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**Mind the implementation gap? Police reform and local policing
in the Netherlands and Scotland**

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Abstract

In 2013 the governments of the Netherlands and Scotland established national police forces, replacing a tradition of largely autonomous regional police organisations. In both jurisdictions, these radical reforms have raised concerns about the consequences of these national police structures for local policing and for relationships with local communities and local government. Drawing on documentary sources and interview material from each jurisdiction and informed by insights from the policy implementation literature, the key question addressed in this paper is how has the legislation that created the new national police forces been put into effect at a local level? Focusing on the impact on the governance, organisation and delivery of local policing, the paper reveals how the implementation in both jurisdictions involves interpretation and discretion by multiple actors so that gaps are emerging between the national 'policy promises' set out in the legislation and the 'policy products' experienced in local contexts.

Key words

Police, Reform, Governance, Implementation, Netherlands, Scotland

Final Word Count: 9114

Biographies

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Introduction

Since the early 2000s, the organisational structures of many police forces in Western and Northern European countries have been reconfigured, shifting from largely decentralized and often fragmented systems to become more centralized, national arrangements. In countries as diverse as Austria, Denmark, Finland, the Netherlands, Scotland, and Sweden, the underlying drivers of these changes have been similar. These include promoting effectiveness and efficiency, improving the response to transnational crime, and enhancing the power of national governments over the police (Fyfe, Terpstra & Tops, 2013; Van Sluis et al., 2013).

One of the most important issues in the public debate about these reforms concerns the consequences of centralized, national police structures for local policing and for relationships with local communities and local government. In some countries, such as Scotland, Denmark and Norway, supporters of reform have claimed that a national police force can enhance local policing (by, for example, improving local access to specialist expertise and resources) while critics have highlighted the risk of negative impacts such as the erosion of local democratic oversight and a loss of local knowledge among officers (see Scott, 2013; Holmberg and Balvig, 2013; Holmberg, 2014). In this paper we elaborate on the consequences of centralizing police reforms for local policing and the relations with local authorities by focusing on the implementation of national police organisations in Scotland and the Netherlands. We concentrate on these two countries because both have had a long tradition of decentralised policing arrangements comprising regional police forces and a strong focus on local policing and local police governance arrangements. In early 2013, however, each country made a radical transition from a regionalized police system to a single, national force. There were different drivers of these reforms in each jurisdiction (in Scotland the main focus was on the

financial savings while in the Netherlands concerns centred on improvements in the control and management ('beheer') of the police) but in both jurisdictions the claim was made by national governments that the new police system would not have negative consequences for local policing. By adopting a cross-national comparative perspective we are able to analyse how these seemingly similar structural reforms to police organisations which came into force within 3 months of each other are being implemented and experienced in different ways. This comparative approach therefore offers the opportunity to distill the specificities of particular political and organisational contexts in shaping the structure, governance and delivery of policing.

Against this background, this paper critically examines the local dimensions of the police reform in the Netherlands and Scotland. Given that the research on which the paper is based was conducted largely during the first year after each of the national police forces was formally established, the main focus is on implementation rather than on evaluation. Furthermore, the approach taken in this paper is essentially inductive, providing a 'thick description' of the implementation process but using this to exemplify themes in the wider literature on implementation research (Hill & Hupe, 2009; Hupe, 2014). The key questions we address are how, why and with what consequences has the legislation that created the new national police forces been put into effect at a local level? This is important because, as Barrett and Fudge (1981: 9) observe, 'policy does not implement itself' and policy implementation is rarely a rational or linear process. Rather, there are multiple actors involved, often with different interpretations of central policy objectives and with varying degrees of discretion (Schofield, 2001) which creates scope for an implementation 'gap' or 'deficit' to emerge between policy objectives contained within legislation and practice at street

level (Pressman & Wildavsky, 1973; Ham & Hill, 1986). Implementation may also be a 'process of strategic interaction among numerous special interests all pursuing their own goals' (Bardach, 1978: 9). As a result the implementation may be confronted with delay, resistance, symbolic implementation, but also create the room for learning, bargaining and negotiations or the creation of coalitions supporting the policy mandate (Lane, 1987; Hill, 1997). This capacity of actors to modify policy in the process of implementation is what we explore here by focusing on the impact of the police reform legislation on the local governance of policing and the organisation and delivery of local police services.

The account draws on both documentary sources and interview material from each jurisdiction. The documentary sources include the plans produced by both government and police in preparing for reform, the legislation which established the new policing arrangements, official reports of Parliamentary debates about police reform, and initial assessments of the implementation of reform produced by oversight bodies, such as police inspectorates and audit organisations. In each country 15 interviews were carried out with key actors, including local police commanders and representatives of local authorities (in the Netherlands mayors and municipal officers; in Scotland local councillors and officers of the council) in rural and urban areas. This involved a process of purposive sampling and while no claim can be made for the representativeness of the overall group interviewed, the range of people who participated does provide insights from different perspectives and contexts. The interviews were conducted between October 2013 and June 2014 and so focus on the implementation process during the first 10 to 18 months of the national forces.

To set this documentary and interview material in context, we begin with a short description of the two police reforms, and the treatment of local policing in the legislation that introduced

the national police organisations into the Netherlands and Scotland. The second half of the paper then focuses on how the process of implementation has impacted on the governance, organisation and delivery of local policing. It reveals how the implementation in both jurisdictions is far more complex than a linear 'top-down' process but involves interpretation and discretion by multiple actors so that gaps are beginning to merge between the national 'policy promises' set out in the legislation and the 'policy products' experienced in local contexts.

The contexts and contours of police reform legislation

Contexts of reform

There are some significant similarities between the Netherlands and Scotland in terms of the background to the 2013 police reforms (see too Terpstra and Fyfe, 2014).. In both countries, policing had previously been delivered by relatively autonomous regional forces (numbering 25 in the Netherlands and 8 in Scotland) and both countries had well-established traditions of local policing. In the Netherlands this was exemplified by the way in which before 1993 each municipality with more than 25.000 inhabitants had its own police force and in the other small and rural municipalities the former Royal Police Force had a very strong local basis with a network of police stations in the small villages. After the 1993 police reform the main organizational principle for the Dutch police became 'decentralized, unless...', an indication of the continued stress on the importance of local policing. In Scotland policing had always been a local municipal public service, closely tied to the arrangements for local government. Although the number of local forces had gradually declined as a result of mergers from over 40 in 1950 to just 8 by 1974, the key connection between local police forces and local

government remained. Local governance of policing was exercised by elected councillors with local government providing half the costs of policing and being involved in the appointment of local chief officers. Policing was therefore viewed as an 'integral part of local public service provision' (Donnelly & Scott, 2010b: 458; Donnelly, 2010).

Nevertheless, despite a strong focus on local policing, both countries had witnessed a gradual process of centralization in police decision-making over the last 20 to 30 years. In Scotland this was evident in the increasingly important role played by ACPOS (Association of Chief Police Officers in Scotland) in formulating national policies, and the role of the Scottish Government in establishing national bodies such as the Scottish Police Services Authority (SPSA) in 2007 and the Scottish Policing Board in 2010 to address national strategic police priorities in areas like information technology, forensics and training (Donnelly & Scott, 2010a: 105-106; Fyfe & Scott, 2013). In the Netherlands the process of creeping centralization resulted from a combination of a strong political desire to have tighter control on the police forces and an increasing reliance on stricter forms of accountability (Terpstra, 2004; Cachet & Sey, 2013).

Despite the gradual processes of centralization in both countries, the decisions that led to establishing the national police forces in 2013 were taken remarkably quickly. In the Netherlands, although there had been some earlier unsuccessful proposals for a national police, the year 2010 proved to be a turning point, partly as a result of the loss of the dominant position of the Ministry of the Interior (that traditionally had a close relationship with local governments) (Terpstra, 2013) but also due to the cumulative impact of several policing crises relating partly to the failure of major IT projects and to a lack of progress in improving collaboration between the regional forces. Within six months of the election of a

new government in 2010, the Lower Chamber of the Dutch Parliament had passed the bill for a national police force (Terpstra, 2013). In Scotland there was a similarly rapid process. The Minister of Justice had always publicly opposed structural reform of policing but when in 2010 the seriousness of the economic crisis for public spending in Scotland became apparent, a decision to explore options for reform was taken and within 18 months legislation to create a national police force was introduced and passed in the Scottish Parliament force (Fyfe & Scott, 2013; Fyfe, 2014). In each country, the political narrative of why reform was needed was similar. The regionalized structure of the police was viewed as fragmented and lacking in coordination, resulting in duplication of effort and an ineffective approach to major challenges such as organized crime and terrorism. In both countries the public and political debate triggered by the decision to create a national police force was also quite similar, focusing on the distribution of responsibilities between Government ministers and the Chief Constable, and the potentially negative consequences that a national police force might have for local policing.

Contours of reform

Despite these similarities, there are important differences between the Netherlands and Scotland regarding the attention given to local policing within the legislation establishing the national police forces. The Police and Fire Reform (Scotland) Act 2012 (hereafter the Scottish Police Act) sets out a clear requirement for local policing to be organised at the level of the 32 local authority areas (section 45) with each area having a local commander and a local police plan. This reflected a key Scottish Government objective that reform must 'strengthen the connections between services and communities' (Scott, 2013). The Scottish Police Act

also sets out 'policing principles' which reinforce the importance of localism. According to these principles 'the main purpose of policing is to improve the safety and well-being of persons, localities and communities in Scotland.' The police should be 'accessible to, and engaged with, local communities' and the police should collaborate with other local agencies to promote 'measures to prevent crime, harm and disorder' (section 32). The contrast with the Netherlands is substantial. The Dutch Police Act 2012 (hereafter the Dutch Police Act) does not contain legal requirements for local policing like the Scottish Police Act. The only statutory requirement of the Dutch Police Act with regard to local policing, is that there should be 'at least one community police officer for every 5000 inhabitants' (Section 38a). In the parliamentary debate about the Dutch Police Act this element was added by members of parliament who feared that the introduction of a national police force might have a negative impact on local policing and the availability of community police officers. However, the Dutch Police Act provides no information about the tasks of these community officers nor about the approach or overall aims of policing as set out in the Scottish legislation.

Part of the explanation of these differences in emphasis within the two police reform acts can be attributed to the different approaches of each jurisdiction towards the structures of local governance and accountability of policing. In Scotland before 2013 the governance of the eight regional police forces was based on the so-called tripartite structure comprising central government, local authorities and the police. The Police Authority (consisting of elected members of local councils) was the main form of local governance and it had responsibility for setting the budget and representing the views of citizens. The Police Authority would also appoint the local chief police officers and contribute 49% towards the costs of policing (the remaining 51% coming from the Scottish Government). With the Scottish Police Act the tripartite structure has been abolished along with the statutory responsibilities of local

government for funding the police and appointing officers. Formal governance now only operates at a national level (via an unelected Scottish Police Authority) and the 32 local authorities are only required to establish arrangements for the scrutiny of local policing but have no statutory or fiscal responsibilities. There is however a requirement on the local police commander to consult the local authority in setting priorities and objectives and the commander must also submit an annual local policing plan to the local authority for approval (section 46, 48) (Scott, 2013: 138).

In the Netherlands, the formal 'management' (in Dutch: 'beheer') of the police (i.e. the power to make decisions on the resources and organization of the police) has shifted to the national level as a result of the Dutch Police Act while at a local level the non-elected mayors retain their formal 'authority' ('gezag') over the local police, i.e. the power to make decisions about police operations with regard to the enforcement of public order and service tasks. As was already the case in the former Dutch police system, the mayor has to share authority over the police with the (local) public prosecutor. For that reason since the late 1960s there is legal requirement that the local police commander, the mayor and the public prosecutor consult regularly in the so-called local triangle. What is new in the Dutch Police Act 2012 is that the mayor has the statutory right to have a triangle meeting at the local level. The mayor and the public prosecutor also make agreements about local police priorities and crime fighting. The mayor has to account to the municipal council for the way that s/he practices the authority over the police. The Dutch Police Act 2012 also says that at least each four years this council decides on the objectives of local security that the police should concentrate on (Section 38b).

There is therefore an intriguing tension within the police reform legislation in each jurisdiction. The Scottish Police Reform Act requires 'local policing' but the institutional infrastructure for local governance of the police is weak. In the Netherlands, the Dutch Police Act does not provide a clear view on how local policing should be arranged (other than the number of community police officers) but it does retain a much stronger formal position for local government (especially the mayor) in the governance of the police. These differences are exemplified by the way in which in Scotland the divisional police commander has the statutory obligation of drawing up a local policing plan while in the Netherlands it is the local government that constructs an 'integrated public safety plan'.

Changes to the local governance of policing: reconfiguring local autonomy?

Having set out the legislative context for reform, this and the following section focus on the implementation of changes to policing at a local level, focusing first on changes to local governance and then on changes to the organisation and delivery of policing. In both these arenas not only are there important differences between the Netherlands and Scotland but also between what is set out in the legislation and what is now being implemented on the ground. As in other areas of public policy, police reform therefore provides an interesting example of the emergence of an implementation 'gap' or 'deficit', a point we return to in our conclusions.

The Netherlands

As the previous section indicated, the Dutch Police Act did not fundamentally change the formal structures of local governance of the Dutch police. The mayor still has the power of 'authority' over the local police, and is required to meet regularly with the public prosecutor

and the local police chief in the 'local triangle'. The municipal council retains the power to call the mayor to account and make decisions about the local public safety policy plan.

The interview data indicates, however, that the implementation of police reform is creating a more differentiated picture of local governance and accountability than could be expected after reading the proposals of the reform. There are some locations where little has changed since the start of 2013 (see also: Inspectie, 2014). Here many of the senior officers are the same and the informal relations between the mayor and the local police chiefs have continued. This partly reflects the way in which a conflict with the police unions about the reform has caused a considerable delay in the implementation process so when the interviews were carried out (more than one year after the reform started) the officers in post in some locations were still the same as before the reform. In other locations, however, the introduction of the national police has led to changes in the senior management at a local level and mayors perceive that their position in relation to the police has weakened considerably. A mayor of a large city described how during the first weeks of the national police he was no longer provided with information about police operations as he had in the past and his complaints about this to the new local police chief had no impact. It was only when he complained to the more senior regional police chief and threatened to inform the local media that police responded by providing the relevant information.

These inter-personal tensions have been exacerbated by more structural issues. In part this reflects concerns that a national police will place more emphasis on national priorities. While most of the mayors interviewed did not feel that national priorities have yet displaced local priorities, some of the mayors and local police officers did mention cases where they already feel less attention is given to local issues (also Inspectie, 2013: 46) and they think this will increase as a problem in the future (Inspectie 2014). A more immediate structural issue is the

contrast between the old regionalized police system where there was often a direct relationship between the mayor and the local police chief, and the new organizational structure where there is a disjuncture between the police organization and the local government. For example, several municipalities now have to share one 'basic team' (the new organisational unit for undertaking local police tasks) and most municipalities no longer have their own local triangle because these are now organized at the level of the basic teams. That means that in some areas there are between five and seven mayors within a local triangle making it difficult to address issues specific to one municipality. Although under the Police Act 2012 the mayor has the statutory right to have a triangle meeting for their municipality alone, in practice this only happens in urgent and exceptional circumstances. One of the consequences of this increasing distance between mayors and local police commanders is that many of the interviewed mayors feel that they no longer get relevant information from the police and that they are often excluded from important decisions regarding the development of the local police. One of the mayors who was interviewed tried to get information about the future of the police station in his municipality but was told by the local police chief this was not a matter for the mayor:

'A couple of times I asked them what will happen with our police station here. Are you already closing it? No, I was completely wrong and I did not understand it. But in fact I notice that there are fewer police officers here in this area than before. But you do not get the information. They simply do not provide the information that I in my position as a mayor am entitled to receive. (-) And now it proves that in fact they have already been working on the preparations to close the police station here. And if I, together with a mayor from a neighbouring municipality, ask the senior regional police chief about this, he blandly says that is none of your business.' (Mayor)

Other mayors mentioned that they do not have information about the developments concerning the basic team in their area, although these may have important consequences for local policing and the position and availability of community police officers. In addition, the study of the police inspectorate (Inspectie, 2014: 108) shows that many of the mayors fear that in the near future they will lose their factual power to govern the police:

'How can I carry out my authority over the police if I do not have the information anymore? The organizational structure is now such that for me as the mayor it is not possible to realize the authority over the police anymore.' (Mayor)

In sum, several of the mayors interviewed fear that they will no longer be able to exercise their authority over the local police. The shift of the management of the police to the national level and the increasing standardization of police work, means that they do not have the room, resources and powers to ensure their authority over the police (see also Inspectie 2014: 116). Indeed, one of the mayors feared that only after an acute crisis, such as serious disorder or some other disaster, would national politicians and the public become aware of the consequences of this erosion of local authority over the police.

Scotland

While the Netherlands retains a local infrastructure around governance and accountability, one of the most radical changes brought about by the Scottish Police Reform Act was the abolition of locally elected police authorities. The main form of statutory governance now operates at the national level via the unelected Scottish Police Authority while at a local level the powers of locally elected councillors only extend as far as requesting information and reports from the local police commander and the 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 governance towards what is being referred to as 'scrutiny and engagement'. How local authorities discharge their role in scrutiny and engagement is a matter for them as the Scottish Police Reform Act prescribes neither structures nor processes and instead encourages flexibility and the need to be responsive to local conditions. As a consequence, the implementation of local scrutiny arrangements has seen local authorities adopt a variety of different models from scrutiny by the full council or an existing council committee to more informal groupings between councillors and other local stakeholders.

Although a study by the police inspectorate in 2013 of the development of these emerging local scrutiny arrangements concluded that there was a 'general view that these developments offer a real opportunity to take police ...services closer to local democracy' (HMICS, 2013), few local councillors appear to be as optimistic. Their concerns were highlighted in the written evidence local authorities gave to the Scottish Parliament's Sub-Committee on Policing in its review of local policing arrangements. That evidence concluded that '[Elected] Members, generally, feel that they have lost meaningful local control and that there is an increasing centralisation agenda at play' (COSLA, 2014). This view was echoed by councillors interviewed for this study. Several highlighted examples of how within the first few months of the establishment of Police Scotland, the relative powerlessness of local authorities had become apparent. One example concerned the decision by Police Scotland to either close or significantly reduce the opening hours of public counters in local police stations in an attempt to meet savings targets set by Scottish Government. Local councillors were not only unhappy by this decision but also by the lack of communication and

consultation about this with the affected communities. On hearing this decision, one local councillor recalled:

'I fell off my chair! I did not know what to say. I was not informed about this. For me it was a surprise. (-) How could they? I have a meeting with my local officer every six weeks, how is it possible that I was not informed? I have been a councillor now for ten years. So I decided that I should talk with him about these issues. What he told me was that he was not allowed to tell us. They were forbidden to give information about that!' (Local councillor)

A second example concerns an operation carried out in Edinburgh two months after the creation of the national police force when about 150 police officers were involved in raids on saunas in the city. Although the approach to managing the sex industry in Edinburgh had long involved a strong partnership between the local authority and other agencies (including the police), no organisations in the city were informed about these police activities. As a result, local politicians and partner agencies were upset about what they perceived as a significant change of approach to policing the sex industry in the city. According to one city councillor:

'... you can say that Edinburgh always had its own policy on these sex saunas. We do not like them of course, but we think it is a fact of life and that you 'd better accept that if you don't want to have hidden prostitution everywhere in Edinburgh (-). You may say Edinburgh has had a more permissive, but also more realistic approach of this problem. Now what happened was that Police Scotland decided to have police raids. That really

caused a lot of problems here. (-) the members of the [Police Scrutiny] Committee, were really upset about what happened. We did not know anything about this. At first I thought, well, that can't be true. That must be a mistake. But it really was true. The police decided to do that on their own without any consultation' (Local councillor).

These concerns were echoed by the Convenor of the Scottish Parliament's Justice Committee, who noted that 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' (Scottish Parliament Justice Committee on Policing, 31 October 2013, col. 266). This view was later endorsed by one of Police Scotland's most senior officers who, in a newspaper article titled 'Edinburgh sauna raids show police culture clash', observed that 'The sauna raids in Edinburgh challenged a way of policing that had existed for a decade or more in terms of style and methods. The new policy pursued by Police Scotland challenged the approach that police had taken there which was about tolerance and harm minimisation' (*The Scotsman*, 2014).

A third example underlines this concern about a 'one size fits all' approach. A national policy decision that firearms officers will carry their weapons while on routine patrol rather than these being kept within a locked compartment in a police vehicle until they are needed has caused particular concern in the northern area of Scotland which has the lowest recorded crime rates in the country. It has been opposed by local councillors, the local MSP (Member of the Scottish Parliament) and MP (Member of UK Parliament). Although the SPA acknowledged these local concerns in a letter to the local council, SPA took the view that this

was an operational matter for the Chief Constable and thus an area in which they could not intervene. This has left local councillors feeling that they are powerless to influence decisions taken at a national level. According to the deputy leader of the local council:

It is clear from the letter from the chairman of the police authority that there is recognition that perhaps that the Chief Constable has not been handled this particularly well in PR terms; and that there should have been greater transparency. But it is equally apparent that nothing will change. The authority still accepts it is an operational matter for the Chief Constable. It is also clear from his letter that Sir Stephen (Chief Constable of Police Scotland) is not willing to entertain the idea of regional variation of the standing authority. This is contrary to the assurances that were given at the time the single police force was created. It means that even in low crime areas such as the Highlands, we will still have armed police turning up where it is not appropriate. What we desperately need now is maximum clarification of what exactly the Chief Constable's powers are and what checks and balances are in place, if any. The council will now be seeking that information through parliament if necessary'¹

Discussion

Despite important differences between the Netherlands and Scotland in terms of the arrangements for the local governance of policing following reform, the perceptions of the outcome of the impact of establishing national police force are very similar. In both countries

¹ The Scotsman 8th July 2014 'No discussion' on Highland armed police decision.
<http://www.scotsman.com/news/scotland/top-stories/no-discussion-on-highland-armed-police-decision-1-3470327>

the view of those working in local authorities is that their position in exercising governance and accountability in relation to the local police has been weakened. In the Netherlands where the formal structures of local governance have not changed, although some of the mayors feel that during the first year of reform not much has changed in their position, other mayors feel that they have lost the information and resources needed to execute their formal authority over the police. In Scotland where local authorities have lost all their previous responsibilities in relation to local policing they feel powerless in face of decisions take at a national level.

Viewed in terms of Clark's (1984) models of local autonomy, the position of mayors in the Netherlands and local authorities in Scotland increasingly resembles a scenario where local political actors have little 'initiative' in terms of an ability to influence or regulate local policing, and little 'immunity' in terms of being able to protect local arrangements from decisions made at higher levels within the national police organisation. The implementation of national police forces in both jurisdictions has thus resulted in a centralization of decision-making and more weight being attributed to national priorities which have significantly weakened the position of local authorities.

Changes to the local organisation and delivery of policing

As the examples discussed above illustrate, the implementation of police reform has not only brought about changes in the governance of policing but also in the organization and delivery of local policing. Drawing on interviews with local commanders and local politicians, this section highlights some of the more immediate changes that have occurred during the implementation process in both jurisdictions.

The Netherlands

Even before Dutch Parliament had passed the new Dutch Police Act, the implementation of a new organisational structure had begun. In an interesting example of implementation as a policy-making process (Hill, 1997), more than a year before Parliament passed the Police Act, a management team for the new national police force was appointed by the Minister to lay down the main outlines of the new police organisation in three reports published between 2011 and 2012². The three plans set out the hierarchical structure of the new force and the position and tasks of the national units and national service departments (Terpstra & Jochoms, 2014). A key element of the plans was the introduction of 'robust basic teams' who have responsibility for all routine local police tasks. The basic teams can vary in size from between 60 to 200 officers but interviews with local police chiefs show that there are important local differences in the implementation of this model. In the former Rotterdam police region, for example, a top-down approach was adopted with senior officers drawing up the blueprint for the basic team, while in the Eastern police region, the implementation of the basic teams was seen as a bottom-up process in which local police officers were involved in the process. In terms of the legislation, the only requirement regarding local policing within the Dutch Police Act concerns the number of community police officers (there must be at least one for every 5000 inhabitants). Some of the mayors who were interviewed welcomed this requirement because they assume that it will mean more community police officers will be working in their municipality. By contrast, many of the police officers who were interviewed are unhappy about this requirement because it is seen as limiting their flexibility. As a result, implementation strategies for reducing the impact of this requirement on the police at a local

² *Ontwerpplan Nationale Politie* (concept), retrieved at: <http://www.sezen.nl/wp-content/uploads/Ontwerpplan-Nationale-Politie.pdf>; *Inrichtingsplan Nationale Politie* (concept), retrieved at: <http://www.rijksoverheid.nl/documenten-en-publicaties/kamerstukken/2012/06/27/concept-inrichtingsplan-nationale-politie.html>; *Realisatieplan Nationale Politie*, retrieved at: <http://www.rijksoverheid.nl/documenten-en-publicaties/kamerstukken/2012/12/07/realisatieplan-nationale-politie.html>, April 2014

level have included interpreting 'community police officer' in a broad way so that other kinds of police officers can be included within the quota (see also Inspectie 2014: 89), adjusting the legal standard of 1:5000 (not as an absolute requirement, but as only an average) and allocating some of a community officers time to do other tasks.

However, the processes of establishing basic teams and meeting quotas for community officers are also encountering more significant structural challenges. A serious conflict with the police unions five months after the new national force began has caused a considerable delay in the reorganization of the police. All police officers have to apply for a new position in the new force. The police unions did not agree with the conditions and safeguards of this process, therefore they decided not to sign the social paragraph of the reorganization plan, a legal prerequisite for large-scale restructuring of organizations in the Netherlands. As a consequence the process of implementation has effectively had to stop.

This means that 14 months after the start of the Netherlands' police reform, there are important local differences in the state of its implementation (also Inspectie 2014). For example, in some areas the introduction of the basic teams has been perceived as a way to make the police concentrate more on enforcement tasks and as an alternative to the community policing model of high police visibility and close relations between community officers and local residents. However, in other places the introduction of the basic teams has been used as an opportunity to innovate, with the introductions of a form of community policing called context-driven policing (Sezen-Bascole, 2011). Many of these local differences depend on the views of regional and local police leaders about the importance of local policing. In the small municipality of Rhenen, for example, the local police leadership decided to close the local police office located in the town hall and move the police team

based there to a larger city ten kilometres away where they will become part of much larger new basic team. The mayor fears that the availability of the police in his town will be seriously reduced and that the police will only operate at a distance, without much local information. By contrast, in another small and rural municipality (Roerdalen), exactly the opposite is happening. Here the introduction of the basic teams is seen by the local police chiefs as an opportunity to strengthen local policing and to reverse the trend of the past twenty years of the police largely retreating from rural areas. Because the basic teams are now much larger it creates the opportunity to have a small sub-team with the members supervised by the local community police officer. The sub-team has its accommodation in the new town hall. This also implies that now there is a much closer relation between the mayor and the community police officer than there was before police reform. The members of the sub-team are responsible for all regular police tasks in the municipality, like processing citizens' reports of crime, patrol, service and prevention tasks, and investigation of petty crime while other members of the larger basic team can support them when necessary. Given that a key objective of police reform was establishing the 'unity of the [police] organization' through the standardization of work processes and organizational structures, these local differences are quite remarkable.

Scotland

Unlike in the Netherlands, the detailed design of the new organisational structure of the national force only occurred once the reform legislation had been passed and the new Chief Constable appointed. Given that there was less than nine months between this appointment and the date at which the new force would formally begin (1 April 2013), the process of designing and implementing the new organisational arrangements proceeded rapidly. Significantly, however, the Chief Constable implemented a structure for local policing that

differs in important respects from the arrangements set out in the original legislation.

Although there are 32 local police areas aligned with the boundaries of local authorities each with a local commander as required by the Scottish Police Reform Act, the main territorial and administrative unit for local policing are 14 police divisions. In three areas the boundaries of these divisions are aligned with those of a single local authority but most divisions comprise several local authority areas and in 4 areas simply map on to the original regional police force boundaries. While this structure for delivering local policing offers a degree of managerial efficiency (allowing the national command team to work with 14 divisional rather than 32 area commanders), from a local authority perspective, this configuration creates a more complex landscape. For the five local authorities who have boundaries co-terminous with the police divisions, there is a direct link with a divisional commander of the rank of Chief Superintendent. In the remaining 27 local authority areas, however, the most senior officer will typically be a Chief Inspector whose immediate line manager is the Chief Superintendent of the police division. This creates a more differentiated landscape within which local authorities must interact with the police from that set out in the original legislation. In those areas where local authority boundaries are co-terminous with the police division, the local commander has a higher degree of authority and autonomy to take decisions than in those local authorities which are not aligned with divisional boundaries. The picture is further complicated by the decision of the Chief Constable to require 353 neighbourhood level policing plans (based on the administrative unit of multi-member ward areas) in addition to the statutory requirement that each of the 32 local authority areas have a policing plan. While this could be seen as adding a further degree of localism and sending a potent symbolic message regarding the local orientation of the national force, it also creates potential for tensions between the priorities set out in the statutory local policing plans for each local authority area and those contained within ward level plans.

In addition to the configuration of organisational structure of the national force, two other developments have had a significant impact on the delivery of local policing. The first concerns the local impact of national priorities. The Chief Constable's annual policing plan makes clear that crimes of violence are to be given the highest priority, particularly where these relates to rape and other forms of sexual violence. One consequence is that each local police division has had to establish a rape and sexual violence unit. This in turn has led to the displacement of other local priorities, particularly where these relate to property crime, with the result that some pre-reform local initiatives, such as specialist burglary teams, have been abandoned. These national priorities have been reinforced by a new national performance management system based around a range of quantitative indicators and key performance targets for enforcement-led activities, such as the use of 'stop and search' tactics to detect and deter crime, or stopping motorists who are speeding or using mobile phones. This enforcement-led approach very much reflects the way that the Chief Constable of Police Scotland delivered policing in his previous role of Chief Constable of Strathclyde Police. As Sir Stephen House (2013: 9-10) emphasised in a public lecture, 'the unique selling point that we [the police] have is that we are an enforcement agency.' The application of this approach to the rest of Scotland (dubbed 'Strathclydification' or 'Strathclydisation' by the national media) is already proving controversial. This is most clearly evident in the increasing use of stop and search. Since the mid-2000s, the rate of stop and search had been increasing in Scotland and by 2010 was nearly four times higher than in England and Wales, but this was largely accounted for by the use of this tactic in Strathclyde Police where over 80% of stop searches in Scotland were carried out (Murray, 2014). Following the establishment of Police

Scotland, the use of this tactic has continued to grow as a result of specific national performance targets. It has been estimated that the national rate was 140 stops per 1000 people in 2013/14 compared with 86 per 1000 in 2010 (SPA, 2014). This has meant substantial increases in stop and search activity in many areas of Scotland where previously this tactic had been used less often, with some communities seeing the number of stop and searches increase by over 400% in the period April and December 2013 (SPA, 2014: 11). While chief officers have robustly defended the use of this tactic to fight crime, weapons and drugs, others are more critical and fear that on the long run stop-and-search may have negative consequences for the relations between the police and certain groups, may contribute to social conflicts and damage the image of the police (Murray, 2014). These concerns were underlined by the Scottish Police Authority (2014) in its review of the policy and practice of stop and search. This review recommended that more attention is focused on balancing policing needs with the rights of individuals, making better use of analysis tools to support the targeting of stop and search, and improving officer training.

Discussion: mind the implementation gap?

A key lesson of implementation research is that there is typically an implementation 'gap' between the 'policy promises' as set out in legislation and the 'policy products' that are established in practice (Pressman and Wildavsky, 1973; Ham and Hill, 1986; Hill & Hupe, 2009; Hupe, 2014). This reflects the way implementation is often dependent on the joint actions of large numbers of semi-autonomous actors, each having their own interests, agendas and views, that may or may not be in line with the policy mandate. The implementation process can therefore be very complex, highly unpredictable and full of uncertainty (O'Toole, 2004). It may be dependent on persuasion and negotiations between different actors using

different resources and political strategies (Bardach, 1978: 37). There may also be tensions between 'those who believe in control, planning and hierarchy on the one hand, and on the other those who believe in spontaneity, learning and adaptation' (Lane, 1987: 543).

The local implementation of the recent police reform in the Netherlands and Scotland exemplifies precisely these features of the implementation process. In Scotland, the high degree of autonomy of the Chief Constable over the national force means that he has been able to introduce a structure and style of local policing that differ in important respects from those envisaged by the legislation. In terms of structure, the two tier arrangement set out in the Scottish Police Reform Act (linking local authority areas directly with the national level) has been modified by the creation of additional layers that reduce the scope of most local authorities to engage directly with a single senior local commander. In terms of style, there is a growing tension between the 'policing principles' set out in the legislation, with their emphasis on partnership, harm reduction and community well-being, and current policing practice which appears to privilege enforcement over engagement and is highly focused on 'crime-fighting' rather than on prevention and community relations. This is exemplified by the key performance indicators that are now used to assess local divisional commanders which relate almost exclusively to enforcement activity and to issues like the increasing use of stop and search and the arming of officers. In the Netherlands the emerging implementation gap is less due to the actions of chief police officers and more the product of conflict with the police unions who have not only caused a considerable delay in the reform process, but also created more room for local diversity than originally envisaged in the proposals for a national force. To the surprise of some observers (and contrary to what could be expected from the

original reform proposals), in some locations in the Netherlands the new local policing structure seems to give some room for an innovative form of community policing, now called context-driven policing. It is confirmation of the more general notion that in the implementation of reform policy the process about how to define and interpret ends and means of police reform goes on (Terpstra & Havinga, 2001).

These developments in each jurisdiction also exemplify the ways in which the room created by reform is used for an implementation process that is highly dependent on the actions of large numbers of actors, located at different political different levels and within different networks (Pressman & Wildavsky, 1973). Some of these actors may be policy elites based in central government focused on achieving particular policy objectives while others may be lower level actors involved in converting policy into practice. All these actors come into play within the implementation arena, each with their own interests, views, interpretations of reform, resources, and strategies. In the Netherlands, for example, the police unions have emerged as very important actors within this implementation arena with their refusal to make an agreement about the new job classification and the social paragraph of the organizational restructuring causing significant delays for the government in being able to achieve its original objectives. By contrast in Scotland, the Chief Constable has had the power to implement a sweeping set of changes to the organisation and delivery of local policing with very little resistance from either within or outside the police organisation. This has been assisted by the absence of any robust governance structure around policing at a local level and by delays in establishing arrangements for creating the national governance arrangements. Indeed, when it looked as though the process of implementation might stall at a national level over a dispute between the Chief Constable and the Chair of the SPA over their different interpretations of the legislation regarding the role of SPA in controlling the financial affairs

of Police Scotland, Scottish Government intervened on the side of the Chief Constable and the SPA was forced to back down. As these examples show, the interactions between the actors involved implementation and particularly between policy elites and lower level actors, means that the implementation process will typically consist of struggles, bargaining, negotiations and the creation of coalitions. (cf. Lane, 1987; Hill, 1997).

Concluding comments

While it is too early to come to a definitive assessment of the implications of the two police reforms, the trajectory of change presented in this paper clearly stands in stark contrast to claims made in some jurisdictions regarding the emergence of a 'new localism' in policing (see McLaughlin, 2007; Bullock and Sindall, 2014). Indeed, the analysis presented here helps to provide some insights into what the centralization of policing through the creation of national police forces means in practice. This goes beyond simply the creation of new structures but also involves the emergence of new relationships and processes. However, because police work is so dependent on local contexts and the actions of officers at street level, the implementation of the police reform is faced with fundamental tensions between the pressure to centralize and standardize, and the need for decentralization and local professional autonomy. However, despite this emphasis on a new centralism, it is also important to recognise that this does not eliminate the possibility of local initiative or the scope for the process of implementation to be seen as a learning process, where decisions take early on the process or modified at a later stage. In the Netherlands the new window of opportunity created by the police reform has been used by some of police participants to introduce innovative community policing strategies, now labelled as 'context-driven policing'.

Similarly, in relation to the growing public criticism about the extensive use of stop and

search, Police Scotland have decided to pilot a new approach in one division that will place more emphasis on aligning this tactic with the principles of procedural justice. In terms of implementation being a learning process, many of those interviewed in Scotland also thought that the decision by Police Scotland to carry out raids on saunas in Edinburgh without consulting local authorities would be handled differently in the future and involve more consultation because of the reputational damage for the police caused by these raids. The decision by Police Scotland to allow some officers to carry firearms while on routine patrol is also to be reviewed by the police inspectorate and the SPA with a view to understanding better the community impact of this decision. The introduction of police reform in both the Netherlands and Scotland therefore exemplifies the way in which policy implementation is a highly complex process in which the conversion of policy objectives into action can involve contested and negotiated relationships between policy elites and lower level actors, different interpretations of legislation, bureaucratic discretion, and on-going processes of learning among key decision-makers as the process of implementation unfolds.

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References

- Bardach E (1978) *The Implementation Game. What happens after a bill becomes a law.* Cambridge: MIT Press.
- Barrett S and Fudge C (1981) *Policy and Action: essays on the implementation of public policy.* London: Methuen.

- Bullock K and Sindall K (2014) Examining the nature and extent of public participation in neighbourhood policing. *Policing and Society* 24 (4):385-404
- Clark G.L. (1984) A theory of local autonomy. *Annals of the Association of American Geographers*, 74(2): 195-208.
- COSLA (Convention of Scottish Local Authorities) (2014) Impact of Police Reform on Local Policing. Written evidence to Justice Sub-Committee on Policing.
http://www.scottish.parliament.uk/s4_JusticeSubCommitteeonPolicing/Inquiries/LP21_COSLA.pdf. Accessed 5/8/14.
- Donnelly D (2010) Policing the Scottish community. In: Donnelly D and Scott K (eds.) *Policing Scotland*. Oxon: Willan Publishing (2nd edition), pp. 201-233.
- Donnelly D and Scott K (2010a) Governance, accountabilities and Scottish policing. In: Donnelly D and Scott K (eds.) *Policing Scotland*. Oxon: Willan Publishing (2nd edition), pp. 72-110.
- Donnelly D and Scott K. (2010b) Semper Vigilo: the future of policing in Scotland. In: Donnelly D and Scott K (eds.) *Policing Scotland*. Oxon: Willan Publishing (2nd edition), pp. 455- 472.
- Fyfe N R (2014) A different and divergent trajectory? Reforming the structure, governance and narrative of policing in Scotland, in Brown, J. (Ed), *The Future of Policing*. London: Routledge, pp. 493-506.
- Fyfe N R and Scott KB (2013) In search of sustainable policing? Creating a national police force in Scotland. In: Fyfe NR, Terpstra J and Tops P (eds) (2013) *Centralizing forces? Comparative Perspectives on Contemporary Police Reform in Northern and Western Europe*. The Hague: Eleven International Publishing, pp. 119-135.

Fyfe N R, Terpstra J and Tops P (eds) (2013) *Centralizing forces? Comparative Perspectives on Contemporary Police Reform in Northern and Western Europe*. The Hague: Eleven International Publishing.

Ham C and Hill M (1986) *The Policy Process in the Modern Capitalist State*. Brighton: Wheatsheaf Books.

Hill M (1997) Implementation theory: yesterday's issue? *Policy and Politics* 25(4): 375-385.

Hill M and Hupe P (2009) *Implementing Public Policy: an introduction to the study of operational governance*. Los Angeles: Sage.

HMICS (Her Majesty's Inspectorate of Constabulary for Scotland) (2013) *A thematic inspection of the development of local police plans and local fire and rescue plans and associated arrangements for local scrutiny and engagement*. Edinburgh: HMICS

Holmberg L (2014) Scandinavian police reforms: can you have your cake and eat it, too? *Police Practice and Research* 15(6): 447-460.

Holmberg L and Balvig F (2013) Centralization in disguise. The Danish police reform 2007-2010. In: Fyfe NR, Terpstra J and Tops P (eds) (2013) *Centralizing forces? Comparative Perspectives on Contemporary Police Reform in Northern and Western Europe*. The Hague: Eleven International Publishing, pp. 41-57.

House S. (2013) *Collaborative working and shrinking budgets: can we get better value by behaving smarter?* Apex Scotland Annual Lecture, 3 September 2013.

Hupe P (2014) What happens on the ground: persistent issues in implementation research. *Public Policy and Administration* 29(2): 164-182.

Inspectie Veiligheid en Justitie (2013) *Nationale Politie op Koers?* Den Haag: Inspectie VenJ.

Inspectie Veiligheid en Justitie (2014) *Tweede Onderzoek Vorming Nationale Politie*. Den Haag: Inspectie VenJ.

Lane JE (1987) Implementation, accountability and trust. *European Journal of Political Research* 15(5): 527-546.

McLaughlin E (2007) *The New Policing*. London: Sage.

Murray K (2014) *Stop and search in Scotland: an evaluation*. Glasgow: Scottish Centre for Crime and Justice Research.

O'Toole LJ (2004) The theory-practice issue in policy implementation research. *Public Administration* 82(2): 309-329.

Pressman J and Wildavsky A (1973) *Implementation*. Berkley: California Press.

The Scotsman (2014) 'Edinburgh sauna raids show police culture clash' 30th May 2014.

Scott K (2013) A single police force for Scotland The legislative framework (1). *Policing: a journal of policy and practice* 7(2): 135-147.

Scottish Parliament Justice Committee on Policing (2013) *Official Report 31 October 2013*.
Edinburgh: Scottish Parliament

Schofield J (2001) Time for a revival? Public policy implementation: a review of the literature and an agenda for future research. *International Journal of Management Reviews* 3(3): 245-263.

SPA (Scottish Police Authority) (2014) *Scrutiny Review – Police Scotland's Stop and Search Policy and Practice*. Glasgow: Scottish Police Authority.

Terpstra J (2013) Towards a national police in the Netherlands. Backgrounds of a radical police reform. In: Fyfe NR, Terpstra J and Tops P (eds) (2013) *Centralizing forces? Comparative Perspectives on Contemporary Police Reform in Northern and Western Europe*. The Hague: Eleven International Publishing, pp. 138-155.

Terpstra, J. and Fyfe, N. (2014) 'Policy processes and police reform: examining similarities and differences between Scotland and the Netherlands', *International Journal of Law, Crime and Justice* 42(4): 366-383.

Terpstra J and Havinga T (2001) Implementation Between Tradition and Management: Structuration and Styles of Implementation. *Law and Policy* 23: 1, 95- 116

Terpstra J and Jochoms T (2014) Organisatie en interne sturing van politiewerk. In : Muller ER et al. (eds.) Politie. Studies over haar werking en organisatie. Alphen aan den Rijn: Kluwer (3d rev. ed.) (to be published).

Van Sluis A, Cachet, L and Jochoms T et al. (eds.) (2013) *Contested Police Systems: Changes in the Police Systems in Belgium, Denmark, England & Wales, Germany and the Netherlands*. The Hague: Eleven International Publishing.