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# PRIVATIZATION PROCESSES OF POLICING IN LITHUANIA

The study of privatization of policing has undergone a fundamental shift over the last decade. There has been a growing realisation amongst academics that the police are not the only organization engaged in the process of policing. This change in thinking is largely the result of the recent growth of the private security industry. In fact, a new era in Lithuanian policing presents police services with opportunities to integrate their resources with those of other institutions for the purpose of establishing an efficient and democratic policing 'network'. For there are a number of groups and officials other than the public police that play key roles in the prevention of crime, the regulation of conduct, and the maintenance of order. Indeed, governments have not discouraged the expansion of the regulatory roles currently being assumed by private police personnel, private investigators, specialist agencies and non-government 'policing' organisations. For this reason, the role of private security still is quite eclectic basically because of vagueness of its powers (Kalesnykas 2002, 71-82). So in this paper I will briefly outline the problems of the following privatization processes in policing. It is topical because of two reasons: firstly, the growth of the private security market leads to its penetration into the public domain. Private security services now have the right to provide different types of services and actually are claiming the status of an individual policing entity. Secondly, the role of private security is not precisely defined and the relevant legal mechanism still does not work smoothly. It's out of the question that in a free market economy the boundary of safety needs between public and private interests becomes variable. The borderline between the relationship of the public police and private police in policing is not clear. This paper aims at proving how difficult conceptual delineation of public and private interests is in the field of policing.

## **PRIVATE POLICING AS THE OUTCOME OF PRIVATIZATION**

The system of organizations in charge of public safety and order is being changed by substantial transformations in society, by political and economic instability, emergence of new forms of property, a wide range of market players and a rapid

development of private business. One could say that tendencies of privatisation in policing is a new social phenomenon, which influences the Lithuanian legal system and gives rise to academic and practical debate (Kalesnykas 2005, 102-112). Before the various organizations engaged in private policing are considered,

however, it is important to identify what is meant by the terms “private policing” and “privatization of policing”.

***Today it is important to define what is meant by “private policing” as this term is often misunderstood.***

For a long time the term “policing” was associated with the word “police”, i.e. with the maintenance of order and the prevention of crime (Button 2002). It is therefore important to differentiate these terms, because many other organizations besides “the police” are engaged in the policing process. Policing is essentially a function of society that contributes to a particular social order and is carried out by a variety of different institutions and individuals. Policing means those activities aimed at ensuring the security of a particular social order and that these activities are designed to achieve these aims. In recent years there has been discussion amongst academics to distinguish public policing from private policing (Forst/Maning 1999). We suppose that public policing and private policing are distinguished by the sector to which they belong. If they are part of the government and funded out of tax money, they are public. If they are provided by companies against payment of fees they are private. This grey area has become more complex in recent years because of privatization in policing. From this point of view private policing can entail a countless assortment of functions and services, ranging from conventional law enforcement responses in the form of criminal investigation and arrest to crime prevention activities and attempts to improve more general quality-of-life aspects of the community.

In the EU community, there is still an opinion that the public police remain the most important policing organization in the mul-

tiplicity of agencies involved in policing. Police are a public organization, funded totally out of public taxation, that provides most of its services to the public free of charge and that possesses full constabulary powers (Forst 2000, 19–79). Despite this high degree of “publicness”, there are areas where increasing degrees of “privateness” have emerged. Contrary to popular belief, due to limited financial resources today we see the incapacity of the state to guarantee a proper level of security and maintain order, which is in particular true as far as the protection of business entities is concerned.

***In the face of criminal danger large numbers of companies turn to alternatives either by taking care of their own security or by purchasing security services.***

Definitions of privatization in policing range from a general shrinking of the state to the more precise replacement of public sector workers with private sector workers. The underlying theme of all definitions is a reduction in the role of the state and an a priori belief that the private sector is more efficient and effective at providing goods and services. Private policing (Johnston 1992; Kalesnykas 2002, 76–94) with private security leading the privatization process, is spontaneously developing alongside with community policing (Trojanowicz/Bucqueroux 1994; Kalesnykas 2001, 190–201). The message here is that in a free and democratic society private resources may be employed in policing, whereby the efficiency largely depends on the competitive market of policing institutions as a whole. Personal and private security as well as policing is not only the business of public entities (the police) but also of non-state institutions (private security). The

**VOCABULARY**

**to purchase:**  
*beschaffen, kaufen*

**shrinking:**  
*schrumpfen*

## VOCABULARY

**revenue:**  
Ertrag, Erlös

**myriad:**  
unzählig

**surveillance:**  
Aufsicht, Kontrolle,  
Überwachung

**transference:**  
Übertragung

ultimate efficiency of policing can only be achieved when the powers and competence of the two are properly balanced.

Privatization in policing occurs typically both on the revenue-raising side and on the spending-and-production side, without any government involvement (Kalesnykas 2003, 21–37). However, it can exist on the production side alone, as frequently occurs when public funds are used to purchase the services of private agents. When it occurs on both sides, private citizens or institutions raise the funds for services that might otherwise be provided publicly and determine how they will be allocated. This includes a myriad of self-help approaches to protecting private property and personal safety, including the following: hiring of security guards and private investigators; installation of surveillance, lighting, and alarm systems; use of citizen foot patrols and block watches as well as escort services, etc. When privatization in policing occurs on the production side alone, state or local governments may sign contracts with private sources for such specific services as court security, prisoner custody, computer and communications system maintenance, video surveillance, traffic and parking control, etc.

Some academics differentiate specific types of the privatization of policing, which allow for choosing one that is accepted by EU countries. For example, Butler has identified a range of policing privatization policies (Butler 1991): (a) the sale of state assets to the private sector; (b) deregulation, where the regulatory burden on industries is reduced or removed and which may lead to greater private sector involvement; (c) public authorities contract out to the private sector functions they previously provided themselves; (d) the government gives recipients of its services vouchers (they can shop around for the best services). Johnston classifies the privatization of policing

in three ways (Johnston 1999, 167–186): (a) direct and indirect “load shedding”, where the police relinquish roles directly to the private sector or where the private sector usurps the public police because they are unable to provide the service the public wants; (b) “contracting out”, where the government or police contract with a private organization to take over a function for which they will remain in ultimate control; (c) “charging fees and selling services”, where the public police have increasingly begun to act in a commercial way by charging fees and selling their services. These classifications of the privatisation of policing show that the broad range of private security sector strategies increasingly used by the public police could similarly be included.

***When privatization of policing has not been possible, attempts have been made to introduce private sector practices into the public sector.<sup>1</sup>***

To summarize all these propositions, we could define that the privatisation of policing is treated as a process of transference of certain obligations of public safety enforcement, policing as well as responsibility, from public security services (the police) to private security services.

It is not only in Lithuania but also in other foreign countries (such as Great Britain, Canada, Denmark, Netherlands et al.) where the development of the private security market is a dominant trend (George and Button 2000; de Ward 1999, 143–174; Stenning 1994, 145–153). Therefore we are compelled to identify conditions whose presence would facilitate the evaluation of private security in the system of policing. It is critically important if we seek to understand the functioning of private security sector. On the other hand, in Lithuania the

private security market was developing under different political, economic, social and other conditions, which affected the nature, development and qualities of private security institutions, which makes them distinct from similar institutions in western democracies.

### THE GROWTH AND DEVELOPMENT OF THE PRIVATE SECURITY MARKET IN LITHUANIA

Modern security and maintenance of order is now provided on a daily basis by a host of private police and security agencies, licensed and unlicensed. These agencies may be working for government agencies or government-owned enterprises, private security operations or private companies, and they all exercise some degree of enforceable power over others. The world market for private contractual security and policing services is growing rapidly. For example, private provider alternatives to public police, in terms of numbers of personnel and annual expenditures at the very least now dominate the 'order maintenance' landscape in Australia, and many other nations as well (Prenzler 2000; Prenzler/Sarre 1998). All of this is not particularly surprising, given that the publicly funded agents of order maintenance never really *eradicated* the private forms of policing that had preceded them.

***The emergence and development of the private security market in Lithuania had already started by the end of the 20th century and now continues with three acts of law.***

The Constitution of the Republic of Lithuania (it was adopted on 25 October 1992)<sup>2</sup>, *enshrining* the fundamental principles of protection of human rights and freedoms, the Government Order No. 160 on

protection of persons and property (it was adopted on 12 March 1993)<sup>3</sup>, which granted citizens the right to arrange protection of persons and property, and the Act of the Republic of Lithuania on Persons and Property Protection (No. IX-232, it was enacted on 8 July 2004), which came into force on the 1st of January of 2005<sup>4</sup>. In fact the private security market started prevailing as late as 1994. At that time the institutions of internal affairs created the system for the control of private security services and published first methodical recommendations for persons who wanted to engage in the protection of persons and property. The above circumstances account for the increase in the number of private security institutions in 1999–2005.

### VOCABULARY

*to eradicate:*  
*ausrotten*

*to enshrine sth:*  
*etw. bewahren*

Grafik: Kalesnykas

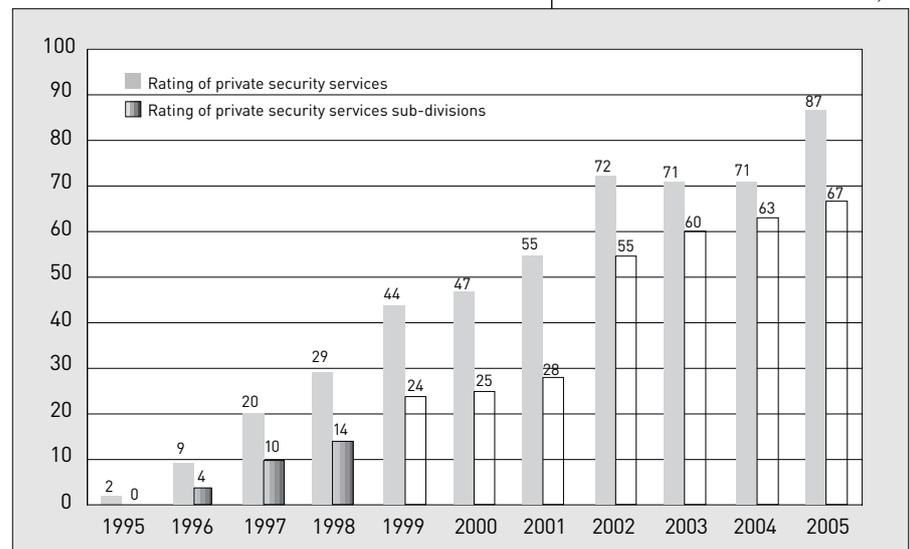


Figure 1. Dynamics of private security companies and security sub-divisions of companies

Figure 1 displays only two private security companies established in 1995, and the number had been growing since then. 1999 saw already 44 private security companies and 24 branches, 2005 – 87 private security companies and 67 branches, 2006 – 112 private security companies and 45 branches. Since 2001 the number of private security companies set up has doubled, i.e. from

55 to 112. The data for 1 January 2007 show that there were 94 private security services and 45 security sub-divisions of companies which have licence in-arm security and 18 un-armed private security services. Mainly private security companies and their subdivisions are located in big major cities of Lithuania. There are 55 of them in Vilnius (in 2002 there were 17), 44 in Kaunas (2002 – 13), 13 in Klaipėda (2002 – 8), 9 in Šiauliai (2002 – 3), 3 in Panevėžys and Alytus. Private security companies work in 32 towns (in 2002 in only 19), which is 50% of the territory of the country.

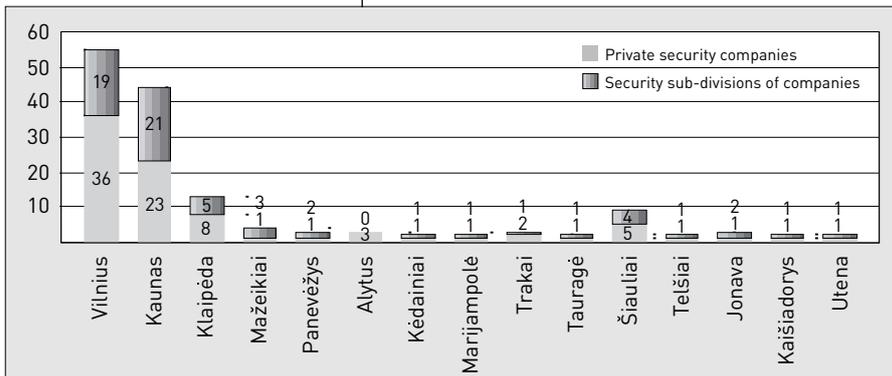
depends on the sphere of activity, the number of customers and financial resources.

***We could identify the factors, which support the development of the private security market in the context of today's Lithuania.***

First, the increase of the crime rate and fear of crime, in particular in relation to person and property protection and public safety, second, the huge amount of private property, third, a crisis in financial and human resources in police services, fourth, information and technological changes in the society, fifth, favourable legal basis of the status for private security services. As Stenning (Stenning 2000, 328) writes, it is now almost impossible to identify any function or responsibility of the public police which is not, somewhere and under some circumstances, assumed and performed by private police in democratic societies.

Private security seeks to protect rights and rightful interests of its customers; in doing so it ensures safety and maintains order. Endeavouring to attain this objective private security companies formulate major directions of activity, which are later on enshrined in legislation. Legislation in Lithuania only superficially sets tasks for private security institutions; therefore we face the problem of prioritisation of activities. For example, The Act of the Republic of Lithuania on Persons and Property protection<sup>5</sup> sets forth three tasks. First, protection of life, health and property from criminal acts, second, protection of movable and immovable property, commercial and industrial secrets of companies, institutions or organisation, third, collection of debts. Obviously, the range of tasks is narrow and so does not respond to the current needs, because rapid development of the private security market provides for a much wider

Grafik: Kalesnykas



**Figure 2. Private security services and security sub-divisions of companies located by cities and districts**

The data for 1 January 2007 show that there were 8.911 private security officers in comparison to 12.576 police officers. Surveys of private security market in Lithuania allow to forecast that the number of private security companies and security sub-divisions of companies will decrease because of high cost of staff training, procurement of firearms and special equipment, licences etc, therefore only a limited number of private security companies may survive in the competitive business environment. Button and George (Button/George 1998), Johnston (Johnston 2000) and other researchers argue that the success of every private security company

range of activities. The Act of the Republic of Lithuania on Persons and Property protection is to regulate the following: (a) types of private security and licensing regulation thereof, (b) the entities, eligible to perform private security activity, (c) rights and responsibilities of the employees of private security, (d) legitimacy conditions of use of physical violence, special means and guns, (e) state supervision of activity of private security.

Inquiries into the private security market in Lithuania lead us to think that at the moment electronic and physical security are major directions of private security.

***The data disclosed on 1<sup>st</sup> January 2007 show that on a contractual basis private security companies guarded 54.292 objects.***

Private security companies mainly engage in the protection by electronic security of flats and houses – 32,65%, industrial companies – 26,55%, business centres and companies – 14,81%. On the other hand we see that private security companies are mainly engaged in physical security of money funds – 61,57%, industrial companies – 9,10%, other companies – 5,10%, flats and houses – 8,38%, banks, their branches and affiliations – 1,19%.

By the number of objects guarded by electronic and physical security we can clearly see that private security companies dominate the security market. Forecasts say that in the future the trend is likely to grow and private security companies will take over the role of security sub-divisions of private companies, for example, they shall ensure the security of banks and their branches, transport money and other valuables, etc. It is not only cheaper, but it also reduces the risk of incurring losses as the responsibility is transferred over to the

security company, which would have to compensate the losses.

It is worthwhile noting that the electronically guarded objects occupy the bulk of the security services market at a rate of 93%. Dominant in the security market are in-arm protected and physically guarded objects. It should be noted that in the course of two years the number of in-arm protected and physically guarded objects has increased.

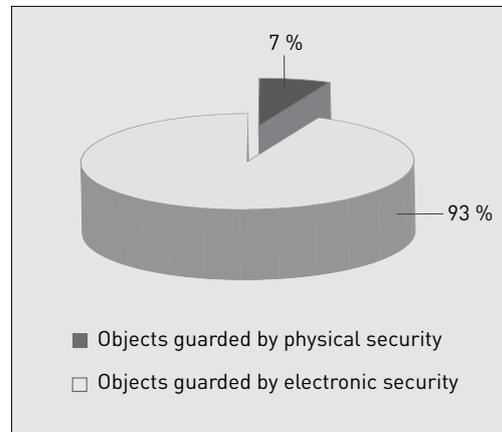
The following major fields of activity of private security in the sphere of the person and property protection should be broken down into: (1) technical security, which is mainly related to monitoring of security systems in guarded premises and adequate reaction to them: danger, burglaries, fire, and disruptions in power systems; (2) physical security, which comprises a) guarding of objects (companies, flats, houses), b) bodyguard services (protection of life and health, help in emergency situations), c) security during public events (concerts, business and sport events); (3) patrolling. In this case the patrolling staff would come to the guarded premises several times a shift, meet security guards in place and evaluate conditions inside the premises or outside (risk sensitive areas). If something is wrong the staff would take measures to prevent infliction of damages and the person in charge would inform the relevant person in the guarded company; (4) collection and transportation of valuables (aims at ensuring security of transportation of money and valuables as well as other activities such as sorting, counting and packaging); (5) installation, exploitation and maintenance of security systems – video (CCTV), check point control and audio systems, which allow to receive information from the guarded object, for example in case of a burglary the headquarter transmits the signal to the patrolling staff, which takes adequate measures and is able to plan its action more precisely.

**VOCABULARY**

**affiliation:**  
Zugehörigkeit, Mitgliedschaft

**infliction:**  
Zufügung

Grafik: Kalesnykas



**Figure 3. Objects guarded by electronic and physical security (percent)**

In conclusion we may say that identification of trends of private security activities shows: first, the variety of security services provided by private security companies, second, the types of activity – prevention of criminal and other offences. It is this second direction, which is the most typical feature of the private security market, which allows to differentiate it from the activities other entities of public security are engaged in.

#### **REGULATORY MECHANISM OF THE PRIVATE SECURITY INDUSTRY**

The regulation of the private security industry is meant to be a state intervention in private spheres of activity to realize public purposes (Sarre 2004). The private security industry is subject to a great deal of regulation relating to police law, administrative law, company law, employment law and health and safety legislation, etc. Current legislation on private security in Lithuania abounds in some loopholes and discrepancies not only in terms of interpretation but also in terms of its application.

*At this juncture, the role of private security services in the field of person and property protection is eclectic due to vague descriptions of their functions.*

The quest for and the setting of efficient legal standards has become a topical issue for the entities in question as they seek to ensure professional and top quality security services. Social norms and legal acts would first, facilitate activities of private security, second, protect from negative tendencies or from what is unacceptable for private security.

Up to 2005, private security companies in Lithuania mainly based their functions on one piece of legislation only – on the Act on Protection of Persons and Property (1993), which at that moment of the development of the free market was adequate to economic and social conditions and legitimised a completely new type of relations in the society in the legal sphere, that is private policing. But during the fifteen years of Lithuanian independence it was not only the view of the development of public relations in society that has changed. New legislation accelerated the development of a number of social phenomena, however, activities of private security services have changed too.

It goes without saying that before private security is profoundly legally regulated, its actual participation in the policing functions is doubtful. Exclusion of private security from the system of law and order in theory is also manifest in the practical domain (Kalesnykas 2006, 115–126). It reflects the position of the state, which is expressed in the form of inadequate legal regulation, often by ignoring private security and failing to provide adequate conditions.

The law on private security was supposed to be passed by 1996, but either due to too objective or due to too subjective reasons every new Government postponed passing of the law. The ongoing action plan for 2001–2004 of the Government obliged the Ministry of Interior to draft the Law on Protection of Persons and Property by June 2003. Lastly, Seimas (the parliament) of

#### **VOCABULARY**

*to abound in:*  
*reichlich vorhanden sein*

*loopholes:*  
*(Gesetzes-)Lücke*

Lithuania approved the Act of the Republic of Lithuania on persons and property protection<sup>6</sup> on 8 July 2004.

Grafik: Kalesnykas

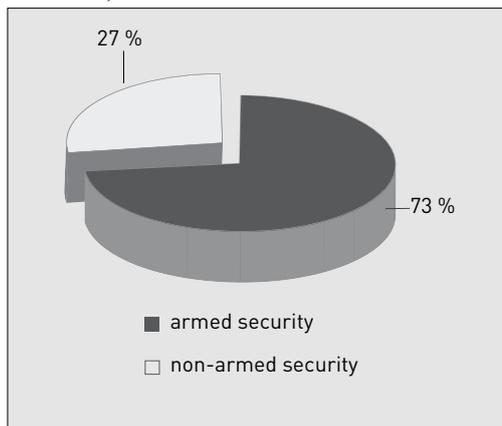


Figure 4. Private security companies guarded objects by physical security (percent)

According to the above mentioned law, the following legal acts are approved and valid in the fields of person and property protection: (a) Rules for approving the lists of protected objects and for providing information, approved by the Order No. 212 of the Police Commissioner General of the Lithuanian Police of 18 May 2001, such rules stipulating the procedure for persons and property protectors, security services and security structure affiliates to approve the lists of objects protected with firearms and to provide the information for police institutions; (b) Instruction of cash services, and issuing, use and control of collection certificates, approved by the Order No. V-210 of the Police Commissioner General of the Lithuanian Police of 7 May 2004; (c) Health requirements for security employees and the procedure of periodicity, organizing and performing of compulsory health checks (2005) (d) Security employees, training program and examination order (2005), (e) Acknowledgment order of professional qualification of security employees, such qualifications acquired abroad or in Lithuania (2006). We'll have a brief overall look at some important mat-

ters of the regulation in the Lithuanian private security industry.

### LICENSE OF PRIVATE SECURITY ACTIVITY

The activity of private security without license is prohibited in Lithuania. There are the two following types of licenses: (a) the license for armed persons and property protection, (b) the license for unarmed persons and property protection. Only armed person and property protection has been licensed until 1 January 2005.

#### *The license for armed protection of person and property grants the right to perform unarmed protection of person and property as well.*

The licenses to carry out private protection activities of person and property may be issued to the following entities: (a) private security services and their affiliates, (b) security departments of companies, enterprises and organizations. The licenses for carrying out private protection of person and property are issued by the institution authorized by the Government, i.e. the Licensing Unit of Public Order and Traffic Supervision Service of the Police department under the Ministry of Interior.

### THE ACTIVITY OF PRIVATE SECURITY IN THE FIELD OF PUBLIC SECURITY

Private security may cooperate with the police and other law enforcement institutions in ensuring the public order, public security, and prevention and disclosure of administrative violations of the law and criminal activities. The Police must be informed in advance on maintenance of public order during public mass events and joint actions of public order maintenance must be coordinated.

### VOCABULARY

*stipulate:*  
festlegen, vereinbaren,  
vorschreiben

### LEGITIMATE USE OF PHYSICAL VIOLENCE, SPECIAL MEANS AND GUNS

The act on persons and property protection outlines that employees of private security have a right to use physical violence, and to hold, carry and use special means and guns. The law on person and property protection regulates the basis for the use of physical violence, special means and guns, the rights and responsibilities of the security employees when such means are used and the prohibition of use of such means. The provisions of paragraphs 28, 29 and 31 of the Criminal Code of the Republic of Lithuania and the sections 17 and 18 of the Code of Violations of Administrative Law of the Republic of Lithuania apply to security employees, who use physical violence, special means or guns.

### CONTROL OF PRIVATE SECURITY ACTIVITY

The Licensing Unit of the Public Order and Traffic Supervision Service of the Police Department under the Ministry of the Interior shall carry out control and monitoring of person and property protection activity performed by the private security. The Licensing Unit shall have a right to obtain from the private security the information related to the monitoring of license compliance conditions.

The following compulsory requirements for the employees of private security are also set forth in the Act on Persons and Property Protection: periodic health checks, refresher courses and examinations and carrying of security employee ID when carrying out person and property protection.

The legislative norms regulating the activity of private security are in conformity with the European Union legislative standards, concerning requirements for establishing of private security services

and the requirements for employees of private security.

In conclusion our estimate is that in the future private security business will be one of the fastest developing business sectors in Lithuania, if, of course, the state will solve all legal issues and standards of regulatory mechanisms.

***It is believed that the state, as a control and regulatory institution, must adequately plan and manage the process with due regard to the current situation, national and foreign experience.***

In order to achieve this, it is necessary to establish the role of the state in the process, to set forth an adequate legal basis for co-operation between private security and public security with a the view to guaranteeing person and property protection and tackling the issues of control and supervision.

### CONCLUSIONS

1. Mastering privatization processes in policing depends upon the economical, social, political and legal conditions in Lithuania. This allows reducing the importance of public interest and the functions of public security institutions and extending the range of security services provided by private security. The privatization of security services in policing in the free market economy is a business.

2. The range and scope of private security services indicates that the private security sector is developing into an alternative to police services. Reducing functions of the public security institutions (i.e. police) and widening the range of security services provided by private security companies allows to think of abolishing the monopoly in the security industry. This situation

### VOCABULARY

*to abolish:*  
*abbauen, beseitigen*

makes it possible to consider doing away with the state monopoly in the sphere of policing.

3. The regulatory mechanism of the private security industry describes the legal status only superficially and does not protect against negative trends in private security. The security market can not develop adequately due to the policy of the state towards private security services; competition with some of public security services, lack of principles of cooperation with public security services and etc.

4. The state should provide full support for the development of the security business and evaluate the potential input that private security services can have for the protection of persons and property, enforcement of public security and mainten-

ance of public order. This would allow for the establishment of spheres of security (policing) which could be privatized.

***A well organized private security market could guarantee high quality security services and be appropriately regulated.***

5. The situation as of today shows that there is an alternative policing model based on private initiative. The state may decide with regard to political, social and economic conditions that a part of policing functions may be privatised and private security institutions may play an essential role in the creation and implementation of private policing models.

<sup>1</sup>This has led to the rise of the new public management model (NPMM) into public police system.

<sup>2</sup>The Constitution of Lithuania (1992). October 25<sup>th</sup>.

<sup>3</sup>The Government of the Republic of Lithuania order No. 160, On protection of persons and property (1993), March 12<sup>th</sup>.

<sup>4</sup>Law of the Republic of Lithuania on persons and property protection, enacted by Seimas of the Republic of Lithuania in 8 July 2004, No. IX-2327.

<sup>5</sup>No. IX-2327, 2005.

<sup>6</sup>No. IX-2327.

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