

The European Model of public-private partnership

By Willem VAN Hassel, President VPB, the Netherlands

According to the program, during this working session a number of questions should be answered, namely

- The contributions of the private sector to the general debate and policies of public security.
- How to further develop these contributions.
- What must be the framework for such contribution.

Let me start simply by giving you a few examples of initiatives and participation by private partners in projects and structures aiming at improving public security. These examples are derived from the report of the seminar Public-Private Partnership (PPP) held on 16/17 December 2002 in the Hague. This seminar was sponsored by the Dutch Ministry of Justice and the Dutch Association of Insurers, and also by the European Commission. The latter seems to be a good example of the facilitating role the Commission can play, and to my opinion should play, to foster and encourage a closer cooperation and to improve the communication between public and private parties in the security field. I will come back to the European dimension after having presented the following examples of private involvement and further comments thereon:

1. In France

Since 1995 the law “*D’orientation et de Programmation de la Sécurité*” facilitates joint security actions between the State, local authorities and private partners. Prevention has been promoted by this law, as well as the use of new security technologies like camera observation. Subsequently, since 1997 hundreds of “*Contracts Locaux de Sécurité*” have been entered into between the “*Préfets*” (representing the Ministry of Justice and judicial authorities), local authorities, and private partners in the fields of public transportation, council housing, health service and the commercial sector. Nowadays, numerous activities are taking place such as the recruitment of agents for social mediation, training for caretakers, investment in technical security measures in urban restructuring operations, and social mediation services dealing with minor conflicts of daily life.

2. In Finland

Supervised by the security committee of the Federation of Finnish Commerce and Trade, the so-called Kauries project was set up to make an end to the strong increase of shoplifting and violence in shops since the late nineties. The project consists of risk assessment, organisational and technical measures, training, post-incident support, etc. The project is reported to have strong positive results.

3. In England

Also worth mentioning is the impact of the “Crime and Disorder Act” in England, requiring the police and local government to develop crime prevention partnerships. Participating retailers share information on known thieves who can be put under an effective surveillance and intercepted. Sophisticated data bases have been developed that store photographs and information, and have crime analysis capabilities. A city like Birmingham is reported to have retail crime reduced by 47% in three years.

(Note: with respect to this particular example from England, one has to bear in mind that there are great differences between the EU members in their interpretation of the EU Data Protection Directive. However, time does not allow me to further explore privacy aspects but it should be recognized that the diverse interpretation of privacy regulation, being in some countries an obstacle for effective public-private crime control, should be placed higher on the EU - agenda.)

My selection of examples and countries has been arbitrary. Nowadays, each European member state is developing programs to work with the private sector in the security field to improve security and to contain crime. Likewise, governments and public authorities are increasingly prepared to join private initiatives and to benefit from the specialist knowledge and experience of the private sector. Specialist knowledge and experience are, indeed, what I would call assets in the combat against crime. A proper use of these assets can result in remarkable successes. For instance, the Robberies Project Team, being a PPP of police, public prosecutor and the business community in my country, caused the incidence of robberies to drop by 25%, achieving its objectives: fewer robberies, fewer people hurt, fewer spoils, and more change of perpetrators being caught.

Notwithstanding the vast cultural differences and the great diversity in social circumstances and backgrounds between the EU Countries, one can watch, ladies and gentleman, a significant increase of crime and violence throughout

Europe during the past 5 a 10 years and everywhere a decrease of social control that in the past helped to minimize crime. Consequently, the police are not in control any longer. Thus, people are feeling less safe and secure. And so, security has become a problem that must be shared by government and society together. This is what's happening nowadays and is resulting in a fast growing number of joint activities and solutions by public and private parties.

Once public and private parties are concentrating their focus, usually the acronym PPP is used. However, the content does not always answer to the description and, really, this is the case with the word partnership once the public sector is involved. Partnership presumes equality between the partners and does not leave room for hierarchy. However, not only in my country but I think in all of the EU order and security in the public domain are the exclusive responsibility and, indeed, a core task of government. Because of this, governments respectively the public sector should remain fully responsible and fully in charge of any measures and actions to maintain (or restore) order and security in the public domain. Consequently, the public sector can only contract out certain tasks in the public domain provided that it remains fully responsible. Also the public sector cannot give away or delegate its special criminal investigation powers.

Although we are not assembling here in Madrid for a semantic discussion about (the meaning of) the word partnership. I would like to point out that the final P in PPP could also mean "participation". Not only does this solve my linguistic problems, it also provides for a proper description of the successful approach that an increasing number of countries are adopting to fight crime, to tackle petty offences and to increase security. This approach consists of public - private participation in (local and regional) networks whereby:

1. each partner retains their own responsibility;
2. the parties work together to achieve joint and clear objectives
3. there exists a clear division of responsibilities, tasks and authority
4. there is no hierarchy amongst the parties.

To my opinion the private security industry should participate actively in these networks, not only to increase the sector's credibility and public image but also because of its expertise, its innovative capabilities and its flexibility. In the near future we might expect the public sector and the police to leave to the private sector an ever increasing number of tasks concerning public order and safety in neighborhoods, shopping centers and industrial business zones. Because of this, I would strongly advocate a more active role of the private security industry in the debate about public order and safety. More in particular I would aim at the exchange of knowledge between public and private services that might enhance

the use of ‘best practices’. A certain degree of competition with the private sector might even give rise to improvements in the public crime control sector.

So far I have been discussing ppp’s in their meaning of “participation” in crime control and public safety networks. Apart from the involvement of the private security industry in this kind of ppp’s, one can also watch a tendency towards a greater role of the private sector with the safeguarding of the public domain. In this connection, the Dutch Minister of Justice has recently presented Dutch Parliament a framework for the enlistment of private services for the protection and safeguarding of the public domain by local and regional governments. This framework leaves in tact the exclusive competences and responsibilities of government in the public area but allows the police to engage private services as “their eyes and ears” in the public area. In addition thereon, in the near future employees of private security organizations, after a special training, will be able to obtain a kind of public status (of course under strict conditions) allowing them to report offenders of clearly defined, minor offences and petty crimes. However, under no circumstances these “private officers” will be allowed to use violence, to carry fire arms, to enter private property or to exercise other special powers of public officers (the police).

This development, ladies and gentleman, might be seen as the government’s recognition and appreciation for the private industry’s large investments in quality and integrity during the past decade. One could not have expected this enlargement of the private’s sphere of work without today’s vocational training infrastructure which has its roots in the Dutch Private Security Act.

As it happens, our gladness at this development did not last very long. Only a week ago the European Court of Justice in Luxemburg has ruled the Dutch Private Security Act to be in conflict with the European Treaty and more in particular the Service Directive so far as the Dutch Act requires non-resident security industries to apply for a Dutch permit without taking into account requirements and obligations in their home country. More or less the same is ruled with respect to the integrity check of non-resident employees of non-resident companies. Earlier, the European Court has also rapped the Belgian and Portugese Governments over the knuckles with same rulings, thereby frustrating national governments attempts to upgrade the private sector’s quality and integrity level.

Of course, the principles of freedom of movement and establishment within the European Union are of enormous value. But to my opinion these principles

should not be used to undermine national regulations and measures to improve quality and integrity in the interest of the public and society. That's why we should look further for European Model of public-private partnership based on a level playing field. That should be achieved by a mutual and general recognition at European level that the public interest in safety and security will be best served by adequate legal standards for integrity and quality, preferably to be developed in close cooperation between the public sector and the private security industry.

Willem G. van Hassel