

## **Does Private Vigilance Mean Vigilantes ?**

### **A Personal View by Stewart Kidd FSyI**

Recent discussions on a range of issues including the rights of the householder to protect his or her family and possessions as well as the wider role of private security and public participation in 'policing matters' overlooks one vital matter. The whole of western law enforcement philosophy (indeed the core of the concept of modern policing) is based on the idea that the populace gives up its rights of self-protection when others are employed to undertake that function.

When the Saxon system of Frankpledge (where a group of ten villagers were held mutually accountable for each others' good behaviour) was superseded by first the constable and then the justice of the peace, this was in response to a system which no longer commanded the respect of the populace and was seen to be ineffective.

The whole of the modern criminal justice system is founded on a single principle - that of the willingness of the population to be policed. There is a contract between subject and state where a citizen agrees to give up his or her 'natural rights' in return for the protection of the state. If it *is* true that this contract is no longer valid (and this is what the critics of the present system appear to be tacitly acknowledging) then it is clearly time for another change.

Young policemen learn quickly (more quickly than lawyers or politicians) that law and justice are very different concepts. It is only when the people as a whole realise this that they start to try to reclaim the rights abrogated by the state.

When businesses feel they have to spend huge sums of money on electronic devices and security personnel; if schools and churches are no longer places of safety and hospitals have to hire uniformed guards to protect staff and patients, they too are expressing most eloquently what they think of the value of the 'contract'.

Vigilance and self-protection is not vigilantism neither does this necessarily pose the threat that some police officers and politicians seem to fear. The desire to protect home and hearth is fundamental. This instinct needs to be channelled not proscribed. The alternative is most certainly not more community safety officers (or 'Police Lite' as they have been unkindly but appositely described) although part-time 'community constables' as a concept may be worth trying in rural areas. (The nearest 24 hour manned police station is 14.2 miles from my village).

It is also worth considering how we got to the present situation where one of the the responses to street crime and burglaries is the development of the gated community or the security guard engaged collectively by residents of a neighbourhood or street. In my opinion, we reached the present crisis of confidence because we were told by police that we should leave it to them We were told not 'have a go', when faced with a mugger, we were told not to resist but to hand over our wallets and watches. We were also told that if we were on an aircraft which was hijacked we were not to resist, not even to make eye-contact with the hijackers. (It was indeed fortunate for the occupants of the US Congress and Senate that the passengers on UA Flight 93 ignored such 'good advice' the 9th of September).

Two-tier policing has already arrived in the UK (indeed, some might make a case for the fact that the use of private security guards in public places means that we actually have three tier policing). It is up to all of us in what is now being called the 'extended police family' to persuade our police colleagues that to make the best use of these resources will require a change in their attitudes and priorities. We should not have to accept the situation where the most senior operational police officer in England express public opposition to gated communities because these 'are invidious for social cohesion'. Gated communities are the visible expression of the lack of confidence in the modern policing model which has largely been brought in existence by the diversion of senior police officers (or managers as we must now call them)

from preventing crime and catching criminals to acting as part of the country's social welfare system. Given that for 40 years we have been told by the police that we are responsible for the protection of our homes it is strangely ironic that when this begins to be done effectively, those same police officers are the first to complain that this is 'a dangerous idea'. One of the attitude changes which the police service in the UK must accept if it is to survive in anything like its present form is that it must return to its roots - to rediscover the precepts of Mayne<sup>1</sup> and to proactively pursue law breakers rather than trying to change society.

There may even be an old solution to this new problem. When an Anglo Saxon community had had its fill of a persistent law breaker, or where someone persistently refused to respect the rights of his neighbours he was cast out of the community and declared 'Outlaw' - literally, he became 'outwith the law', no longer entitled to its protection and subject to attack and even death at the hands of his any man.

While not proposing a revival of the Statute of Edgar (AD 959 - 979) it would be worth considering whether the present debates on what sort of measures one takes to protect oneself from burglars should not include consideration of restricting the legal rights of the offender when on the premises of another. This would also obviate the sort of situation which arose recently when a teenager was awarded more than £560,000 in damages after falling through the roof of a warehouse upon which he was reportedly trespassing with intent to commit a burglary. (The press account of this example of justice in action notes in passing that both the boy's mother and her cohabitee were currently serving three years imprisonment for running 'a heroin and crack cocaine business from their council house').

Those of us who work in security are well placed to influence not only our employers but also the government, Parliament and the civil service - we should recognise that change is needed and use our experience, expertise and credibility to ensure that whatever methods are adopted do not further erode the rights of peaceful enjoyment of property and that legitimate expressions of concern for the rights of the property owner and householder should not be dismissed with cries of 'Vigilantes'.

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<sup>1</sup> "The prevention of crime, protection of life and property, preservation of public tranquillity."  
Aims and Objectives of the New Police: Sir Richard Mayne, 1829.