

# scottish justice matters

# POLICING

Reflections on developments and  
changes to policing in Scotland

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# SCOTTISH POLICING HAS THERE BEEN REAL REFORM?

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**WITH ALL THE TALK** about the reform of policing in Scotland, there are continuities as well. In terms of the fundamentals of what the police do and how they do it, reform has clear limits, faces resistance and the whole process must overcome drag and inertia.

There *are* genuine shifts and changes to reckon with (see Fyfe, 2013). For instance, the new Scottish Police Authority fundamentally alters the accountability structure, and the alignment of police districts with local authority territories affects the relationship with council partners and local community organisations. The establishment of 'policing principles' encourages a new organisational vision and of course, the consolidation of all police in Scotland under one management structure will inevitably impact on multiple issues of strategy, leadership style, as well as on-the-ground operational matters.

These changes are not inconsequential and they *do* have ramifications. However, let us not overstate the newness or the extent of transformation to core practice. It is common to hear police management in many different circumstances talking up the achievements of reform, disavowing the past and speaking of transformed departments. This sort of rhetoric has clear elements of impression management as police chiefs attempt to satisfy political demands. In Scotland, the SNP made police reform a hot political topic and so a responsibility emerges for critical commentators to attempt to separate the rhetoric that surrounds 'reform' agendas from the genuine and important transformations to core policing.

I suggest that the key question to be answered is whether the fundamental exercise of police authority over citizens is transformed in substantial ways: does on-the-ground local policing look significantly different? If we take this perspective we can establish three key points. Firstly, police reform can be overstated. Secondly, there are permanent aspects to the police that never change: finally, that there are demonstrable ways policing *can* reform and will reform.

## **'Police Reform' can be overstated**

I suggest that reform should be understood as having a strategic and deliberate goal, while change can be superficial or mundane. Change is easy while reform is hard, or as Edmund Burke suggests, "change is novelty" whereas 'reform' is "a direct application of a remedy to (a) grievance" (Burke, 1909). In this respect, the shift from eight police forces to one, does not necessarily qualify as a reform. Introducing new policies, new strategies, new tactics or new structures should be considered changes until their ability to solve a pre-decided problem is proven. In other words, we should be reluctant to use the word reform for what could be superficial adjustments. Reform is an outcome that does not always necessarily follow change. This principle applies whether we are considering the large scale centralisation of Scotland's forces or smaller scale programmes.

I conducted research on local police-public consultation forums in Edinburgh that were part of a new community policing strategy launched in 2010, and asked whether these forums helped contribute to local police reform. The 'priority-setting groups', brought together residents, community-council members, representatives from housing associations and multiple third-sector community organisations to discuss neighbourhood policing issues and set priorities for the local community policing team. The groups were led by the police and council representatives. I observed the consultation process for 12 months across 2011/2012, interviewing the key stakeholders between meetings.



The introduction of the forums was novel and distinctive compared with what had existed in the past, but I was cautious about the level of reform achieved. To be clear, this strategy of using local consultation forums did produce some promising progress for police-public relations and accountability: however they also provided an illustration of how policy change, either big or small, pushes against certain permanent and inflexible limits of police reform.

Moreover, my research showcased a number of ways new developments face drag and resistance. For example, as shown in many classic studies, the support of frontline police is vital in ensuring that the grand plans of management are realised, otherwise new policy ideas can be easily sabotaged or abandoned (Holdaway, 1983). In my research there were a small number of instances where police representatives were either ill-prepared, unskilled or reluctant to engage with the public with the enthusiasm expected by management. In this respect, the 'new policing principles' of Scotland's national force are merely theoretical until, and if, it is embraced by the rank and file.

### **Some Things About The Police Cannot Be Reformed**

There are also fundamental aspects of public policing that are permanent and the most crucial 'permanent' aspect of the police is their deployment of non-negotiable coercive force. This was outlined by Egon Bittner (1970) when he observed that the defining feature of the police was their access to coercive force. This means the police deal with anything and everything where "something that ought not to be happening (is happening) and about which someone had better do something now" (132). Furthermore, use of force is exercised autonomously and with limited means for negotiation. Either looking forward, or looking back, or comparing policing across nations, Bittner's observations hold: policing is always based on these core defining features.

When considering reform, it is always useful to be reminded of these long-term consistencies and universals. The essentials of public policing are broadly the same and constabularies have not witnessed radical transformation over time. Even in an example like the replacement of the Royal Ulster Constabulary (RUC) with the Police Service of Northern Ireland (PSNI), Bittner would observe both and underline the similarities in how they function. Moreover, whether he was researching in the present day or in the late nineteenth century, his core analysis would remain the same.

The example of consultation forums in Edinburgh provides a small illustration of this larger issue about police reform, that some things about the police cannot be reformed. For instance, the police will always remain in executive command over whom to apply coercion against. Even though attempts can be made to support more community negotiation over this issue, as with the consultation forums, ultimately, the public can only ever remain weak advisors to this use of force. Prime authority always rests with the police, and this was evident in the forums, as contributors recognised that the police retain clear autonomy over decisions on the use of force.

To provide another example, rules around data protection also reveal fundamental aspects that will resist transformation in dramatic ways. In my research, the consultation forums were ostensibly platforms where 'everything, and anything' was up for discussion. In reality, deliberation is truncated, managed and closed off by data protection protocols. Discussion had to avoid specifics and officers cannot reveal certain information about cases and generally have an obligation to mask significant detail of how they perform their job. There are many honourable reasons for this but it also illustrates that the police are a uniquely privileged authority and will always maintain a certain position of superiority and distance from public involvement, closing off certain possibilities for reform.

The point is, there are basic elements of policing that resist transformation and promotes consistency with the past. These permanent features encage and confine the way the police operate, placing clear limits on the margins for genuine transformation.

### **Reform is possible**

Despite this precautionary message that there are limits to reform and that it is often overstated, progress is a real possibility and major reshuffles like the centralisation of Scottish police forces can have significant ramifications for how policing is conducted at the local level.

In my example, significant reform did take place as a result of local strategy change. The consultation forums delivered a number of progressive outcomes, including the improvement of cooperation in areas with histories of poor police-public relations and entrenched 'no grass' cultures. Frontline officers also largely embraced the philosophy of community policing, and changing practices did help improve public engagement and raise the democratic credentials of local policing. This was despite many unwanted habits persisting. Largely, encouraging progress was made.

This small example is indicative of the wider possibilities for reform and gives an impression of how policing reform on a larger scale can be difficult, but also very achievable. Engaging with local communities is a core principle enshrined in the Police and Fire Reform (Scotland) Act 2012, and consultation forums can be a useful means for delivering such reform.

In sum, change is easy while reform is hard. Strategies and management frameworks can be changed with relative ease, but until improved outcomes are delivered, hard fought reform is not achieved. Scottish policing has witnessed a lot of change lately. Whether this qualifies as reform, remains to be seen.

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