

The Police Service of Scotland: some reflections on the past, present and future

by Professor Kenneth Scott

1 April 2013 was a historic date in the development of policing in Scotland – Day One of operations for the new Police Service of Scotland or Police Scotland, as it has branded itself. It was the start of a new single police force for Scotland, replacing the eight territorial forces and two national police organizations - the Scottish Police Services Authority (SPSA) and the Scottish Crime and Drug Enforcement Agency (SCDEA) - and employing 17,436 police officers and 5,637 police support staff, making it the second largest police organization in the UK after the Met

Firstly, looking to the past, why has Scottish policing moved in the direction of a single force? It was certainly not inevitable that Scotland would follow the path of merger into a single police force, especially in the light of events south of the Border and the turning away from mergers in England and Wales. In retrospect, the process of police reform through creating a national police service in Scotland appears to have progressed slowly through a series of stages towards merger

Over the years, there have been a few *straws in the wind*, a number of instances where the possibility of a single force was raised. As early as 1962, the Royal Commission on the Police considered the issue and came down on the side of the tripartite system of partnership between central government, local authorities and the chief constable to run local police forces. The Commission was not opposed to a national police service for Scotland, or indeed for England and Wales. The *Final report* commented that there was a robust argument for central control of the police and discounted *any suggestion that a unified police service would endanger liberty or facilitate the overthrow of lawful government*. The Commission simply believed that a national set-up was inappropriate at that particular time

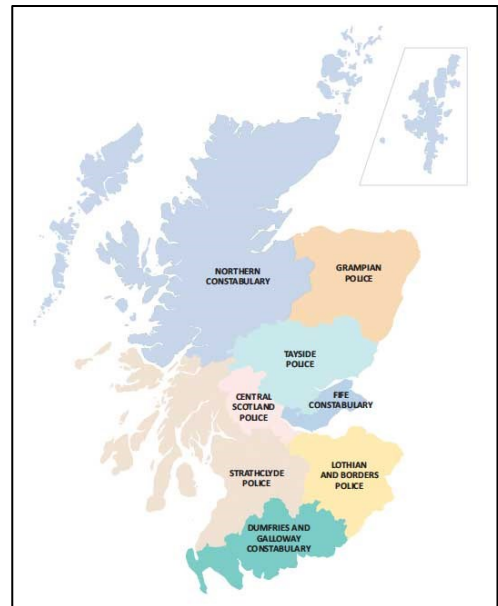
Over the years a number of individual senior officers and academic observers lent their support to the idea of a single Scottish police force or, at least, to some form of police force restructuring. In 1995 Sir Leslie Sharp, then Chief Constable (CC) of Strathclyde Police, did so in a *Police review* article, but appeared to be out of step with his fellow chief constables in favouring a single Scottish force. In 2004 Paddy Tomkins, then CC of Lothian and Borders Police, appealed for an open and wide-ranging debate on Scottish policing, centred on the idea of a *Scottish national police service*. His argument was that increasingly there were issues of national policing which local forces, even one the size of his own, were not resourced to tackle. In 2005, two police academics, Donnelly and Scott, laid out the first comprehensive set of arguments in favour of a single Scottish force

The second stage in the process came with a much wider debate about police reform, and with people beginning to *pin their colours to the mast* on one side or other of the issue. While the official position of the Association of Chief Police Officers in Scotland (ACPOS) was one of neutrality, the views of chief constables did become increasingly public, and divided. Some, often from smaller forces or forces outside the more populous areas, clearly stated their opposition to such a national force. Others were not averse to reform or restructuring, for example through sharing of backroom services, but found it difficult to go public due to sensitivities with their local police boards. However, increasingly a number of senior officers spoke out in favour of a single force. These included the CC of Scotland's largest force, Strathclyde Police. In a series of public statements, Stephen House argued that a national force would help protect police numbers because of the savings that would be made on infrastructure and would also allow better access to specialist expertise across Scotland

Importantly, having moved on to become Scotland's Chief Inspector of Constabulary, Tomkins now continued to press for consideration of certain high-level policing be strategically directed at a national level. His *Independent review of policing* in 2009 recommended that Scottish Ministers bring forward draft legislation to impose a *statutory duty* on chief constables and police authorities to take into account in all decision-making Scotland's national policing capacity and capability

The arguments at this stage stemmed largely from the *three Es* of the in-vogue New Public Sector Management, namely *Efficiency, Economy and Effectiveness*. However, there was also a fourth *E* which cropped up, equality of delivery, referring to the right of citizens in all parts of Scotland to receive the same quality of policing

This aspect of the argument particularly related to force boundaries, hangovers from reform of local government back in the 1970s which had since become out of alignment with the boundaries of local councils and with the boundaries of crime and disorder, which were now more likely to be national and international. The problem with the eight-force structure of Scottish policing was not that it had one police force, Strathclyde, covering half the country, but that it had no fewer than seven forces covering the other half. Several of these had fewer police officers in total than were contained within a single Strathclyde division. The structural issue was complicated further by the existence of the SCDEA, an all-Scotland organization staffed by seconded officers from the eight forces, and a national support organization, SPSA. The argument was that a single force could provide a national framework into which both local and national policing would fit in a more balanced way to tackle problems that went beyond existing territorial boundaries



In addition, and contrary to the official descriptions, the existing model of policing in Scotland was not merely eight separate forces, but rather eight forces delivering policing at a local level, in co-operation with, and strongly constrained by, a multi-level and wide-ranging series of national influences and arrangements. These included: a Scottish policing performance framework which laid out national objectives and outcomes; a national crime recording standard for compiling criminal statistics; a Scottish Strategic Assessment listing the main priorities for Scottish policing; as well as the central services relating to training, criminal records and forensic services. On the basis of this, Donnelly and Scott argued that *what Scotland has, to all intents and purposes, is a national police service in embryo* and it made sense to recognise this by developing a single national structure. The final step in the reform process came with a series of events, emanating from the wider social, political and economic context of policing, but which acted as a catalyst for change within policing

Originally, the Scottish National Party, which formed a minority Scottish Government in the Scottish Parliament in 2007, not only did not have police mergers on its agenda, but the Cabinet Secretary for Justice made clear on a number of occasions that there were no plans to merge Scottish police forces to create a national police service. Indeed, it was the main opposition party, Scottish Labour, which was first to publicly announce its policy commitment to a single force

Within a relatively short time, however, the message from the Scottish Government had changed: a combination of the economic crisis of 2008 and the resulting cuts in public

spending meant that the police would need to share the burden of these cuts with significant reductions in funding over many years. The SNP Government was won over instantly to the idea of reform by its potential for financial savings

In September 2011, the Justice Secretary stood up in the Scottish Parliament and announced that he would now introduce legislation to create a national police force. In the final debate on the *Police reform Bill* in the Scottish Parliament, the Cabinet Secretary claimed that the measure would save the Scottish taxpayer £1.66bn over 15 years. Despite some scepticism about these figures from opponents, the business case for a single force was, and remains, its prime official driver

So what exactly is it that police reform in Scotland has produced so far, in the present?

The *Police and fire reform (Scotland) Act 2012* is, without doubt, the most significant piece of police legislation in Scotland in over 40 years, replacing the *Police (Scotland) Act 1967* as the bedrock of Scottish policing

The Act contains a number of important clauses

- It establishes a national police force called the Police Service of Scotland under the direction and control of a single CC. The chief's overarching responsibility is to develop a national strategic plan for the service and to publish annual policing plans. The aim is specifically to secure continuous improvement in policing
- Governance of the PSS lies with a new body called the Scottish Police Authority (SPA). Its main functions include resourcing the Police Service, promoting and supporting continuous improvement in policing, and holding the chief constable to account. The Authority consists of an independent chair appointed by Scottish Ministers and a membership of *not fewer than 10 nor more than 14 other members*. So far, 12 members have been appointed through the standard public appointments system
- Local policing becomes a statutory requirement and is to be organized at the level of Scotland's 32 local authorities. For each council there must be a local commander with responsibility for the policing of the area and for the preparation of a local policing plan. This will set out the main priorities and objectives for the policing of the local area, along with the reasons for selecting these, the arrangements for achieving these objectives, and the outcomes by which these priorities and objectives may be measured. The local council must be consulted in the preparation of the plan and must approve it, although the local commander may also consult with others, as deemed appropriate
- The Act includes a set of *policing principles* which state that *the main purpose of policing is to improve the safety and well-being of persons, localities and communities in Scotland*. The Police Service is required to work in collaboration with others, as appropriate, 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*
- There is a fuller statement of the duties of a police officer which goes well beyond the traditional *guard, patrol and watch* of the 1967 Act. These duties include: preventing and detecting crime; maintaining order; and protecting life and property. Within the new declaration sworn by constables on entering office, there is an explicit requirement to act with fairness, integrity and impartiality, as well as upholding fundamental human rights and according *equal respect to all people, according to the law*

In its internal organization, Police Scotland has attempted both to balance the local and national requirements laid upon it, as well as focusing on key areas of priority in terms of its policing principles and strategic objectives

- The senior command structure consists of one CC and four Deputies. The Designated Deputy's responsibilities relate primarily to the strategic and corporate development of the service, including reform. There is a Deputy for Territorial Policing, another for Crime and Operational Support and the fourth is for the Commonwealth Games and Major Events
- At Assistant Chief Constable level, there are three ACCs for Territorial Policing, distributed geographically between North, East and West Scotland, and there are three for Crime, with responsibilities for Major Crime and Public Protection, Organized Crime and Counter-Terrorism and for Operational Support
- In addition, there are senior police staff directors of Human Resources, and Finance and Resources, and an Executive Lead for Transformation
- In relation to an important area of local policing, there are 14 divisions, each headed by a chief superintendent. Several of these are co-terminous with the previous force areas. The divisional commanders are also the local police commanders in terms of the Act. For each local council within a division there is an area commander, a total of 32 chief inspectors across Scotland. Then for each of the 353 multi-member council wards in the country, there are local policing teams led by an inspector. Priorities are set and performance monitored at all of these levels and feed into national planning
- Operational Support tends to be organized on a regional basis with a number of specified locations - for example, marine and underwater policing, air support, dog and mounted branches - with the idea that these specialisms can be deployed anywhere in Scotland. There are six full-time Operational Support Units which are responsible for ground search, public order, and Chemical, Biological, Radiological and Nuclear (CBRN) response. As well as divisional roads policing units, there is also a national Trunk Road Patrol Group (TRPG) which polices the motorway system
- A Specialist Crime Division has been established and operates primarily at national level, although there are the necessary linkages with local divisions, especially for local volume crime and public protection. Major investigation teams now deal with all murders and large-scale/complex investigations across Scotland. There are regional syndicates which focus on serious crime and counter-terrorism. There is a national intelligence bureau and three regional sub-bureaux. A number of specialist units have been established, many in response to key areas of crime priority. These include: a Rape Taskforce; a Human Trafficking Unit; a Borders Police Command (for security at all ports of entry and VIP security); a Fugitive Unit (for enquiries re persons who have fled justice in Scotland); and a Public Sector Corruption Unit

These new structures are already demonstrating the potential for a number of key areas of policing to be organized at a level beyond the old force boundaries. Some of them are totally new and are only possible within a national service. At the same time local policing has been firmly consolidated on existing lines, and in many cases with existing personnel

If the creation of a national police force is truly conceived of as a process of reform, then there are going to be continuing issues which arise as Police Scotland moves forward. There are five areas that deserve brief mention in this regard

1. The cost reduction imperative

As indicated earlier, the pre-eminent reason for creating the Police Service of Scotland was to save money. At least initially and above all else, how successful Police Scotland becomes is going to be judged, at least by the Scottish Government, by how effective it is in reducing the costs of policing. The consequence is that virtually every decision about the structure, organization and operations of the new policing order is viewed in the light of cost-reduction

There was, of course, an easy win in this sense with merger itself. At a single stroke, the 35 or so chiefs, deputies and ACCs have been reduced to 11, representing a significant saving. High cost items such as buildings, vehicles and communication systems have benefitted from the legacy of previous forces

The circle that has to be squared in financial terms is the problem of police officer numbers. At a time when forces south of the border were appointing community support officers, in Scotland the emphasis was on recruiting more police officers. The SNP Scottish Government was held to its election manifesto commitment to increase the number of police officers by 1,000, a target which was quite speedily reached. As a result, on the eve of merger, police strength in Scotland was at its highest point ever (17,436). This commitment by the Scottish Government remains intact, which means that cost savings cannot be made by reducing the number of police officers, even with retirements or voluntary severance

The consequence of this is that cuts have fallen disproportionately on civilian support staff, and this at a time when the integration of officers and police staff has become much more important to the effective delivery of policing. Consequently, stories of police officers doing paperwork in offices instead of out patrolling the streets, although denied, are beginning to increase

With crime statistics at a 35-year low in Scotland and increasing pressure to reduce costs, it remains to be seen whether or not the present level of police numbers can sensibly be maintained

2. Governance

Police governance in the pre-reform era was, to say the least, decidedly dodgy. The tripartite system was increasingly in difficulty as the balance of influence between its three legs changed dramatically. Since Devolution, the central government leg represented now by the Scottish government became increasingly influential, although its formal powers changed little. The role of the CC continued to be underpinned by the doctrine of constabulary independence and the quasi-constitutional right to complete authority in all matters deemed to be operational – although even this was beginning to fray about the edges. That left the local government leg, in the form of Joint Police Boards – in Scotland, consisting entirely of local councillors – as the weakest link, increasingly seen as mere rubber stamps, with a lack of input to strategic direction, complete reliance on the police for scrutiny information and with members frequently unclear of their own role

The Scottish Police Authority is now charged with governance of the police service and already has had a fraught start. The possibility of political influence on board members appointed by a Scottish Government was seen as bad enough, but even before 1 April both the CC and the Authority Chair were consulting, separately, with their lawyers. The dispute was over the powers given to the Authority by the *Reform Act* on the one hand and the operational independence of the Chief Constable on the other. It was a disagreement which became very public, both in the Scottish Parliament and in the media. In short, as a result of the intervention of the Justice Secretary, victory went to the CC, with virtually all support staff, other than those directly servicing the Authority, coming under his control and direction

The question, therefore, is whether or not there is any independent governance of the new policing system. Whilst recognising the proper sensitivities around operational independence, Police Scotland is a major public service with a large budget. In Scotland, there is still an issue to be resolved about where the line is drawn between proper democratic governance of the police and appropriate independence in operational decision-making by the CC

3. Local accountability

Policing in Scotland has always been closely associated with local government. As we have seen, local councils have traditionally been involved in police governance; partnership working is primarily about police collaboration with local statutory and voluntary organizations; and in most areas community policing teams have been defined in terms of local council wards and local councillors were seen as important contacts. It is no surprise, therefore, that the Confederation of Scottish Local Authorities (COSLA) was one of the strongest opponents of a national force

The *Police reform Act* leaves local authorities to an extent in limbo in their relationship with the police. As we have seen, there has to be a commander for each council area, although some councillors have been disappointed that this role is undertaken by chief inspectors rather than superintendents. The local council can provide feedback to the local commander, ask for reports on the policing of the area and be consulted in the preparation of the local policing plan which the local commander must submit to the local council for approval. The local commander is required to provide reports on the carrying out of police functions, statistical information on complaints about the police, and other information about the policing of its area *as the local authority may reasonably require*

On what, if anything, councils can do about this information or how exactly they carry out these functions, the Act, as they say, is silent. The key issue is what happens when there is a divergence of opinion between what the local commander thinks are local priorities and what councillors think, especially if there are resource implications

Behind this lies a more fundamental principle. How is a national police service, with a statutory duty to provide policing at the local level, to be held to account at that local level? In the answer to that question lies whether or not Police Scotland can retain public confidence and can be assured of the consent of local communities to what it does

4. 'Strathclyde-ification'

During the debates on the Reform Act one of the recurring concerns was that a national force would inevitably be geared more to the needs of the more populous areas of Scotland, to the urban areas with the highest crime rates, rather than to the rural areas. In particular, this was seen in terms of a possible drain of resources away from areas such as the Highlands and Borders and into the Central Belt

However, there was another dimension to this, perhaps less frequently recognised, namely the tendency within a single police organization for the *style* of policing to become more uniform. This is especially the case where judgements of performance are based on the same indicators across the country

It was not a surprise that the first CC of Scotland would be the previous CC of Strathclyde, given that he was already in charge of policing half of Scotland and dealing with about 65% of its crime. What seems to have come as a surprise in some quarters is that the policing strategies and approaches used in Strathclyde would now be used in Scotland as a whole. It is this tendency which has been described as the *Strathclyde-ification* of Scottish policing

Ironically, the two main examples of this trend which have hit the headlines illustrate differences not between North and South, but between West and East. The first example was a controversial crackdown on sex in Edinburgh's saunas and related premises in raids involving 150 officers. This was despite the fact that these establishments were licensed by Edinburgh City Council. Edinburgh's approach to prostitution has been to turn a blind eye to sex for sale in licensed premises, while, in contrast, Glasgow City Council has traditionally taken a zero-tolerance approach to controlling prostitution. Some commentators have been quick to identify these raids as evidence of a Strathclyde

style of policing being extended, unacceptably, to a different part of the country. Police Scotland's view is that it will tackle criminality wherever it is found

The second example relates to the use of stop and search powers, again particularly in Edinburgh, and interestingly as a result of the matter being raised by a member of the Police Authority. Stop and search has been much less contentious in Scotland than in England and Wales, mainly because it has been more targeted and because it was generally believed to happen much less frequently. Up until now that is. According to Police Scotland's own statistics, over 186,000 stop and searches were carried out during April to June 2013 across Scotland, and in Edinburgh alone stop and searches increased by over 75% over the same period on the previous year. According to *The Scotsman* newspaper, there are *growing fears among politicians that the new force is being too heavily influenced by "Strathclyde-style" policing*

In this instance, it is not denied that the success of the Strathclyde force in using stop and search is the prime motive behind its use. Strathclyde saw a 49% fall in violent crime in the last five years of its existence and the targeting of knife crime was especially successful. The debate, however, has moved on as to whether or not the increase in stop and searches is a result of performance targets set for officers, which is denied, or are indeed intelligence-led

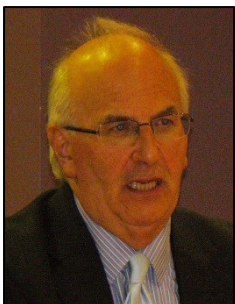
Scotland is a small but diverse country, and policing traditions and styles in different areas can be quite distinctive. In the future, that might well change, with a more uniform approach to particular policing issues being adopted

5. An example to us all!

Police Scotland emerged officially as a result of a financial crisis and the need to reduce public expenditure, but of course it is not the only public service facing the same challenges. It is too often overlooked that the *Police and fire reform Act* also merged Scotland's fire and rescue services into a single organization. Throughout the country local authorities are increasingly looking at ways to avoid duplication of services. So, within Scotland, Police Scotland is seen as something of a pioneering effort in providing a national service and as an exemplar of things to come for other areas of the public sector

Nor is this limited to Scotland. While it is true that England and Wales have followed a radically different trajectory by going down a more local route with Police and Crime Commissioners, one senses that the previously unsuccessful moves towards regional forces is not completely dead. There is particular interest in Wales, where there is a desire on the part of the Welsh Assembly to take over responsibility for crime and justice in the Principality. If this does happen, there may be a strong possibility of a move towards merging the four forces there into a national police service

It is clear that over the months that lie ahead there are going to be many eyes focused on what is happening in Scottish policing, and on how the Police Service of Scotland develops in the light of both its past and its present



Ken Scott is Professor of Police Studies at the University of the West of Scotland and an associate director of the Scottish Institute for Policing Research. He is joint editor of the two editions of Policing Scotland