

Why The Privatization Of America's Police Is Such A Dangerous Trend

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Though a potent effort to silence dissent is underway in the US, directly doing so would be a flagrant breach of constitutional rights. And so the ostensible explanations for tactically-gearred police at peaceful protests and insidious surveillance programs fall under nebulous terms like protecting public safety, keeping the peace or national security. But when Kinder Morgan wanted to push through construction of a controversial gas pipeline, it felt no need for such pretenses—and its justification for hiring off-duty police officers highlights disturbing implications of a dubious national trend: the privatization of American police.

KMI spent more than \$50,000 from June to October 2013 to employ uniformed, off-duty police in marked patrol units to “*deter protests*” in order to avoid “*costly delays*” for pipeline expansion in an environmentally sensitive area in Pennsylvania. Documents obtained by Earth Island Journal [show](#) the [self-proclaimed](#) “*largest energy infrastructure company in North America*” had “*experienced protests from local activists*” over its Northeast Upgrader Project, and therefore wanted to hire police to “*provide a visible presence [...] to create a deterrent effect.*”

Of course, employing off-duty police for corporate security is not uncommon, but it becomes another matter when they are hired for the purpose of thwarting dissent against a private interest. David Rudovsky, a civil rights lawyer in Philadelphia and a Senior Fellow at the University of Pennsylvania Law School, explained in Earth Island Journal, “*It is politically and socially entirely inappropriate for a private company to be able to hire a police department and use its officers to try to intimidate protesters of one stripe or another.*”

As Mary Catherine Roper, deputy legal director of the ACLU in Philadelphia, said, “*If they are actually being instructed to deter protest that’s not okay. That’s just flat out unconstitutional.*”

Therein lies the basis for a legal gray area concerning the blurring between public and monied interests, which has been quietly growing while public focus rests on the parallel issue of police brutality. When an off-duty police officer is hired by a private interest but wears the uniform and drives the vehicle indicative of public duty, whose interests are they protecting? Though municipalities differ in policy detail, police maintain their law enforcement authority, including powers of arrest, when they operate in an off-duty capacity; so when tasked with security for a corporation, they are ostensibly a privatized police force.

It can be of little wonder that corporations would choose off-duty law enforcement over private security when they wish to protect controversial projects: the impartiality required

while on duty is not the same when bound by terms of private employment. This phenomenal conflict of interest was aptly explicated over 25 years ago in The New York Times, which [predicted](#) a trend toward

“...the privatizing of security in American society with the development of private police forces. [Which] [...] are not bound by all of the regulations and civil liberties concerns imposed on the public police to protect both complainants and defendants. Yet by hiring off-duty city police, these companies gain access to the power of arrest and the mantle of official authority that other agencies lack.” [emphasis added]

Naomi Wolf zeroed in on the same contention in a 2012 [article](#) appearing in The Guardian. Questions arose about off-duty NYPD officers acting as security inside private banks:

“Were Chase, TD, Bank of America and others, which had been targeted by activists, actually now employing our police forces directly? The answer is yes. [That NYPD program] has been set up so that private corporations are actually employing NYPD officers, who are in uniform and armed. The difference is that when these “public servants” are on the payroll of the banks, they are no longer serving you and the impartial rule of law in your city – despite what their uniform and badge imply.” [emphasis added]

So how do you know when a uniformed officer is acting as an impartial public servant or as an armed, corporate employee? Obviously, you don’t.

There are certainly numerous ambiguities surrounding this ostensibly privatized police force, most notably the use of excessive and deadly force already displayed in these officers’ public roles. As University of Missouri-St. Louis criminology professor David Klinger [explained](#) to ThinkProgress, regardless of the public or private capacity, the law on deadly force “says you’re allowed to shoot when your life’s in jeopardy.” And speaking to accountability, the same rule applies to on or off-duty work: “If it was a bad shooting, the department has to own it.”

How comforting it is to know the “I feared for my life” excuse applies equally to both on and off-duty law enforcement. But don’t fret—“we investigated ourselves and found we did nothing wrong.”

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