The creation of Police Scotland in 2013 has sparked an important debate about the nature of the relationship between police, politics and communities in contemporary Scotland. The impact of the developments (changes in both style and governance of policing) has been to create a new politics and a new level of politicisation of policing. Following the resignation of the Chief Constable in 2015 and a change in Justice Minister, there is now a focus on a ‘new start’ for the national force.

Although it is common for people to talk of ‘British’ policing, the last 4 years have seen a remarkable divergence in the way the police are organised and governed between Scotland and the rest of the country. In England and Wales the Police Reform and Social Responsibility Act 2011 has introduced 43 locally elected Police and Crime Commissioners with responsibility for each police force budget and holding chief constables to account. In Scotland, the Police and Fire Reform (Scotland) Act 2012 passed by the devolved Scottish Parliament brought about the merger of Scotland’s eight regional police forces to create a national police force.

The contrast between a commitment to localism in policing in England and Wales and centralism in Scotland could not be starker. Indeed, Scotland’s police reforms mark one of the most radical public sector reforms for a generation, and arguably the biggest change to the policing of Scotland since the nineteenth century. Not surprisingly the creation of Police Scotland (which became operational on 1st April 2013) has sparked an important debate about the nature of the relationship between police, politics and communities in contemporary Scotland. Presented by the Scottish Government as a way of strengthening the connection between the police and local communities, the architects of reform also highlight the benefits of ending a very uneven picture in terms of access to specialist policing resources. Critics by contrast, claim that reform has brought about a significant local democratic deficit, a strong focus on enforcement and the emergence of a ‘one size fits all’ approach to policing for the whole of Scotland.

The context to police reform in Scotland

The history of modern policing in Scotland (like that of England and Wales) is characterized by periods when local police forces have been merged to create larger regional police organizations. In the 1850s, for example, there were over 90 local forces in Scotland but only half this number 100 years later. By the early 1970s the number of forces had halved again to 22 and by 1975 there were just 8 forces aligned with the boundaries of new regional authorities.

Given this history, the merger of these 8 forces to create a single national police force in 2013 might seem like the inevitable end point in a process of force amalgamations. Yet such an assumption would be misleading. The need for reform was set against a background of concerns about the economic crisis affecting the UK and the depth of public spending cuts required in Scotland. As a result a project to identify a ‘sustainable policing model’ was initiated within government in 2011 and a public consultation on reform carried out seeking views on 3 options: retaining the existing 8 forces but requiring enhanced collaboration; creating 3 or 4 larger regional forces through mergers; and establishing a new national police force.

The key findings from these two initiatives were rather different. The report of the Sustainable Policing Project was clear in its support of a national police force saying it would improve efficiency and allow for significant financial savings. The results of the public consultation published three months later suggested, however, that public opinion was far from supportive of national police in Scotland. Less than 10% favoured this option.
At a broader level, however, a more critical narrative has emerged about the impact of Police Scotland.

The strategic priorities for the SPA are set by Scottish ministers and the SPA must produce a three year strategic plan as well as an annual police plan in consultation with the chief constable.

Third, the Act has made ‘local policing’ a statutory requirement at the level of the 32 council areas. Each area has a local commander with responsibility for preparing a local policing plan and for consulting with the local council over this plan. The local council must also establish arrangements for the scrutiny of local policing but the Act does not prescribe what form this scrutiny should take.

Fourth, the Act sets out a normative vision for policing in the form of a set of ‘principles’ which offer a narrative of policing based on partnership working, community well-being and harm reduction:

*the main purpose of policing is to improve the safety and well-being of persons, localities and communities in Scotland, and that the Police Service, working in collaboration with others where appropriate, should seek to achieve that main purpose by policing in a way which (i) is accessible to, and engaged with, local communities, and (ii) promotes measures to prevent, crime, harm and disorder (Police and Fire Reform (Scotland) Act, 2012, para.32).*

Informed by these principles, the duties of a police officer are restated to include not only preventing and detecting crime, maintaining order, and protecting life and property, but also to act with fairness, integrity and impartiality, uphold fundamental human rights, and give ‘equal respect to all people, according to the law’.

**Emerging evidence of impact I: changes to the style of policing**

As Police Scotland has become established two contrasting narratives have developed around its impact and achievements. On the one hand, both Scottish Government and Police Scotland have focused on framing the achievements of the national force in terms of a new public management discourse of efficiency, effectiveness and ‘benefits realisation’. According to Scottish Government, reform is already delivering savings through the rationalisation of the senior command structure and improvements in effectiveness by enhancing national capacity in areas like air support, major crime investigations, and roads policing.

Similarly, Police Scotland has provided a detailed self-assessment of how they perceive their progress towards delivering local community and policing priorities, improved collaborative working with partners, improved delivery of specialist resources, establishing consistent training, and the streamlining of command and control. In addition, through the establishment of the Scottish Crime Campus the capacity and capability to tackle terrorism and serious and organised crime has been enhanced by co-locating specialists from Police Scotland along with staff from the UK National Crime Agency, Revenue and Customs, the public prosecutors office, and...
forensic services. These achievements are also linked to how Police Scotland has been able to deliver on the Scottish Government’s savings targets without any reductions in police officer numbers.

‘Strathclydification of policing’

At a broader level, however, a more critical narrative has emerged about the impact of Police Scotland. A media and political discourse has developed around what was called the ‘Strathclydification of policing’ in Scotland as commentators began to frame the creation of Police Scotland in terms of a ‘takeover’ by Strathclyde Police rather than a ‘merger’ of eight forces. This is linked to the fact that the Chief Constable of Strathclyde, Sir Stephen House, became the first Chief Constable of Police Scotland and evidence used to support this contention included the introduction of a performance management system for Police Scotland based on that which had operated in Strathclyde Police and characterised by a strong focus on enforcement-related key performance indicators.

Another example cited to support the claim of ‘Strathclydification’ was an operation carried out by the new force on saunas in Edinburgh. This operation involved a series of raids by the police on businesses, which had previously been tolerated as part of the old regional police force approach to the sex trade in the city. According to the Convenor of the Scottish Parliament’s Justice Committee, these raids provided ‘quite a dramatic example of the fears that local policing — which seemed to be succeeding in a different way in a different place — was being overridden by a national attitude that came from the top’.

Stop and search

Of greatest significance in the debate about ‘Strathclydification’ has been the increasing use of the police tactic of ‘stop and search’ across Scotland. Before reform stop and search rates varied significantly across the old regional forces. In the nine months following the establishment of Police Scotland the number of recorded stop and searches increased in over two thirds of local council areas. Despite increasing number of critical voices expressing concern that the wide spread use of this tactic might have negative consequences, particularly for the relations between the police and young people, Police Scotland remained committed to using their powers to stop and search people.

As public concerns grew around stop and search, the Scottish Police Authority undertook a review of Police Scotland’s policy and practice for stop and search recommending that more attention should be focused on balancing policing needs with the rights of individuals, the need to make better use of analysis tools to support the targeting of stop and search, and the need for improving officer training. The Authority also concluded that they could find no robust evidence to prove a causal relationship between the level of stop and search activity and violent crime or anti-social behaviour.

Against the background of these concerns, in 2015 the Scottish Government appointed a judge to look at the use of stop and search by the police which recommended the introduction of a new code of practice and abolishing the ability of the police to stop and search someone when they had no specific evidence to indicate they were carrying anything illegal.
Emerging evidence of impact II: changes to the governance of policing

The controversy that has surrounded the style of policing adopted by the national force has been mirrored by debate regarding the new arrangements for police governance and accountability at national and local levels. At the national scale, police reform has created a new arrangement comprising Scottish government ministers, the chief constable and the Scottish Police Authority. In terms of structure, this arrangement is not dissimilar to what existed locally within each police force area before reform. A major criticism of the pre-reform arrangements, however, concerned the differences in power relations between the three partners, with ministers and the chief constable being more powerful actors within the local tripartite structure than the police authority. These differences now appear to have been reproduced at a national level.

The clearest example of this occurred within months of the Police Reform Act being passed and centered on differences between the chief constable of Police Scotland and the Chair of the SPA regarding their interpretations of the legislation covering their respective roles and responsibilities. Lying at the centre of the disagreement was a difference of view over the location of the positions of the Directors of Finance and Human Resources for the police service. The chief constable believed these key strategic roles should be located within Police Scotland, while SPA believed that they should lie with them. The Scottish Government stepped in and requested that the SPA board ensured that the chief constable has access to police staff to assist him in relation to his administration responsibilities in the areas of HR and finance.

The significance of this episode is that it clearly revealed the underlying differences in the power relations between the three elements of the governance structure at a national level, with the SPA being in the weakest position.

Local influence

These difficulties in establishing effective governance arrangements at a national level have been paralleled by tensions around the relationships between Police Scotland and local councils. As was outlined above, the Police Reform Act has removed any formal role for local authorities in the governance of the police and limits their role in influencing the delivery of local policing to their approval of local police plans. Police reform has therefore brought about a fundamental shift in the relationship between local authorities and the police away from one of governance and accountability towards what is being referred to as ‘scrutiny and engagement’. How local authorities perform their role in scrutiny and engagement is a matter for them as the Police Reform Act encourages flexibility and the need to be responsive to local conditions.

However, few local councils appear to be happy with...
The traditional political consensus around policing matters has now been fundamentally disrupted

these new arrangements. Their concerns partly relate to the production of the local policing plans, which are the responsibility of the local police commander. Although a local council must be consulted and give its approval to the plan, not only is their voice only one among many that might inform the plan, it is also unclear what would happen if the council withheld its approval.

Such concerns are exacerbated by what is seen as a lack of influence over the delivery of local policing in the face of decisions taken at a national level. Local authorities feel policing has become more centralised with national priorities, such as stop and search being imposed from above on local police commanders. This is creating a ‘collision’ between national and local priorities.

Powerless

Within the first few months of the establishment of Police Scotland, several examples of the powerlessness of local authorities became apparent. One concerned the decision by Police Scotland to either close or reduce the opening hours of public counters in local police stations in an attempt to reduce costs so as to meet the savings targets set by them by Scottish Government. Local councillors were not only unhappy about this decision but also by the lack of communication and consultation about this with the affected communities.

A second example concerned the decision that firearms officers were to carry their weapons while on routine patrol rather than these being kept within a locked compartment in a police vehicle until they were needed. This has caused particular concern in the northern area of Scotland which has the lowest recorded crime rates in the country and where the decision has been opposed by local councillors and local members of the Parliaments in Edinburgh and London.

The council took its concerns to the SPA, which took the view that this was an operational matter for the chief constable and thus an area in which they cannot intervene. This left councillors feeling that they were powerless to influence decisions taken at a national level. However, within a few months of these concerns being voiced, the chief constable then announced that, having listened to public concerns, Police Scotland would only deploy armed officers to incidents where there was a threat to life rather than carrying their weapons while on routine patrol.

Conclusions: a new politics of policing?

While it is too early to come to a definitive assessment of the implications of police reform in Scotland, the impact of developments discussed in this paper, particularly the extensive use of stop and search and the decision to allow the presence of armed officers on the streets while on routine patrol, has been to create a new politics and a new level of politicisation of policing in Scotland. The traditional political consensus around policing matters which had prevailed for much of the latter part of the 20th and early part of the 21st century has now been fundamentally disrupted as political parties that were supportive of reform (Labour and Conservative) as well as those that were opposed (the Liberal Democrats) have attacked the SNP Government and called for the resignation of the Justice Minister.

The focus of their attack has been on what they see as significant shifts in policing policy (exemplified by stop and search and the arming of officers) but which the Justice Minister has viewed as matters of operational responsibility for the chief constable. Clearly such politicisation was not an inevitable product of reform but a combination of how the structural features of the changes, as well as the influence of individuals, have come together to create an environment in which political debate about policing has become much more prominent than in the past.

‘New start’

The pressures of that political environment became even more intense during 2015. In July 2015, for example, it took Police Scotland three days to respond to a report of a car that had crashed off a motorway by which time the driver had died and the passenger who was badly injured then also died after being taken to hospital. In September 2015 the Scottish Government announced a review of police governance and held a summit on localism and policing in order to address growing concerns about the centralisation of police decision-making. And in October 2015 a staff survey was published by Police Scotland which revealed that a third of staff planned to leave in the next year and a quarter felt they didn’t have the resources needed to do their jobs.

Against this background, the Justice Minister who oversaw police reform has been replaced, the Chief Constable resigned from his post at the end of November 2015 (nearly a year early) and the Chair of the SPA has also been replaced. These changes to the senior personnel responsible for policing in Scotland have prompted speculation that the pressures associated with the creation of the national police force had become so intense that there was a need to signal ‘new start’. It will now be interesting to observe what that ‘new start’ will look like in practice.