

Privatizing the Police

I'm not comfortable with the theory no matter how logical it sounds, is there an example?

(Guillory) Several counties have already contracted out their police force to private companies, it's just not advertised to the taxpayers because it sounds scary. The following list is just a few examples of places where private police are used (Guillory): Oro Valley - Arizona, Reminderville - Ohio, Indian Springs - Florida, Buffalo Creek - West Virginia, Spring Valley - South Carolina. Boston, Massachusetts uses private police to any calls out of "the projects." Most railroads pay for their own police force. Critical intervention services in the entire state of Florida are privatized. And in Utah and Arizona, campus police are private.

I don't live in those places, are they any good? Are they expensive?

(Reason) "In Reminderville, Corporate Security outbid the Summit County Sheriff Department's offer to charge the community \$180,000 per year for 45-minute response time emergency response service by offering a \$90,000 contract for twice as many patrol cars and a 6-minute response time." For those who struggle with math, that's half the cost for double the coverage and 7.5 times the response time.

Might it be possible that a private police force would be free? Or, more likely, have its costs covered by business? Patrick Tinsley notes (Tinsley): "There are products for which the bother of charging money outweighs the prospects for profit; these products are thus offered free of charge to the individual user, more or less in affiliation with the sale of coadunate goods. Examples of this phenomenon abound: book matches are given away with and without the sale of tobacco products; bathrooms, whether in restaurants or department stores or gas stations, are often open to customers and the general public alike. Police protection could operate likewise."

(Benson) Private police have a contractual and legal responsibility to protect their customers.

Is our current system all that bad?

(Warren) Via the court case Warren v District of Columbia, the law of the land says that public police have no obligation to protect their constituents.

"In the early morning hours of Sunday, March 16, 1975, Carolyn Warren and Joan Taliaferro, who shared a room on the third floor of their rooming house... in the District of Columbia, and Miriam Douglas, who shared a room on the second floor with her four-year-old daughter, were asleep. The women were awakened by the sound of the back door being broken down by two men later identified as Marvin Kent and James Morse. The men entered Douglas' second floor room, where Kent forced Douglas to perform oral sex on him and Morse raped her.

Warren and Taliaferro heard Douglas' screams from the floor below. Warren called 9-1-1 and told the dispatcher that the house was being burglarized, and requested immediate assistance. The department employee told her to remain quiet and assured her that police assistance would

be dispatched promptly.

Warren's call was received at Metropolitan Police Department Headquarters at 0623 hours, and was recorded as a burglary-in-progress. At 0626, a call was dispatched to officers on the street as a "Code 2" assignment, although calls of a crime in progress should be given priority and designated as "Code 1." Four police cruisers responded to the broadcast; three to the Lamont Street address and one to another address to investigate a possible suspect.

Meanwhile, Warren and Taliaferro crawled from their window onto an adjoining roof and waited for the police to arrive. While there, they observed one policeman drive through the alley behind their house and proceed to the front of the residence without stopping, leaning out the window, or getting out of the car to check the back entrance of the house.... The three officers departed the scene at 0633, five minutes after they arrived.

Warren and Taliaferro crawled back inside their room. They again heard Douglas' continuing screams; again called the police; told the officer that the intruders had entered the home, and requested immediate assistance. Once again, a police officer assured them that help was on the way. This second call was received at 0642 and recorded merely as "investigate the trouble;" it was never dispatched to any police officers.

Believing the police might be in the house, Warren and Taliaferro called down to Douglas, thereby alerting Kent to their presence. At knife point, Kent and Morse then forced all three women to accompany them to Kent's apartment. For the next fourteen hours the captive women were raped, robbed, beaten, forced to commit sexual acts upon one another, and made to submit to the sexual demands of Kent and Morse.

Warren, Taliaferro, and Douglas brought the following claims of negligence against the District of Columbia and the Metropolitan Police Department: (1) the dispatcher's failure to forward the 6:23 a. m. call with the proper degree of urgency; (2) the responding officers' failure to follow standard police investigative procedures, specifically their failure to check the rear entrance and position themselves properly near the doors and windows to ascertain whether there was any activity inside; and (3) the dispatcher's failure to dispatch the 6:42 a. m. call."

"... the District of Columbia Court of Appeals affirmed the trial courts' dismissal of the complaints against the District of Columbia and individual members of the Metropolitan Police Department based on the public duty doctrine ruling that "the duty to provide public services is owed to the public at large, and, absent a special relationship between the police and an individual, no specific legal duty exists". The Court thus adopted the trial court's determination that no special relationship existed between the police and appellants, and therefore no specific legal duty existed between the police and the appellants."

The police also have can just ignore your case entirely (Find Law): "Somebody smashed your car windows. Somebody stole your bike. Somebody mugged you in a dark alley after a night at the bar. Somebody assaulted you while you were drunk. When you go to the police, they refuse to investigate your case. There are lots of reasons police won't pursue a case. Maybe the value of your loss is too little. Maybe after an initial look, there is just no evidence to warrant further work. Or bottom line, maybe the police think an investigation just isn't worth their very limited time and money.... Police do not have a legal duty to investigate all reported crimes."

They have an incentive to give out tickets for victimless crimes (How Stuff Works): “The symbiotic relationship between police operating budgets and traffic ticket revenue has long been implied... The fines attached to traffic tickets are supposed to be merely punitive, a slap-on-the-wrist punishment for driving dangerously and a deterrent to disobey traffic laws. However, fines got steeper, and cities and towns discovered they liked the money coming in, which... made fines even steeper than before. Then cities started actually depending on ticket revenue... counting on money from traffic tickets in order to make budgets balance out. And in order for that to work, police need to write a certain number of traffic tickets.

So although some police departments claim there have never, ever been official or unofficial quotas, others admit, yup, this is a thing that actually happens. In 2013, the city of Atlanta came up with a plan to tie police pay increases to ticket revenue. And if the recipient of a ticket chooses to challenge the ticket in court, and the officer who wrote the ticket doesn't show up, the ticket is dismissed. Police officers were told that they did not have to increase the number of tickets they write under this plan, but they had to spend more time hanging out in court to defend the tickets (instead of patrolling or engaging in other crime-preventing police duties). This was spelled out in an email sent from the head of the Atlanta police union to all the union's members.

...When police officers believe, or are explicitly told, that their pay and promotions depend on how many tickets are issued, the tactics can get a little problematic. Some police officers have come forward to discuss their problems with traffic ticket quotas; others have actually been investigated by their own departments for engaging in dishonest or fraudulent ticketing. And it's safe to deduce that countless others have gotten away with it. This includes practices such as pulling over drivers who haven't done anything wrong and trying to provoke them for an excuse to write a ticket; actually manipulating or intimidating drivers until they do something wrong; issuing duplicate tickets or sending tickets to people who are no longer alive; and outright lying. Ticket quotas vary, and quotas that have been leaked or reported on fall in the range of one per day to 100 per month. In some districts, officers that meet quotas are given prizes or bonuses, and officers that do not meet the quotas are punished with poor reviews or bad shift schedules.”

Meanwhile, actual crimes go unresolved and even uninvestigated. Big cities, like Chicago, are notorious more focused on making money than looking into criminal activity (Chicago Patch): “More than half of the homicides in America's 50 largest cities went unsolved over the past 10 years, according to data compiled by The Washington Post. The Post's analysis of 52,000 criminal homicides identified zones within cities where there were more than eight homicides but the arrest rate was less than 30 percent. In Chicago, 74 percent of homicides tracked over the past decade went unsolved, according to the analysis.”

OK, fine, give me the theory of how it would work

(You may want to look this over, I know it's long, but it's a great step-by-step with lots of breaks in between to discuss. Totally cool if you just want to go over the highlights. He starts out very Anarchistic, but the point stands even for minarchists)

(Murray Rothbard) “Abolition of the public sector means, of course, that *all* pieces of land, all land areas, including streets and roads, would be owned privately, by individuals, corporations,

cooperatives, or any other voluntary groupings of individuals and capital. The fact that all streets and land areas would be private would by itself solve many of the seemingly insoluble problems of private operation. What we need to do is to reorient our thinking to consider a world in which all land areas are privately owned.

Let us take, for example, police protection. How would police protection be furnished in a totally private economy?

Part of the answer becomes evident if we consider a world of totally private land and street ownership. Consider the Times Square area of New York City, a notoriously crime-ridden area where there is little police protection furnished by the city authorities. Every New Yorker knows, in fact, that he lives and walks the streets, and not only Times Square, virtually in a state of "anarchy," dependent solely on the normal peacefulness and good will of his fellow citizens. Police protection in New York is minimal, a fact dramatically revealed in a recent week-long police strike when, lo and behold!, crime in no way increased from its normal state when the police are supposedly alert and on the job.

At any rate, suppose that the Times Square area, including the streets, was privately owned, say by the "Times Square Merchants Association." The merchants would know full well, of course, that if crime was rampant in their area, if muggings and holdups abounded, then their customers would fade away and would patronize competing areas and neighborhoods. Hence, it would be to the economic interest of the merchants' association to supply efficient and plentiful police protection, so that customers would be attracted to, rather than repelled from, their neighborhood. Private business, after all, is always trying to attract and keep its customers.

But what good would be served by attractive store displays and packaging, pleasant lighting and courteous service, if the customers may be robbed or assaulted if they walk through the area?

The merchants' association, furthermore, would be induced, by their drive for profits and for avoiding losses, to supply not only sufficient police protection but also courteous and pleasant protection. Governmental police have not only no incentive to be efficient or worry about their "customers'" needs; they also live with the ever-present temptation to wield their power of force in a brutal and coercive manner.

"Police brutality" is a well-known feature of the police system, and it is held in check only by remote complaints of the harassed citizenry. But if the private merchants' police should yield to the temptation of brutalizing the merchants' customers, those customers will quickly disappear and go elsewhere. Hence, the merchants' association will see to it that its police are courteous as well as plentiful. Such efficient and high-quality police protection would prevail throughout the land, throughout all the private streets and land areas.

Factories would guard their street areas, merchants their streets, and road companies would provide safe and efficient police protection for their toll roads and other privately owned roads. The same would be true for residential neighborhoods.

We can envision two possible types of private street ownership in such neighborhoods. In one type, all the landowners in a certain block might become the joint *owners* of that block, let us

say as the "85th St. Block Company." This company would then provide police protection, the costs being paid either by the home-owners directly or out of tenants' rent if the street includes rental apartments. Again, homeowners will of course have a direct interest in seeing that their block is safe, while landlords will try to attract tenants by supplying safe streets in addition to the more usual services such as heat, water, and janitorial service. '

To ask *why* landlords should provide safe streets in the libertarian, fully private society is just as silly as asking *now* why they should provide their tenants with heat or hot water. The force of competition and of consumer demand would make them supply such services. Furthermore, whether we are considering homeowners or rental housing, in *either case* the capital value of the land and the house will be a function of the safety of the street as well as of the other well-known characteristics of the house and the neighborhood.

Safe and well-patrolled streets will raise the value of the landowners' land and houses in the same way as well-tended houses do; crime-ridden streets will lower the value of the land and houses as surely as dilapidated housing itself does. Since landowners always prefer higher to lower market values for their property, there is a built-in incentive to provide efficient, well-paved, and safe streets.

Private enterprise does exist, and so most people can readily envision a free market in most goods and services. Probably the most difficult single area to grasp, however, is the abolition of government operations in the service of protection: police, the courts, etc. — the area encompassing defense of person and property against attack or invasion.

How could private enterprise and the free market possibly provide *such* service? How could police, legal systems, judicial services, law enforcement, prisons — how could these be provided in a free market?

We have already seen how a great deal of police protection, at the least, could be supplied by the various owners of streets and land areas. But we now need to examine this entire area systematically. In the first place, there is a common fallacy, held even by most advocates of laissez-faire, that the government must supply "police protection," as if police protection were a single, absolute entity, a fixed quantity of something which the government supplies to all. But in actual fact there is no absolute commodity called "police protection" any more than there is an absolute single commodity called "food" or "shelter."

It is true that everyone pays taxes for a seemingly fixed quantity of protection, but this is a myth. In actual fact, there are almost infinite degrees of all sorts of protection. For any given person or business, the police can provide everything from a policeman on the beat who patrols once a night, to two policemen patrolling constantly on each block, to cruising patrol cars, to one or even several round-the-clock personal bodyguards.

Furthermore, there are many other decisions the police must make, the complexity of which becomes evident as soon as we look beneath the veil of the myth of absolute "protection." How shall the police allocate their funds which are, of course, always limited as are the funds of all other individuals, organizations, and agencies? How much shall the police invest in electronic

equipment? fingerprinting equipment? detectives as against uniformed police? patrol cars as against foot police, etc.?

The point is that the government has no rational way to make these allocations. The government only knows that it has a limited budget. Its allocations of funds are then subject to the full play of politics, boondoggling, and bureaucratic inefficiency, with no indication at all as to whether the police department is serving the consumers in a way responsive to their desires or whether it is doing so efficiently. The situation would be different if police services were supplied on a free, competitive market. In that case, consumers would pay for whatever degree of protection they wish to purchase.

The consumers who just want to see a policeman once in a while would pay less than those who want continuous patrolling, and far less than those who demand twenty-four-hour bodyguard service. On the free market, protection would be supplied in proportion and in whatever way that the consumers wish to pay for it. A drive for efficiency would be insured, as it always is on the market, by the compulsion to make profits and avoid losses, and thereby to keep costs low and to serve the highest demands of the consumers. Any police firm that suffers from gross inefficiency would soon go bankrupt and disappear.

One big problem a government police force must always face is: what laws *really* to enforce? Police departments are theoretically faced with the absolute injunction, "enforce all laws," but in practice a limited budget forces them to allocate their personnel and equipment to the most urgent crimes. But the absolute dictum pursues them and works against a rational allocation of resources. On the free market, what would be enforced is whatever the customers are willing to pay for.

Suppose, for example, that Mr. Jones has a precious gem he believes might soon be stolen. He can ask, and pay for, round-the-clock police protection at whatever strength he may wish to work out with the police company. He might, on the other hand, also have a private road on his estate he doesn't want many people to travel on — but he might not *care* very much about trespassers on that road. In that case, he won't devote any police resources to protecting the road. As on the market in general, it is up to the consumer — and since all of us are consumers this means each person individually decides how much and what kind of protection he wants and is willing to buy. All that we have said about landowners' police applies to private police in general.

Free-market police would not only be efficient, they would have a strong incentive to be courteous and to refrain from brutality against either their clients or their clients' friends or customers. A private Central Park would be guarded efficiently in order to maximize park revenue, rather than have a prohibitive curfew imposed on innocent — and paying — customers. A free market in police would reward efficient and courteous police protection to customers and penalize any falling off from this standard. No longer would there be the current disjunction between service and payment inherent in all government operations, a disjunction which means that police, like all other government agencies, acquire their revenue, not voluntarily and competitively from consumers, but from the taxpayers coercively. In fact, as

government police have become increasingly inefficient, consumers have been turning more and more to private forms of protection. We have already mentioned block or neighborhood protection.

There are also private guards, insurance companies, private detectives, and such increasingly sophisticated equipment as safes, locks, and closed-circuit TV and burglar alarms. The President's Commission on Law Enforcement and the Administration of Justice estimated in 1969 that government police cost the American public \$2.8 billion a year, while it spends \$1.35 billion on private protection service and another \$200 million on equipment, so that private protection expenses amounted to over half the outlay on government police. These figures should give pause to those credulous folk who believe that police protection is somehow, by some mystic right or power, necessarily and forevermore an attribute of State sovereignty."

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