

Civil Liberty Update

The Electronic Newsletter of the New South Wales Council for Civil Liberties Inc.

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Police for Hire - the cost and the consequences

The New South Wales Police Minister has announced a trial that will allow off-duty police to be contracted out to private enterprise as a form of “security service for hire”. The Minister should immediately reconsider this move as it will compromise the independence and integrity of the NSW Police Service, and will create a regime where those contractors who pay the Police Service, get the best service.

The basic logic behind this move, as outlined by the Minister, is that many police are already moonlighting – working a second job – often without the permission of the Police Service.

Instead of addressing that problem, which is the core issue, by paying police properly, the Minister has instead opted to regularise the problem and offer police services to those who can pay for them. The Police Service would act like an employment agency, contracting out off-duty officers, in uniform, to private interests. The Minister’s view is that this scheme would allow the Service to control the secondary employment of police in a formalised structure that manages it appropriately.

In fact Mr Costa points to the current practice of charging for policing services at special events – a system that has been in place for many years.

This proposal is completely different from the current practice of charging for police services at special events. When additional police are allocated to special events, sporting events, or concerts they are on-duty officers who are provided by the Police Service to police the event. An event promoter might be allocated only

fifteen officers by the Service but they decide that they require at least thirty officers to make the event safe. The Police Service would reorganise rosters and provide on-duty officers for the event. The Service would then charge the promoter for the cost of the difference – which is only reasonable.



If police are off-duty and working on contract, in uniform, for private industry it will place them in a position that compromises both their integrity and their independence. The officer’s loyalty will be split between the community that they are policing and the employer that they are contracted to while off-duty. A number of problems emerge from this dual loyalty.

If a police officer is working for a shopping centre and is aware of a crime being committed elsewhere they may not be able to leave their post and deal with the more urgent crime elsewhere. In other circumstances there may be pressure applied to them, for example, to charge a youth for shoplifting because their contractor demands it, when in other circumstances it would be more appropriate to caution the offender.

This policy could also undermine or

pressure for the police to supplement their budget by contracting out for more work and income. The police will be forced to pay for themselves by actively pursuing contract policing. Inevitably this will lead to more policing for those who are paying the money while the rest of the community misses out or is left with a sub-standard service. If the trial is successful and the Minister adopts this practice permanently then New South Wales may well end up with “the best police that money can buy”.

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jeopardise a prosecution, as a jury may not be satisfied that a police officer, as the main witness to a crime, is truly independent. The jury may believe that the officer is hiding the truth because at the time of the arrest they were off-duty



and working under contract to the business, and they have a motive to protect the business that ultimately pays their wage.

The Consequences of contracting out and reliance upon it

At another level if police contracting is successful then in the future we will see

The Minister should consult widely about these sort of explosive proposals. Unfortunately it seems that he often limits the consultation process to his advisers and the police. A serious problem is now emerging in that Minister Costa is easily swayed by the views of powerful interest groups or individuals.

A “shock jock lynch mob”, as the NSW Supreme Court Chief Justice calls them, is proving to have a larger influence over government law and order policy than logic, evidence, and common sense.

For years now we have noticed, as civil libertarians, the increasing influence of business and the private sector and their ability to undermine rights. Governments were once responsible in the main for violating civil liberties and business is now quickly assuming that role. Now they are going to be able to purchase the State’s police force and have policing conducted in a way that suits them, which is not necessarily in the interests of the broader community or justice. We can look forward to a cosy relationship between the police and their new masters - those who contract their services.

