSS, loss of intelligence and the infilling of a criminal investigation's void, these weaknesses and

¹²³ *Ibid.*

¹²⁴ *Suspicious Transaction and Order Reports*, <https://www.fca.org.uk/markets/market-abuse/suspicious-transaction-order-reports> ed., 2018h).

¹²⁵ *NCA Suspicious Activity Reports (SARs) Annual Report 2017*, <http://www.nationalcrimeagency.gov.uk/publications/826-suspicious-activity-reports-annual-report-2017/file> ed., Vol. 2018, 2017f)p.6.

strengths will now be examined in more detail in Chapter Three.

Chapter Three: Weaknesses and Strengths of Changing Landscape

Changes within the security landscape have been displayed throughout the first two chapters of this report, these changes bring challenges with them and this chapter explores both the weaknesses and strengths that both the PSS and LEA now face. It will explain why at present the PSS still need the assistance of the police when considering criminal proceedings and what this assistance entails, displaying statutes and case law. Utilising primary sources such as the Security Industry Association (SIA), who are responsible for regulation and license of the PSS, HMIC published papers and government papers, weaknesses will be identified and examined with regard to regulation and accountability of the PSS. The loss of intelligence and evidence will then be discussed, and it will be argued that this is a significant risk to the security industry as a whole. With the PSS now increasingly investigating crimes of differing types, the police and LEAs are not privy to the intelligence and evidence gathered by the PSS. The chapter will present findings to show how the PSS complete criminal investigations and rather than go through criminal proceedings, will often deal out 'private justice'. Academic publications such as those completed by Clarissa Meerts and Bob Hoogenboom who researched PSS investigations reveal a vast amount of intelligence gathered by the PSS is never passed on to the police or LEAs. The other issue is that of the police and LEA's not wishing to share intelligence with the PSS due to lack of trust and jealousies. This is an odd perception as many PSS companies are run by or employ ex-law enforcement officers as

displayed in chapter two.

This chapter will then go on to examine the strengths of the various changes within the security landscape arguing how an apparent 'state withdrawal' from policing is perhaps creating a void in the investigation of crime, a void that is now being filled by the PSS. Examining a variety of sources, including published inspections completed by HMIC and media reports and interviews, it is apparent that police forces are prioritising crimes by likelihood of catching an offender and by seriousness of the offence. If a crime falls outside these parameters, then it is not subject to further investigation. These crimes are increasingly being picked up for investigation by the PSS, many of whom are commercially driven, however they are at least being investigated now and proving to lead to successful criminal proceedings. What is of note is that the PSS are now increasingly completing criminal prosecutions, an area previously dominated by the police. This is a strength as intelligence and evidence from these criminal prosecutions will enter into the intelligence cycle of both police and other LEAs. However, in order for this process to take place they do still need the input of the police as this chapter will explain.

It is important to understand the powers that are not currently available to the PSS to understand why police cooperation and assistance is necessary regarding proceeding with a criminal prosecution. The PSS can utilise powers available to any ordinary citizen and make a citizen's arrest, members of the public may arrest for "indictable" offences. These are generally the most serious cases such as murder, rape and robbery.¹²⁶

- There are two conditions which apply: -
 - That there are reasonable grounds to believe the arrest is necessary for a specified reason and
 - It is not reasonably practical for a constable to make the arrest

¹²⁶ *Which Court Will a Case be Heard In*, <https://www.sentencingcouncil.org.uk/about-sentencing/information-for-victims/which-court-will-a-case-be-heard-in/> ed., Vol. 2018, o).

- The reasons specified are to prevent the person in question:
 - Causing physical injury to himself or any other person
 - Suffering physical injury
 - Causing loss of or damage to property
 - Making off before a constable can assume responsibility
- Any force used to effect the arrest may be an assault and unlawful; and
- Any force used to resist the arrest may be lawful (see *R v Self 95 Cr. App R. 42*)¹²⁷

This allows PSS to make arrests for indictable offences which include many theft offences such as burglary but there are restrictions and in reality, the offender needs to be in the process of committing the crime. In order for searches to happen to find evidence, or to have the suspect fingerprinted and DNA taken the PSS do need the police, the PSS do not have the authority or powers to legally do so (unless in the case of a corporate investigation the property requiring searching belongs to the corporation i.e. a phone, office). This displays that to an extent, the PSS do still require police input and acceptance to continue along the criminal prosecution route, another reason perhaps why 'private justice' is still often preferred by the PSS.

Weaknesses

Regulation and Accountability

One of the concerns of PSS completing crime investigation is that of unregulated bodies within the private sphere completing criminal investigations; there are no forms of quality control, checks and balances or audit of the PSS regarding investigation. This means criminal investigations completed by the PSS for private clients may not be investigated correctly and offenders may effectively be getting away with committing crime. In interviews with those who inspect police forces concern was expressed regarding the unregulated aspect of the PSS stating that it is not an area that has been examined and

¹²⁷ *Self-Defence and the Prevention of Crime CPS Legal Guidance*, <https://www.cps.gov.uk/legal-guidance/self-defence-and-prevention-crime> ed., Vol. 2018, I).

that they were not aware of it occurring.¹²⁸ The oversight and regulation of PSS investigations is discussed by numerous academics and practitioners and all have an opinion. The UK government recommends that it needs to happen but regulating the investigations side of the PSS industry is seemingly placed in the ‘too difficult to manage box’ with recommendations being discussed for decades. Forty years ago Hilary Draper insightfully concluded that it was not just the threat of criminals entering the domain of PSS criminal investigations, but that the threat lay ‘in the incidence of poor quality services and inadequate training and instruction which now constitutes a second string police force in the UK’.¹²⁹ Of note Newburn and Jones incorrectly write that The Private Security Act 2001, which covers the licensing of particular parts of the security sector, included private investigators and security consultants – but it does not.¹³⁰

More recently a 2013 Government report summarised thinking about Private Investigators, it stated “The Government can confirm its intention to regulate the activities of private investigators (PI) by requiring them to be licensed by the Security Industry Authority (SIA). It will then become a criminal offence to undertake private investigations without a licence, which would only be issued following satisfactory criminality and identity checks, and competency-based training. Furthermore, it will become a criminal offence to breach the conditions of a licence for private investigation, as per section 9(4) of the Private Security Industry Act 2001 (PSIA). It is the Government’s intention that the regulation of the private investigations sector would be rolled-out from the autumn of 2014”.¹³¹ Five years on from that report nothing has changed, there is still no regulation of private investigations. The SIA currently provide for manned guarding, security guarding, door supervision, close protection, cash and valuables in transit, and public space surveillance using CCTV, key

¹²⁸ *Interview of HMIC Inspectors, 2018a).*

¹²⁹ Draper, *Private Police* (Sussex, UK: The Harvester Press Limited, 1978)pp.167-168.

¹³⁰ Jones, *Plural Policing*, 1. publ. ed. (London [u.a.]: Routledge, 2006)p.43.

¹³¹ *Government Response to the 4th Report from the Home Affairs Committee Session 2012-13 HC 100: Private Investigators*, 2013). <http://www.publicinformationonline.com/download/41154>.

holding and vehicle immobilising.¹³² Licensing ensures that private security operatives are 'fit and proper' persons with proper training and qualifications to do their job.¹³³ The SIA also run an 'approved contractor scheme' set of operational and performance standards for suppliers of private security services, organisations satisfying these standards are awarded approved contractor status.¹³⁴ This accreditation provides independent proof of a contractor's commitment to quality.¹³⁵ The SIA have had numerous successful prosecutions where companies and individuals have been found to have breached their licences or to operate without a licence.¹³⁶ To have a similar approach to those engaged in investigation services would perhaps ensure better audit and regulation of activities particularly of those involved in child exploitation cases or covert work.

Regulation or accreditation is not, however, seen by all as a way forward and in interview with PSS1 it was believed that regulating investigations in a similar way to that of door staff would not work, as many of the experienced investigators are retired Police, Military and LEA officers who would not be willing to pay the money or jump through the hoops to become regulated as it would be "too much grief".¹³⁷ PSS1 believes it would also open the door for those with no experience to complete a quick fix training course and pay the money to get the 'badge'.¹³⁸ This means that clients would not be getting experienced and knowledgeable investigators, furthermore criminal groups could gain accreditation and supply 'security services' as happened in Greater Manchester.¹³⁹ PSS1 believes that when regulation is financially driven it undermines the legitimacy and integrity of the process, and he may have a point as there are a large number of SIA 'licensed firms' working

¹³² Security Industry Authority, <https://www.sia.homeoffice.gov.uk/Pages/about-us.aspx> ed., Vol. 2018, k).

¹³³ *Ibid.*

¹³⁴ *Ibid.*

¹³⁵ *Ibid.*

¹³⁶ *Ibid.*

¹³⁷ *Interview with Company Investigating Counterfeit Crime, 2018b).*

¹³⁸ *Ibid.*

¹³⁹ Clare et al Ellis, *Disrupting Organised Crime: Developing the Evidence Base to Understand Effective Action* (UK: RUSI and the SFTC, 2014., Nov, 2014)23.

without any form of inspection process.¹⁴⁰ This lack of regulation is not, however, preventing police forces from taking on investigations from the PSS, and there have been examples given in this report regarding burglary and child exploitation cases that have been accepted by the police from the 'unregulated PSS'. This raises the question of who becomes accountable if anything does go wrong, for example if the investigation fails at prosecution stage and offenders are not prosecuted due to failings within the investigation process. Hoogenboom discusses this lack of accountability within a changing security architecture; one where operational lines are being blurred and who indeed holds the power to make decisions for whom?¹⁴¹

This lack of accountability and 'joined up' approach is particularly noticeable within LEAs crime strategy's process's, where the PSS do not seemingly feature at all. The NCAs 2018-19 Annual plan states one of its operational priorities is 'To lead, task, coordinate and support operational activity, proactively sharing intelligence, assets and capabilities with partners at local, regional, national and international levels. To prioritise the threats and allocate clear roles and responsibilities aligned with the 4Ps of the Serious and Organised Crime Strategy'.¹⁴² But currently the PSS are not welcomed or invited to the LEA's 'strategy and tasking table', even though LEAs and Government security and crime strategies share a message about 'partnership working', it appears that the PSS are still not seen as a worthy 'partner'. If a form of regulation or accreditation scheme was brought in and accepted, or endorsed, by the LEAs what would prevent them from sitting around the 'tasking' table and sharing their intelligence, investigations and knowledge? What would prevent the PSS from being tasked as an additional resource? LEA operations are given a budget which is kept under monthly review to ensure that it is still

¹⁴⁰ Jones, *Plural Policing*, 1. publ. ed. (London [u.a.]: Routledge, 2006)p.42.

¹⁴¹ Hoogenboom, *The Governance of Policing and Security: Ironies, Myths and Paradoxes* (Hampshire, UK: Palgrave Macmillan, 2010)p.76.

¹⁴² *NCA Annual Plan 2018-19*, 2018g)p.9.

relevant and proportionate, potentially, a PSS could quote a cost and the LEA could allocate part of their budget to meet this cost. The PSS would also then be fully accountable for providing results. Although this would certainly assist with intelligence sharing, this simplistic approach would raise issues concerning where the PSS 'sits' regarding RIPA and so brings us back to the 'silver platter' doctrine discussed in Chapter One.

Loss of Intelligence/evidence

There are an increasing number of case studies displaying growth in 'business intelligence' where the PSS collates its own intelligence, normally a domain owned by the police and Security Services, described by Hoogenboom as a 'de-monopolization'.¹⁴³ 'Business intelligence' appears to be collated either through necessity, with regard to white collar crime i.e. fraud, bribery; commercial espionage, where the police are not investigating, or where a PSS company is now gathering it as part of its day to day work, as in the case of NBCS Ltd discussed in Chapter One. Hoogenboom explained this necessity by arguing that police are not investigating commercial fraud and white-collar crime, since most of these crimes are regulated by administrative law as opposed to criminal law.¹⁴⁴ However, if one looks at the majority of police strategic threat assessments and their subsequent control strategies, you can conclude that it appears to be more due to the fact that the police do not consider these crimes a priority. The exception to this is the City of London Police which is the national lead force for tackling fraud.¹⁴⁵ Policing is predominantly associated with 'street' crime and organised crime, where the general public are overtly seen to be affected. The public want to see house

¹⁴³ Hoogenboom, *The Governance of Policing and Security: Ironies, Myths and Paradoxes* (Hampshire, UK: Palgrave Macmillan, 2010)p.87.

¹⁴⁴ Bob Hoogenboom, *The Governance of Policing and Security: Ironies, Myths and Paradoxes* (Hampshire, UK: Palgrave Macmillan, 2010)p.151.

¹⁴⁵ *City of London Police Policing Plan 2017-20 (Year 2 2018/19), 2017a).*

burglaries and robberies tackled and as the UK 'police by public consent' then this is what local police services will concentrate on applying their finite resources into.¹⁴⁶ Therefore the corporate world has to rely on the PSS to fill this void, and this is to the detriment of crime investigation particularly Serious and Organised Crime investigation.

This forms an odd divide as 'white collar' criminals are then divided from other criminals and this is clearly an advantage to OCGs, many of whom launder their money through corruption, bribery and fraud.¹⁴⁷ These same groups are also trafficking drugs, people and arms. This so called private justice system, is blocking intelligence flows and is undoubtedly a huge advantage to OCGS and a severe disadvantage to those LEA's fighting it. As discussed by Hoogenboom, perhaps we are trying to rationalise the idea about information sharing which, due to the inherent uncertainty in conducting intelligence, is the incorrect way to go about it.¹⁴⁸ Policing and security is full of turf wars, strategic evasion and non-intervention, and information itself is viewed as a form of capital.¹⁴⁹ The complexity of intelligence sharing was displayed publicly in May 2017 during the investigations into the bombing in Manchester, where even within the formalised and well versed 'Five Eyes' agreement the UK stopped sharing intelligence with the US due to mistrust. An interview with CNN Dr Gustafson explains the importance of trust – "the UK's disappointment stems from a principle that helps make Five Eyes work -- a deep trust that if one provides another with data, the recipient won't reveal it without the originator's permission".¹⁵⁰ So what chance is there to look rationally at the PSS and LEA sharing intelligence when, as displayed in this report, there is so little trust between the two?

¹⁴⁶ Hoogenboom, *The Governance of Policing and Security: Ironies, Myths and Paradoxes* (Hampshire, UK: Palgrave Macmillan, 2010)p. 151.

¹⁴⁷ Bob Hoogenboom, *The Governance of Policing and Security: Ironies, Myths and Paradoxes* (Hampshire, UK: Palgrave Macmillan, 2010)p.152.

¹⁴⁸ Bob Hoogenboom, *The Governance of Policing and Security: Ironies, Myths and Paradoxes* (Hampshire, UK: Palgrave Macmillan, 2010)p.195.

¹⁴⁹ *Ibid.*

¹⁵⁰ Jason Hanna CNN, *What is the Five Eyes Intelligence Pact?*, <https://www.cnn.com/2017/05/25/world/uk-us-five-eyes-intelligence-explainer/index.html> ed., Vol. 2018. <https://www.cnn.com/2017/05/25/world/uk-us-five-eyes-intelligence-explainer/index.html>.

Commercial enterprises do not just hire the PSS when they cannot get police or LEAs to take an interest, they will also hire them to complete criminal investigations that they wish to be kept in-house. This is especially prevalent within the corporate sector and fraud investigations. Clarissa Meerts gives us an insight into the PSS investigating within the corporate sector and discusses the relationship – “these incidents may concern (alleged) criminal behaviour such as fraud, but they may just as well be about behaviour that is considered undesirable rather than criminal, for example conflicts of interests. Although all kinds of unwanted behaviour may be investigated by corporate investigators, most incidents have an economic background (for example, theft, fraud or favouritism in the granting of contracts). Working outside the formal investigative powers of public law enforcement agencies, corporate investigators operate in ways tailored to the problems that concern their clients”.¹⁵¹ These investigations will often lead to substantial information being gathered about those involved. Many PSS have their own highly skilled open source researchers who are able to navigate the internet and social media to great effect - associations, networks, addresses, telephone numbers, for example, will all be discovered and they will be analysing and assessing all this information and utilising it as intelligence or evidence.¹⁵² However, if these investigations do not enter into the criminal proceedings route and stay private all of this valuable intelligence is not shared.

There are a variety of reasons why a company may not wish the Police to be involved, these extend from not wanting to air their ‘dirty laundry’, protecting their brand reputation, or not to ‘open a can of worms’ that will disrupt its workflow.¹⁵³ If they call the police in they cannot halt an investigation, but if they hire their own PSS company they can direct the

¹⁵¹ Meerts, *A World Apart: Private Investigations in the Corporate Sector* <div style="direction: rtl;"></div>, 2016)p.163. <http://heinonline.org>.

¹⁵² Clarissa Meerts, *A World Apart: Private Investigations in the Corporate Sector* <div style="direction: rtl;"></div>, 2016)p.169. <http://heinonline.org>.

¹⁵³ Johnston, *The Rebirth of Private Policing* (London: Routledge, 1992)p.106.

investigation in order to limit damage and protect share prices, or slowly inform stakeholders. Corporations are delivering their own punishments in the form of employee demotion, firing them or just simply placing safeguards in to prevent the crime from happening again. As already discussed in this report this is a form of 'Private Justice' and in 2006 the extent of non-reporting to the police in the Netherlands was between 40 to 90%.¹⁵⁴ The downside of these in-house investigations is that the intelligence will not be shared, those currently ultimately held accountable by the government and the public to investigate crime – the police and LEA's - will never know of its existence. This is a huge loss of intelligence for the police and LEAs in relation to the fight against Serious Organised Crime (SOC) as the link between Fraud and OCGs forms part of numerous studies.¹⁵⁵ Looking at the UK Government's and NCA SOC strategy, there is a missing partnership here. One that is not being recognised and harnessed, the world of the PSS is huge, and its vast collation of intelligence and evidence is of vital importance to the NCA strategy of all the 4Ps. There must be a joined-up approach, the PSS must become a part of the fight against SOC and be invited to sit at the 'table'. Mistrust, jealousies and protectiveness should be left behind.

Strengths

Filling the void

The report has discussed evidence of a form of state-withdrawal from the police, with budget cuts and drops in police officer numbers. This has resulted in the police complaining that they are unable to cope with the sheer number of criminal investigations being reported. Although this may be debated, what is apparent is the way in which the police are choosing which crime to further investigate and which to close. This is leading

¹⁵⁴ Hoogenboom, *The Governance of Policing and Security: Ironies, Myths and Paradoxes* (Hampshire, UK: Palgrave Macmillan, 2010)p.175.

¹⁵⁵ Gill, *The Impact of Organised Crime in Local Communities*, 2017).

to a 'softly, softly' approach and entry via the 'back door' for PSS criminal investigations. The PSS are influencing the LEAs into taking on particular crime investigations, and the LEAs are 'pushing' the PSS to complete crime investigation, with fraud crime being an example of this. As discussed fraud is not seen as a priority for the majority of police forces and in a study completed by the Police Foundation, no fraud OCGs were mapped (except where fraud was an additional side-line) and cases that are investigated by the Police often collapse.¹⁵⁶ This lack of police response to, and engagement with, fraud and economic crime has been highlighted by the financial sector for numerous years.¹⁵⁷ Although the City of London Police have positioned themselves as the 'lead' for fraud the majority of the 'slack' is now being picked up by the PSS, be this security companies or the financial institutions 'in-house' security departments. Most mainstream banks now have retired senior police officers leading their investigation's departments to compensate for the lack of response from the police and LEAs.¹⁵⁸

There now appears, however, to be the same shift and change in landscape as fraud investigations regarding many other types of 'traditional' criminal investigations; from Child Sexual Exploitation (CSE) through to burglaries. These are all moving from being monopolised by the police, to being investigated by the PSS. In the case of CSE where it is stated clearly in the NCA 2018-19 Annual Plan as being an LEA priority, it appears lack of resources and funding are creating an ever increasing void.¹⁵⁹ The likes of the PSS organisations who call themselves 'Dark Justice' have observed this void being left by the

¹⁵⁶ Martin et al Gill, *The Impact of Organised Crime in Local Communities*, 2017)p.4.

¹⁵⁷ Katie Morley, *Victim of Fraud? Why the Authorities WON'T Investigate*, 2015).

<https://www.telegraph.co.uk/finance/personalfinance/investing/11812377/Victim-of-fraud-Why-the-authorities-WONT-investigate.html>.

¹⁵⁸ *Leading Questions: Chris Greany*,

<https://www.home.barclays/news/2018/04/leading-questions--christopher-greany.html> ed., 2018d).

¹⁵⁹ *NCA Annual Plan 2018-19*, 2018g)p.5.

police and want to work with the authorities to catch sex offenders.¹⁶⁰ Elaine Campbell in her study of 'Policing Paedophilia' writes, "such a development moves police-public collaboration well beyond its conventional, and relatively benign remit of providing the (public) police with additional 'eyes and ears'. In so doing, it poses normative questions of where the boundaries of citizen involvement in policing affairs might be drawn".¹⁶¹ It appears this is now the case with burglaries and other crimes, a lack of police response and successful investigation is again leaving a void. In October 2017 Metropolitan Police Deputy Assistant Commissioner (DAC) Mark Simmons stated "With the pressure on our resources it is not practical for our officers to spend a considerable amount of time looking into something where for example, the value of damage or the item stolen is under £50, or the victim is not willing to support a prosecution. We need our officers to be focused on serious crime and cases where there is a realistic chance that we will be able to solve it".¹⁶² In the police the practice of not continuing to investigate a crime is called 'screening out' and the below table illustrates the amount of crimes that were 'screened out' by the Metropolitan Police (MPS) in 2016.¹⁶³

¹⁶⁰ *Paedophile Hunters: Should Police Work with Vigilantes?*, <http://www.theweek.co.uk/89069/paedophile-hunters-should-police-work-with-vigilantes> ed., Vol. 2018, i). <http://www.theweek.co.uk/89069/paedophile-hunters-should-police-work-with-vigilantes>.

¹⁶¹ Elaine Campbell, *Policing Paedophilia: Assembling Bodies, Spaces and Things*, Vol. 12 (London, England: SAGE Publications, 2016)p.347. doi:10.1177/1741659015623598. <http://journals.sagepub.com/doi/full/10.1177/1741659015623598>.

¹⁶² Travis and Williams, *Revealed: Government Plans for Police Privatisation*, 2012). <http://www.theguardian.com/uk/2012/mar/02/police-privatisation-security-firms-crime>.

¹⁶³ Martin Williams, *Police 'screen Out' nearly a Third of Crimes, with no further Investigation*, <https://www.channel4.com/news/factcheck/police-screen-out-a-third-of-crimes-with-no-further-investigation> ed., Vol. 2018. <https://www.channel4.com/news/factcheck/police-screen-out-a-third-of-crimes-with-no-further-investigation>.

Screened out crimes (2016)

Offence type	Percentage screened out
Vehicle Offences	65%
Other Accepted Crime	50%
Burglary	50%
Arson and Criminal Damage	46%
Theft	35%
Public Order Offences	13%
Robbery	11%
Violence Against the Person	11%
Misc Crimes Against Society	10%
Possession of Weapons	3%
Sexual Offences	2%
Drug Offences	1%

SOURCE: METROPOLITAN POLICE (FOI)

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The PSS have realised that if they undertake the initial investigation for their clients and manage to obtain evidence or gather intelligence relating to the crime, then the police are likely to take it on. This is supported by DAC Simmons' comments, the police will only take on crimes where there is a 'realistic chance' of solving the case.¹⁶⁵ The NBCS company from chapter one discusses how they were able to get their clients burglary investigations 'elevated' in the police tasking process.¹⁶⁶ This clearly displays a worrying trend towards a two-tier policing system where crimes will only be taken on by the police if you have managed to do the initial investigations yourself, or paid a company to do it for you. This appears to be endorsed by the police via the National Police Chiefs Council who are

¹⁶⁴ Martin Williams, *Police 'screen Out' nearly a Third of Crimes, with no further Investigation*, <https://www.channel4.com/news/factcheck/police-screen-out-a-third-of-crimes-with-no-further-investigation> ed., Vol. 2018.

<https://www.channel4.com/news/factcheck/police-screen-out-a-third-of-crimes-with-no-further-investigation>

¹⁶⁵ Martin Williams, *Police 'screen Out' nearly a Third of Crimes, with no further Investigation*, <https://www.channel4.com/news/factcheck/police-screen-out-a-third-of-crimes-with-no-further-investigation> ed., Vol. 2018.

<https://www.channel4.com/news/factcheck/police-screen-out-a-third-of-crimes-with-no-further-investigation>

¹⁶⁶ *Stopping a Spate of Burglaries*, <https://home.nationalbusinesscrimesolution.com/case-studies/stopping-a-spate-of-burglaries/> ed., Vol. 2018, n). <https://home.nationalbusinesscrimesolution.com/case-studies/stopping-a-spate-of-burglaries/>.

displayed as part of NBCS governance.¹⁶⁷ Another PSS company who appear to be filling the void left by the police is that of TM Eye or My Local Bobby (owned by the same individual) and are often in the media discussing the 'state withdrawal' from the police and how they now have to fill this void. In a recent article the owner David McKelvey states that "TM Eye has brought over 450 private criminal prosecutions in the past three years and has a 100% conviction rate, 13% of those convicted received custodial sentences. This reduces court time and costs whilst achieving justice, it also prevents and deters offending thereby reducing the damage caused to the public, business and the economy".¹⁶⁸ In response to PSS criminal investigations the MPS said they had concerns, "The Met does not support activities by individuals or groups who target suspected criminals. This type of action could jeopardise or interfere with ongoing investigations, and our advice to anyone who has information about a suspect or witnesses a crime is to contact police as soon as possible so it can be investigated and, where possible, bring people to justice."¹⁶⁹ However, that is the problem, it will not get investigated unless there is already a certain amount of evidence or intelligence and this is a task increasingly being completed by the PSS.

This change within the UK security architecture, appears to be being brought on partly by 'state-withdrawal' and partly by the UK LEAs trying to work more efficiently and displaying value-for-money. The PSS filling this void is a strength, it appears if they do not do it, nobody will. However, the question must be asked – how far will this go? With the PSS increasing their dominance in the criminal investigations arena the police and LEA's will no longer have the monopoly and could indeed become an almost 'end-user' of PSS

¹⁶⁷ *NBCS Quarterly Report*
April 2018, 2018f).

¹⁶⁸ *Underfunding Turns Justice into a Lottery, 2018i).*

¹⁶⁹ *London's Richest Neighbourhoods are Getting their Own Private Police Force,*
<http://www.independent.co.uk/news/uk/home-news/london-richest-neighbourhoods-private-police-force-knightsbridge-mayfair-belgravia-metropolitan-a7615711.html> ed., Vol. 2018, 2017e).
<http://www.independent.co.uk/news/uk/home-news/london-richest-neighbourhoods-private-police-force-knightsbridge-mayfair-belgravia-metropolitan-a7615711.html>.

criminal investigations. The police would, in this scenario, become an arrest, search and fingerprint/DNA collection organisation, losing overall monopoly on crime investigations. The police, at present, still remain dominant in the field of criminal investigations, however, there is a need for them to accept and utilise the PSS far more efficiently as a resource that should be both exploited and controlled. This acceptance would encourage intelligence sharing, quality of service to the public and assist in filling the void.

Conclusion

The security landscape for criminal investigations in the UK has increasingly changed over the last forty years. The PSS are now taking on criminal investigations that were traditionally the domain of the police or other LEAs. The last decade particularly has witnessed a significant change in security architecture, where the investigation of crime has fragmented, no longer just the domain of the police but instead the PSS have become an integral part of the overall UK crime investigation team. Although the investigation of fraud and counterfeit goods has been acknowledged by police and other LEAs as being areas that the PSS investigate, the seriousness and volume of these investigations and their overlap into organised crime or terrorism has not. The police are referring fraud and counterfeit investigations back to the PSS and are requesting that the PSS complete an investigation into the crimes themselves. Police published guidance actively encourages the PSS to complete covert intelligence gathering operations, i.e. to pretend they are customers and buy counterfeit goods or complete covert surveillance on the suspects.¹⁷⁰ The police give warnings of RIPA contravention, even though RIPA is not applicable to the PSS, as they are not a public authority. This gives the appearance of the police utilising the PSS as a way to gather intelligence and evidence covertly, thus bypassing RIPA and then receiving the covertly obtained product at a later date from the PSS on a 'silver platter', an issue that needs to be addressed by the Investigatory Powers Commissioner's Office. The PSS, however, are clearly aware of RIPA and it is becoming increasingly common for the PSS to get their investigations turned into private criminal prosecutions, where the police role within them appears to be just as an arrest and fingerprint/DNA department.

The most significant change has occurred not within the commercial sector of the PSS, but from the not-for-profit sector – the vigilante groups. Vigilantes, traditionally viewed as either middle aged 'do-gooders' patrolling their neighbourhoods or those using vigilantism to exact their own kind of brutal justice in revenge attacks, are now completing complex, covert investigations to capture those involved in the sexual exploitation of children. These groups are becoming experts in this field of investigation and although, publicly, the police are denouncing their activities and informing them to cease, behind the scenes the police are working with these groups and are taking the investigations on through the criminal justice process. The Crown Prosecution Service has set up its own guidance on how to deal with what it refers to as 'digital vigilantes' and there are numerous stated cases

¹⁷⁰ *PIPCU Referral Guide*,

<https://www.cityoflondon.police.uk/advice-and-support/fraud-and-economic-crime/pipcu/Documents/pipcu-referral-guide.pdf> ed., Vol. 2018, 2017h).

where vigilante groups have had their investigations lead to successful criminal convictions, with some offenders receiving custodial sentences.

In 2010 a slow 'state-withdrawal' from the police was observed with severe cuts to police budgets, this alongside a rise in crime has, according to HMIC, left police unable to resource crime investigations. The police have to prioritise which crimes to investigate, and these crimes are usually those that affect the most vulnerable in society or are deemed the most serious – normally violent crimes. This creates a void where crimes that fall in-between these priorities are only being investigated with a caveat; if a burglary, for example, has a suspect or there is strong evidence or intelligence that will be likely lead to one, then the police will investigate it, if not, then the crime will be 'screened out'.¹⁷¹ These crime types are now increasingly being investigated by the PSS and this is a recent change within the security architecture, occurring predominantly over the last decade. The businesses conducting these investigations are citing themselves as either 'police partners', as with the case of 'NBCS Ltd', or 'mini private police forces' as with 'My Local Bobbie'. They have stated cases where they have either brought criminals to justice through their own criminal proceedings or successfully had their completed investigations taken on by the police. However, as with all the cases discussed in this report - fraud, counterfeit and child exploitation, the police and LEAs are not recognising the PSS officially. They are not treating them as partners and are not recognising the increasing impact and influence that the PSS have in the field of crime investigation.

Although police and LEAs work in partnership with local authorities and agencies through formalised frameworks including importantly, intelligence sharing practices, there is nothing in place for working with the PSS. Government strategies, including the NCA's Annual Plan 2018-19 'Leading the fight to cut serious and organised crime', do not mention the PSS investigating crimes and the need to involve them in intelligence sharing of these investigations.¹⁷² They are not recognising the need to acknowledge the PSS as another criminal investigation team whom they can partner with. The only mention of the private sector in these strategies is that of one that can assist with preventing crime and which has a responsibility to alert the police or LEAs to suspicious activity (i.e. SARs). There is no recognition of the increasing demand on the PSS to complete criminal

¹⁷¹ Scott and Kempster, *Revealed: How Likely is it that the Police Will Manage to Catch the Person Who Burgles Your House?*, (2017).

<https://www.telegraph.co.uk/news/2017/10/19/nine-10-home-burglaries-now-go-unsolved-effective-police-force/>.

¹⁷² NCA Annual Plan 2018-19, (2018g).

investigations. This is a fundamental flaw and the PSS must be recognised as an integral member of the criminal investigations and intelligence gathering architecture. They need to be included in future strategies moving forward. Although local authorities and agencies are being invited to police strategic tasking meetings, where intelligence is shared, resources are examined, and crime prioritised for investigations, there is no evidence of the PSS being involved.

The lack of intelligence sharing between police/LEAs and the PSS is of significant concern, there is evidence that criminals investigated by the PSS are involved in serious and organised crime and terrorism offences. The intelligence surrounding these criminals does not often reach the police, likewise the police are not sharing intelligence with the PSS, so the criminals have a significant advantage. Criminals, particularly those involved in what is viewed as 'white collar crime' – fraud (a criminal theft offence) are not it appears, even viewed in the same light as other criminals who commit theft. Consequently, if you are a criminal and wish to raise funds for nefarious activities, perhaps to run a human trafficking operation, buy firearms or indeed fund a coup to destabilise a government, then it seems that a counterfeit or fraud operation would be a good avenue to explore. Indeed, if caught you are likely to be dealt with as part of a 'private justice' system and would not be entered into the criminal justice system in any capacity.

This report has highlighted that the security architecture is changing, with the PSS filling the void being left by police and LEA's. The impact and influence that the PSS is having on individual forces cannot be ignored, and now needs to be examined and recognised by those responsible for inspecting the police. The lack of regulation within PSS investigations is a concern and one that has been debated for over forty years, but their investigations are becoming more complex and far more intrusive than they traditionally were, and this highlights the need for regulation. If regulated, then perhaps the police and LEAs would be more likely to trust and share intelligence with the PSS and a framework could be formalised similar to that between police and local authorities. In 2002 Mark Button concluded that although government were encouraging working relationships between police and local authorities/agencies, there was little else, and "if a more efficient and effective criminal justice system is to be achieved, there must be a commitment from all parties to a 'joined-up' policing agenda". Sixteen years later the public, government and the PSS are seemingly forcing a change in the policing agenda. The police and LEAs on an official basis seem either to be unaware of this change or are simply refusing to accept it. Refusal to accept the PSSs involvement and contribution appears to be due to mistrust,

jealousies and protectionism.¹⁷³ However, as the police are increasingly no longer the last in the line of defence against crime, these outdated views are no longer acceptable. The current Home Secretary Sajid Javid, stated that “the police must be equipped for a changing landscape”.¹⁷⁴ This was in response to a recent National Audit Office report on police spending which was highly critical of the governments state withdrawal from the police.¹⁷⁵

To be equipped the police and LEAs must officially recognise the contribution and assistance of the PSS in crime investigation. Frameworks and protocols must be put in place to share intelligence and to ensure oversight of PSS crime investigation. HMIC needs to review how many PSS criminal investigations are passed to the police, or if not passed to the police, are ending up as private criminal prosecutions. There is a danger of having an ‘unseen policing’ of crime where crime is reported to, and then dealt with, solely by the PSS. This change in architecture may already be skewing government ‘recorded’ crime figures and if it is, how do those ultimately responsible – Local Authorities and Law Enforcement, measure the impact crime is having within their communities. The PSS are now an integral part of the criminal investigations landscape within the UK, the security architecture in the UK has changed and these changes need to be recognised, integrated and monitored. As Seth Soughton accurately identified and this report sums up - ‘the thin blue line is neither as thin nor as blue as it first appears’.¹⁷⁶

Bibliography

Primary Sources

Action Fraud.", accessed Jul 20, 2018
<https://www.actionfraud.police.uk/about-us/who-we-are>.

City of London Police Policing Plan 2017-20 (Year 2 2018/19). 2017a.

¹⁷³ Button, *Private Policing* (Cullompton: Willan, 2002), 155.

¹⁷⁴ *Ministers 'Unaware of Police Cuts Impact'*, 2018e). <https://www.bbc.com/news/uk-45477960>.

¹⁷⁵ *Financial Sustainability of Police Forces in England and Wales 2018 - National Audit Office (NAO) Report*, c). <https://www.nao.org.uk/report/financial-sustainability-of-police-forces-in-england-and-wales-2018/>.

¹⁷⁶ Stoughton, *The Blurred Blue Line: Reform in an Era of Public & Private Policing*, Vol. 44 (University of Texas School of Law, 2017), 117.

b4Secure Insights

Covert Surveillance and Covert Human Intelligence Sources Codes of Practice.", accessed Jul 20, 2018

CPS Guidance: Vigilantes on the Internet - Cases Involving Child Sexual Abuse.", last modified Aug 3, accessed Jul 9, 2018

Government Response to the 4th Report from the Home Affairs Committee Session 2012-13 HC 100: Private Investigators 2013. UK Parliament 2013-2014

Disrupting Serious and Organised Criminals Menu of Tactics.", accessed Jul, 2018

HMIC Peel: Police Effectiveness 2016 A National Overview. 2017c.

HMIC Real Lives, Real Crimes, A Study of Digital Crime and Policing. 2015b.

"Intelligence Management Governance.", accessed Jun 18, 2018

"IP Crime and Enforcement for Businesses.", accessed Jun 28, 2018

NATIONAL BUSINESS CRIME SOLUTION LIMITED - Overview (Free Company Information from Companies House).", accessed Jun 15, 2018

National Decision Model.", accessed Jun 30, 2018

NBCS Quarterly Report April 2018. 2018e.

NCA Annual Plan 2018-19. 2018f.

NCA Suspicious Activity Reports (SARs) Annual Report 2017.", accessed Jul 17, 2018

The Paedophile Hunter. Anonymous Channel 4, 2014b

"PIPCU Referral Guide.", accessed Jul 20, 2018

Regulation of Investigatory Powers Act 2000.", accessed Jul 20, 2018,

Security Industry Authority.", accessed Jul 5, 2018

"Self-Defence and the Prevention of Crime CPS Legal Guidance.", accessed Jun 20

Senate and House of Representatives of the United States of America in Congress assembled. 2001. *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (Usa Patriot Act) Act of 2001* (Oct 26,) [Interviews](#)

Interview of HMIC Inspectors , London 10 July 2018a.

Interview with Company Investigating Counterfeit Crime, Essex, 28 Jun, 2018b.

Interview with Head of Security of a Private Financial Institution, London, 12 Jul, 2018c

[Books](#)

- Button, Mark. 2002. *Private Policing*. Cullompton: Willan.
- Draper, Hilary. 1978. *Private Police*. Sussex, UK: The Harvester Press Limited.
- Forst, Brian and Manning, Peter. 1999. *The Privatization of Policing: Two Views*. Washington, D.C.: Georgetown University Press.
- Gill, Martin, ed. 2014. *The Handbook of Security*. 2nd Edition ed.
- Harfield, Clive and Karen Harfield. 2012. *Covert Investigation*. Blackstone's Practical Policing. Third ed. Oxford, UK: Oxford University Press.
- Hoogenboom, Bob. 2010. *The Governance of Policing and Security: Ironies, Myths and Paradoxes*. Crime Prevention and Security Management. Hampshire, UK: Palgrave Macmillan.
- Johnston, Les. 1992. *The Rebirth of Private Policing*. London: Routledge.
- Jones, Trevor. 2006. *Plural Policing*. 1. publ. ed. London [u.a.]: Routledge.
- Jones, Trevor and Tim Newburn. 1998. *Private Security and Public Policing*. New York: Oxford University Press.

Articles

- Leading Questions: Chris Greany.", last modified Apr 9, <https://www.home.barclays/news/2018/04/leading-questions--christopher-greany.html>.
Police Privatisation and how to Stop It. 2015a. London, England: UNISON
Underfunding Turns Justice into a Lottery 2018h. <https://www.linkedin.com>
- Boels, Dominique and Antoinette Verhage. 2016. "Plural Policing: A State-of-the-Art Review." *Policing: An International Journal of Police Strategies & Management* 39 (1): 2-18. doi:10.1108/PIJPSM-05-2015-0069. <http://www.emeraldinsight.com/doi/abs/10.1108/PIJPSM-05-2015-0069>.
- Button, Mark 1999. "Private Security and its Contribution to Policing: Under-Researched, Under-Utilised and Underestimated." *International Journal of Police Science & Management* 2 (2): 103-116. doi:10.1177/146135579900200202. <http://journals.sagepub.com/doi/full/10.1177/146135579900200202>.
- Campbell, Elaine. 2016. "Policing Paedophilia: Assembling Bodies, Spaces and Things." *Crime, Media, Culture: An International Journal* 12 (3): 345-365. doi:10.1177/1741659015623598. <http://journals.sagepub.com/doi/full/10.1177/1741659015623598>.
- CNN, Jason H. "What is the Five Eyes Intelligence Pact?", accessed Jul 20, 2018, <https://www.cnn.com/2017/05/25/world/uk-us-five-eyes-intelligence-explainer/index.html>.
- Elizabeth E. Joh. 2004. "The Paradox of Private Policing." *The Journal of Criminal Law and Criminology (1973-)* 95 (1): 49-132. <https://www.jstor.org/stable/3491382>.

- Ellis, Clare et al. Nov, 2014. "Disrupting Organised Crime: Developing the Evidence Base to Understand Effective Action"; RUSI and the SFTC, 2014., .
- Gash, Tom. "Privatising the Police?", last modified -03-05T17:13:29+00:00, accessed Jun 15, 2018, <https://www.instituteforgovernment.org.uk/blog/privatising-police>.
- Gill, Martin "Senior Police Officers' Perspectives on Private Security: Sceptics, Pragmatists and Embracers." *Policing and Society* 25 (3): 276-293. doi:10.1080/10439463.2013.865736.
- Gill, Martin et al. 2017. *The Impact of Organised Crime in Local Communities*.
- Majid Yar. 2013. "The Policing of Internet Sex Offences: Pluralised Governance Versus Hierarchies of Standing." *Policing & Society* 23 (4): 482-497. doi:10.1080/10439463.2013.780226..
- Meerts, Clarissa. 2016. "A World Apart: Private Investigations in the Corporate Sector." . <http://heinonline.org>.
- Noaks, Lesley. 2004. "Diversification of British Policing." *Policing: An International Journal of Police Strategies & Management* 27 (2): 264-274. doi:10.1108/13639510410536850
- Stoughton, Seth W. 2017. "The Blurred Blue Line: Reform in an Era of Public & Private Policing." *American Journal of Criminal Law* 44 (2): 117
- White, Adam. 2015. "The Politics of Police 'privatization': A Multiple Streams Approach." *Criminology & Criminal Justice* 15 (3): 283-299. doi:10.1177/1748895814549643.

Websites

- Financial Sustainability of Police Forces in England and Wales 2018 - National Audit Office (NAO) Report.*
<https://www.nao.org.uk/report/financial-sustainability-of-police-forces-in-england-and-wales-2018/>.
- Ministers Mull G4S Row Lessons." 2012a. *BBC News*, -08-14. <https://www.bbc.co.uk/news/uk-19251772>.
- "Ministers 'Unaware of Police Cuts Impact'." 2018f. *BBC News*, -09-11. <https://www.bbc.com/news/uk-45477960>.
- Olympic Failure Leaves G4S in Tatters, Admits CEO." 2012b. *Reuters*, -07-17. <https://uk.reuters.com/article/uk-oly-4gs-hearing/parliament-awaits-as-g4s-scandal-grows-idUKBRE86G0AU20120717>.
- Overview of Terrorism Legislation.", accessed Jun 10, 2018, <https://www.libertyhumanrights.org.uk/human-rights/countering-terrorism/overview-terrorism-legislation>.
- "Paedophile Hunters: Should Police Work with Vigilantes?", accessed Jul 6, 2018, <http://www.theweek.co.uk/89069/paedophile-hunters-should-police-work-with-vigilantes>.

- "Silver Platter Doctrine.", accessed Jun 18, 2018, https://law.academic.ru/14857/silver_platter_doctrine.
- "Stopping a Spate of Burglaries.", accessed Jun 15, 2018, <https://home.nationalbusinesscrimesolution.com/case-studies/stopping-a-spate-of-burglaries/>.
- "Suspicious Transaction and Order Reports.", last modified Jan 3, <https://www.fca.org.uk/markets/market-abuse/suspicious-transaction-order-reports>.
- "Vigilante Victim to Sue 'News of the World'.", last modified -08-20T00:00:00+01:00, accessed Jun 15, 2018, <http://www.independent.co.uk/news/uk/this-britain/vigilante-victim-to-sue-news-of-the-world-710968.html>.
- "Which Court Will a Case be Heard In.", accessed Jun 20, 2018, <https://www.sentencingcouncil.org.uk/about-sentencing/information-for-victims/which-court-will-a-case-be-heard-in/>.
- Mears, Tyler. "The Law on 'Paedophile Hunters' and Vigilantes.", last modified -12-21T11:57:02Z, accessed Jul 6, 2018, <http://www.walesonline.co.uk/news/wales-news/law-paedophile-hunters-how-can-14033527>.
- Morley, Katie. 2015. "Victim of Fraud? Why the Authorities WON'T Investigate." , -08-23. <https://www.telegraph.co.uk/finance/personalfinance/investing/11812377/Victim-of-fraud-Why-the-authorities-WONT-investigate.html>.
- The Guardian, Frances Perraudin North of England. 2017. "Judge Rules 'Paedophile Hunters' can Continue Posing as Children Online.", -04-08T07:00:33.000Z. <http://www.theguardian.com/society/2017/apr/08/judge-rules-paedophile-hunters-can-continue-posing-as-children-online>.
- Scott, Patrick and Ellie Kempster. 2017. "Revealed: How Likely is it that the Police Will Manage to Catch the Person Who Burgles Your House?" *The Telegraph*, -10-19. <https://www.telegraph.co.uk/news/2017/10/19/nine-10-home-burglaries-now-go-unsolved-effective-police-force/>.
- Taylor, Matthew and Alan Travis. 2012. "G4S Chief Predicts Mass Police Privatisation." *The Guardian*, -06-20T18:31:41.000Z. <http://www.theguardian.com/uk/2012/jun/20/g4s-chief-mass-police-privatisation>.
- Travis, Alan and Zoe Williams. 2012. "Revealed: Government Plans for Police Privatisation." *The Guardian*, -03-02T18:09:00.000Z. <http://www.theguardian.com/uk/2012/mar/02/police-privatisation-security-firms-crime>.
- Williams, Martin. "Police 'screen Out' nearly a Third of Crimes, with no further Investigation.", accessed Jul 6, 2018, <https://www.channel4.com/news/factcheck/police-screen-out-a-third-of-crimes-with-no-further-investigation>.