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Reflections on developments and
changes to policing in Scotland

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Police reform in the Netherlands and Scotland compared

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IN 2013 both Scotland and the Netherlands established national police forces. These two police reforms have much in common. Both countries had long traditions of local policing. Before 2013 each jurisdiction had a regionalised systems of policing, with Scotland having eight relatively autonomous regional forces and the Netherlands having 25 forces. Despite the emphasis on the importance of local policing, in the years prior to 2013 both countries had already had a creeping process of police centralisation. In both countries, the political decision to establish a single police force was taken in a relatively short period of time and indicated a radical shift in the political landscape.

Some main arguments to reform the police were more or less similar: to stop the fragmentation of the police forces, to promote co-ordination, and to improve policing of organised crime and terrorism. There were also some important differences. In Scotland the establishment of a national police force was seen as a way to realise budgetary cuts imposed by the government in London without having to decrease the numbers of police officers. In the Netherlands, however, budgetary considerations were only of a very minor relevance in the decision to create a new police system (Fyfe and Scott, 2013; Terpstra, 2013).

Spatial organisation

The Netherlands' Police Act 2012 identifies three organisational levels: the national level, the level of the units, and the level of the municipalities. In practice two additional levels were introduced, even before the Netherlands' Parliament made its final decisions. This made up to five different organisational levels: the national level, 10 police units (not autonomous), 43 districts, 168 basic teams (the lowest organisational level), and 393 municipalities. The relevance of the municipal level has primarily to do with local arrangements of police governance and accountability as described below.

This proliferation of organisational levels of the police force is similar to what has happened in Scotland since April 2013. The Police and Fire Reform (Scotland) Act 2012 made a distinction between the national level and local level with the latter defined in terms of the administrative boundaries of 32 local authorities at which local policing would be delivered. In practice, Police Scotland now has also five organisational levels: national, area commands (3), police divisions (14), local policing areas aligned with local councils (32), sub-divided into local council multi-member wards (353). The increasing number of organisational levels may be seen as an early indication that, in both countries, the reform process proved to be more complex than was originally envisaged.

Governance and accountability

To understand the (local) governance and accountability of the Netherlands' police, two legal concepts are relevant. First, there is the 'administration' of the police, that is the formal power to make decisions about the organisation and resources of the police. Before 2013 the administration of the 25 regional police forces was with the regional administrator, typically the mayor of the largest municipality of the region. With the Police Act 2012 this formal power was transferred to the national level and is now in the hands of the national police chief, who has to account to the Minister of Security and Justice for his use of this formal power.

Secondly, there is the 'authority' over the police, that is, the formal power to make decisions about what the

police should do. The authority over the police is exercised at the local level and shared by two officials. The (non-elected) mayor (the head of the municipal government) has authority over the police with regard to the enforcement of public order and the service tasks of the police. Authority over the criminal investigation tasks of the police is in the hands of the public prosecutor.

The Netherlands Police Act 2012 did not make any change in the formal arrangements of the local authority over the police. This implies that although now there exists a centralised police force in the Netherlands with the power of 'administration' at the national level, the formal powers of 'authority' are still at the local level. One of the most important questions is, of course, how these two forms of power will relate in practice. A study (not yet published) (Terpstra et al, 2015) shows that mayors, especially of the small and often rural municipalities, often feel that they have lost a considerable part of their ability to exercise their authority over the police in practice. Nevertheless, there is considerable difference with the situation in Scotland, where since 2013 the local councils only have a formal consultative role with regard to local police priorities and local police plans (Terpstra and Fyfe, 2014).

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Local policing

The Netherlands' Police Act 2012 does not provide much information about local policing. The only legal requirement is that there should be one community police officer for every 5000 inhabitants.

Another important element of the organisational structure of the Netherlands' police service consists of the so-called 'robust basic teams'. According to the Design Plan of the new force these teams should have between 60 and 200 full time equivalent posts and be responsible for all regular local police tasks.

The lack of legal regulation with regard to local policing in the Netherlands is quite remarkable in comparison with the Police and Fire Reform (Scotland) Act 2012. The Scottish Government decided to make local policing a statutory requirement. In addition, and this is in a clear contrast with the situation in the Netherlands, the Scottish government decided to establish a set of 'policing principles'. These principles clearly reflect the Scottish ambition to have a community oriented style of policing with a broad view on what policing should be, in close co-operation with partner agencies and communities and with much emphasis on police visibility and proximity. In contrast, the Netherlands' Police Act 2012 does not contain any clear view on what kind of policing is seen as desirable. Except for that legal requirement of the number of community officers, legal regulations with regard to local policing are completely missing.

Reform process

A comparison of the two police reforms in terms of their consequences for local policing, shows a remarkable contrast. On the one hand it looks as if the Netherlands' police reform is strong on its arrangements of the local police governance and accountability, but quite weak on its regulations for local policing services. On the other hand, with its emphasis on local policing and 'policing principles', the Scottish police reform looks much stronger on local policing services, but much weaker in relation to the local governance and accountability of the police.

In addition, recent research shows that there may be a serious implementation gap between the legal and formal aspects of police reform and how they are put in practice.

In the Netherlands there has been a serious delay of more than 18 months in the reform process because of a conflict with the police unions. On the one hand, at some locations this created the room for more diversity in local policing than had been expected (Terpstra and Fyfe, 2015). On the other hand, this delay created much tension and confusion: even after more than two years of police reform many police officers are still uncertain about their position in the new force. As a consequence, in November 2014 the police unions stated that they lost their confidence in this reform process. From that moment on they have withdrawn their support for the reform process. Moreover, in March 2015 the Minister of Security and Justice, who had been responsible for the Police Act 2012 and for the establishment of the single police force, had to resign. It is unclear what his resignation will mean for the political support for this reform process.

At this very moment it is still hard to say how the reform process will continue. One thing seems to be for sure: the transformation to a single police in the Netherlands proves to be much more complex than anyone could have thought before. The future will show if this reform process came to a dead end or that it is still possible to give it a more positive turn.

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