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Great expectations? Assessing the creation of national police organisations in Scotland and the Netherlands

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Abstract

Against a background of recent structural reforms to police organisations in northern and western Europe, this paper examines the experiences of Scotland and the Netherlands where national police forces were established in 2013. Taking a comparative perspective, an analysis of the police reform proposals is followed by a review of the arguments for reform, the challenges of implementation and the findings emerging from the evaluations of the police reforms in each country. The paper concludes by drawing out the contrast between the 'great expectations' of the two police reforms articulated by the governments and the realities of bringing about rapid and large-scale organisational change, arguing that institutionalist perspectives on police reform have much to offer in making sense of the challenges of the police reform process.

Introduction

Several countries in northern and western Europe over the past years have experienced fundamental transformations to the structure, organisation and governance of their police systems (Fyfe et al., 2013), among them Scotland and the Netherlands. In these two countries police reforms have many similarities. Both reforms started in 2013 and involved a highly comparable change from a regionalised system to a single national police force. In both countries, the police had had a strong traditional focus on local policing and local police governance. In the two countries, the transition to a nationalised police system can be understood as a radical break with the past that confronted the new police organisations with highly similar questions and challenges (Fyfe and Scott, 2013; Terpstra, 2013). Similarities in the trajectories of reform in Scotland and the Netherlands

therefore offer a good opportunity for a comparative long-term analysis of police reform. In two earlier studies (Terpstra and Fyfe, 2014, 2015), we showed that the plans for reform, the underlying policy processes and the implementation of reform over the first year also highlighted interesting differences between the two countries. This paper can be seen as a next step in our comparative study of these two police reforms. The analysis that we provide here, gives us the opportunity to have a look over a longer period, from which we can draw on a greater body of evidence than before. Now, more than 5 years after the reforms were

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introduced, the transitions to national policing arrangements in both Scotland and the Netherlands have been studied more extensively, creating a larger body of evidence with which to assess implementation of the reforms and their impacts.

In this paper, we first deal with the reform proposals and examine the reasons why the Scottish and Dutch governments wanted radical transformation of their police systems. Next, we look at the implementation and evaluation of the two reforms, which show the gaps that emerged between what was set out in the reform proposals and what was established in practice. In our conclusions, we return to the issue of the great expectations of the two police reforms in their complex institutional contexts.

The reform proposals

In both Scotland and the Netherlands introduction of a national police system in 2013 was underpinned by new legislation. In Scotland, this was the Police and Fire Reform (Scotland) Act 2012 and in the Netherlands the Politiewet (Police Act) 2012. Three key elements are relevant in the original reform proposals of the governments of Scotland and the Netherlands. For each of these elements some important similarities and differences can be highlighted.

First, in both countries, a central aim of the reforms was a radical reconfiguration of the organisation of the police through the creation of single, national police services, with originally only a limited number of organisational levels (two in Scotland and three in the Netherlands). In both countries, however, it was soon decided to add more organisational levels to the original design of the structure such that both national police services now have five organisational levels. This can be seen as a first indication that the reform process proved to be much more complex than originally anticipated.

Second, both countries have experienced important changes in the governance and accountability of the police. From the early 1960s, Scotland had a tripartite structure of local police boards, comprising elected councillors, local chief constables and the Scottish Minister (Fyfe, 2011). Local police boards contributed 49% of the costs of local policing and appointed local senior officers. The local chief constable had to account to the local police board, although formally he had operational independence. With the 2013 police reform, local police boards were abolished and the formal role of local councils in the governance of the police was restricted to consultation (Fyfe and Scott, 2013).

In addition to these local changes, the 2013 Scottish police reform also changed the governance and accountability of the police at the national level. A new unelected body, the Scottish Police Authority (SPA) was created. Its main functions are to resource Police Scotland, hold the chief constable to account and contribute to 'the continuous improvement' of the police in Scotland. The SPA is also involved in elaboration of the police priorities set by the Scottish government into a 3-year police plan (KB Scott, 2013).

In the Dutch Police Act 2012, the traditional legal distinction remained between the 'administration' of the police (the formal power to make decisions about police organisation and resources) and 'authority' over the police (the power to decide what the police should do). What is also similar with the situation before 2013 is that according to the new Police Act authority over the police is largely concentrated at the local level, divided between two actors: the mayor as the head of the municipality (who has authority over the police with respect to the policing of disorder and police services) and the public prosecutor (with authority over the police concerning criminal investigations). In the Netherlands, both the mayor and the public prosecutor are non-elected, appointed officials. The most important changes in the governance and accountability of the Netherlands' police concern the administration of the police (the formal power to make decisions about police resources and organisational issues). Before 2013, administration of the regional police forces was usually with the mayor of the largest municipality in a region. With the Police Act 2012, this was transferred to the national level. Now, the chief constable of the national police force has formal responsibility for the administration of the police (but has to account to the minister for the use of this power). In sum, in the Netherlands, the power of authority over the police is still largely at a local level, whereas the power to decide about police resources came to be fully concentrated at the national level.

Third, in both Scotland and the Netherlands, an important issue in the political deliberations about the police reforms was the potential consequences of the introduction of a national and centralised police system for local policing. Partly to address this concern, the Scottish Police Act made 'local policing' a statutory requirement (although the legislation does not offer a clear definition of local policing). The Scottish Police Act also had a set of policing principles that state that a main purpose of the police should be that they are accessible, cooperate with others where appropriate, engage with local communities and promote measures to prevent crime, harm and disorder. In the Netherlands, many observers feared that the establishment of a national police force might have negative consequences for local policing. However, the Netherlands' Police Act 2012 contains hardly any information about local policing, with one exception: the legal requirement to have one community police officer for every 5000 inhabitants. Organisational plans for the new police service also provided hardly any information about local policing. The only

information available at the time was that the new force would have 'robust basic teams', with between 60 and 200 full-time equivalent (FTE) officers, and that all regular (local) police tasks should be done by these teams. Comparing the 2012 police acts of the Netherlands and Scotland there is an interesting difference. The Netherlands has a much stronger governance structure surrounding local policing, but Scotland has a much more elaborate arrangement in its legislation with regard to local policing and policing principles. At the start of the two national police forces, it remained an open question what consequences these different legal arrangements might have for local policing in each of the countries. An important consequence of the reform plans was that in both countries, relations between the top executives of the police forces and the national governments (the minister) became much closer than previously, raising new questions about the risks of politicisation of the police (see also Bayley and Stenning, 2016) and the balance of power between central governments and local politicians in setting the strategic context for policing.

Arguments for reform

Although there are important similarities in the proposals and timing of the police reforms in Scotland and the Netherlands, the arguments for reform used by the governments in the two countries were not entirely the same. There was some common ground in that the governments in both countries viewed the fragmented structure of their regional police systems as increasingly problematic given the changing nature of crime and disorder. The old regional force boundaries were perceived as anachronistic given that criminality has become increasingly transregional and transnational. The lack of coordination between the regional police services was also seen as a major impediment to effective policing. In both countries, the drive towards a national police system was also motivated by the lack of integrated IT systems that could be used by the police in the whole country (Terpstra and Fyfe, 2014). In the Netherlands, the government's wish for a national police force was also motivated by a shift in policy frame: whereas in the past decentralization was generally perceived to be a 'good thing', now it was often framed as a main cause of powerlessness, irresolution and delay in making the police more effective (Terpstra, 2013).

In addition to these arguments, which were more or less similar for the two countries, there are also some important differences, that later had an impact on implementation of the reforms. In Scotland, the most important argument for reform the police was probably the deep cuts in public spending made by the UK government at Westminster. The case made by the Scottish government was that economies of scale and reduced duplication associated with the creation of a single police force would save ∼ 10% of the police budget per year without any reduction in the numbers of police officers (Fyfe and Scott, 2013). Compared with this, in the Netherlands, the financial savings argument was far less important in the government's case for a national police force.

In Scotland, a second government argument for a single police force was to create more equal access to specialised police units, resources and expertise. Under the previous regional arrangement there was uneven capacity and capability to deal with complex investigations, resulting in different levels of service depending on where people lived. The government argued that a single police service would be better able to realise that all local areas could access specialist expertise when necessary. A third key consideration in the decision to create a national force in Scotland related to the political context with a nationalist government seeking to distinguish Scotland from the rest of the UK as part of an independence agenda. Within such a context, both the decision not to follow the approach to police reform in England and Wales (with is emphasis on decentralisation) and the creation of a national Scottish police force fulfilled important symbolic needs in creating a national Scottish identity (Terpstra and Fyfe, 2014).

By contrast, for the Netherlands' government other considerations were important in its aim to reform the police. For several years before the reform, the government had asked regional police forces to improve their collaboration and implement the agreements that they had made to tackle some pressing problems in the Netherlands' police, for example with regard to failing IT systems and the exchange of information between forces. However, in 2010, studies by the general audit office (Algemene Rekenkamer, 2011) and the police inspectorate (Inspectie Openbare Orde en Veiligheid, 2010) showed that hardly any progress had been made on these two issues. This failure of the regional police forces contributed to a radical change in political views on the need for police reform. In 2010 and 2011, the most important reasons for the Netherlands' government to launch the plan for a single national police force were to: centralise resource management or administration ('beheer') of the police; stop the fragmentation and lack of cooperation between regional forces; reduce the power of regional and local actors, especially with regard to matters of resource management by the police; and contribute to the solution to some long-term and pressing problems of the Netherlands' police (e.g. police IT) (Terpstra, 2013).

The challenges of implementation

Our first comparative paper about police reforms in Scotland and the Netherlands was written at a time (autumn 2013) when implementation of these reforms was still in

its infancy. At that time, we found that implementation of the two reforms was confronted with serious problems, tensions and delays. In that paper, we supposed that although the police reforms of the two countries had many similarities, in the end their implementation might be quite different (Terpstra and Fyfe, 2014). Now, more than 5 years after the start of these police reforms, and in contrast to what we presumed in 2013, there have been important similarities in the implementation of the two reforms and in the problems that have arisen in these trajectories. In both Scotland and the Netherlands, the implementation of police reform has proved to be much more difficult and complex than originally anticipated by the governments and has been associated with significant political and leadership problems.

In Scotland, five main areas of concern have emerged during police reform. First, cuts to the police budget that have accompanied the implementation of reform have been a significant challenge. The political decision that the number of police officers should not be reduced meant that financial savings had to be found elsewhere, such as through the closure of local police stations and by reductions in civilian staff. Both measures have led to significant concerns. The public often view the closure of police stations as a retreat from local communities, while police officers now have to take on administrative tasks previously carried out by civilians (Scottish Institute for Policing Research et al., 2017). Second, there was a general perception that Police Scotland came to be dominated by the management and policing styles of the largest of the former regional forces, Strathclyde Police. This was also the force from which the first Chief constable of Police Scotland was drawn. The term 'Strathclydificaiton' was coined to capture policing styles that were perceived as increasingly dominant in Police Scotland's approach such as a focus on enforcement (stop and search) and the use of strict performance targets (Fyfe, 2015). Third, reform of the Scottish police has increased the tensions between national policy and local priorities. Local police officers, councillors, members of the public and partner agencies have all been concerned that local partnership working and engagement activities by the police have been marginalised during the reform. It was felt that police officers became less well-known in their local communities (Scottish Institute for Policing Research et al., 2017) and that local authorities found that their position in the local governance and accountability of the police had become much weaker (COSLA, 2014; Terpstra and Fyfe, 2015). Fourth, Police Scotland has come under intense scrutiny from the media and politicians during implementation of the reform, partly because of the style of policing with its strong emphasis on enforcement, but also because of failings in the organisation's response to some serious incidents. For instance, a delay of 2 days in sending a police patrol to investigate a report of a car crashing off a motorway, which resulted in the deaths of the two occupants of the car, was seen as a symptom of the problems created by centralisation and standardisation following reform. This incident was an important catalyst in the decision of the first Chief Constable of Police Scotland to resign. The appointment of his successor was seen as creating the opportunity for a 'fresh start'. However, less than 2 years later, the new chief constable was suspended following allegations of 'bullying'. Finally, the implementation process has been viewed very negatively by many frontline police officers. In their view, it meant increased workloads, a lack of information and poor communication about the aims of reform measures, which contributed to low levels of morale among officers (Scottish Institute for Policing Research et al., 2017).

In the Netherlands, in summer 2013, there were already signs that the implementation of police reform was not going as intended. At that time, the Dutch Inspection of the Police published its first report on the progress of the reform. Only 6 months after the start of the national police system, the Inspection concluded that there should be a 'reconsideration' of the reform, especially with regard to 'the pace of change and the reorganization of the workforce' (Inspectie Veiligheid en Justitie, 2013). In its follow-up reports, the Inspection often repeated similar conclusions: much delay in the reform process, a lot of uncertainty among police officers, and many officers at supervisory and managerial positions who had serious doubts about the feasibility and realism of the aims of the reform (Inspectie Veiligheid en Justitie, 2014, 2015a, 2015b, 2016).

In the following years, several studies showed that Dutch police reform was much more complex than suggested previously, that there were tensions between national and local levels, and that it was proving difficult to retain the traditional balance between the 'authority' and 'administration' of the police. Some studies showed that although most of the mayors were satisfied with how the local police did their job, a considerable number were not so pleased with the room that they had to realise their formal 'authority' over the police. More than half of the mayors (especially of small and rural municipalities) felt that they should have more influence and information about 'administration' issues to be able to realise their authority over the police. About two-thirds of the mayors thought that national policing priorities could be detrimental to the realisation of local priorities. Many mayors felt that national levels of governance interfered with local affairs, even if these concerned a domain in which only the mayor had the formal powers (Karsten et al., 2014; Terpstra et al., 2015).

According to the original design of the National Police, local teams should be an important element of the new organisation. A study on these teams showed that, in practice, their management structure was highly complex. The large size of the teams (often between 150 and 200 FTE) meant that there were often problems with the 'span of control'. As a consequence, many officers felt more or less lost. In particular, community officers often felt isolated. Relations between local police teams and local communities were now more distant. The closure of many local police stations, the reduction in opening hours and the increasing use of internet and e-mail as the only way for citizens to contact the police contributed to a more remote and abstract relationship between citizens and the police (Terpstra, 2018).

Many studies have concluded that implementation of the Dutch police reforms did not yield the aimed for results. About 2 years after the start of the reform process, a crisis-like atmosphere arose that came to dominate the public image of the National Police, suggesting that it was a failing project. An important change in the political context of this police reform came in March 2015 when the Minister of Security and Justice had to resign (for reasons unrelated to the National Police). There had been a strong identification of the National Police with this minister. His resignation created the room for a more realistic approach and implementation of the reform. With the publication of the so-mentioned Paper of Reorientation (August 2015) more time became available for the implementation of the police reform. The fact that only a couple of months later the first Chief Constable of the National Police also had to resign (October 2015), contributed to a considerable turn in the implementation of the police reform: more room for the consideration of local needs, less one size fits for all, and more flexibility.

Evaluation

The final element examined in this paper is the evaluation of the two police reforms. The Dutch Police Act 2012 contains a legal obligation that the Act should be evaluated within 5 years after the start of the new police system. In 2013, the minister installed an independent committee to carry out this evaluation. In November 2017, the committee published its final report, including a list of recommendations (Commissie Evaluatie Politiewet, 2017). The Scottish Police and Fire Reform Act 2012 did not include a comparable legal obligation to evaluate the new police system. It was only after the new force had been established for 2 years that the Scottish government decided to commission an evaluation of the reform. In contrast to the Netherlands, the evaluation of police reform in Scotland has not been given to an independent committee, but was conducted by a consortium of three independent research organisations. The 4-year evaluation began in 2015 and so far, several reports have been published (Scottish Institute for Policing Research *et al.*, 2016, 2017).

In the Netherlands, in its final report the Evaluation Committee concluded that the complexity of the implementation of the Police Act had been seriously underestimated by the government. The reform was said to have been too ambitious, with too much emphasis on centralisation and top-down measures. The relations between the Minister and the Chief Constable were found to be lacking in transparency and it was recommended that there should be more discretion for the Chief Constable. According to the committee, in 2017 it was not possible to present a final evaluation of the Netherlands' police reform. The data necessary for such an evaluation, were not sufficiently available. In the committee's view, more time was needed to realise the ambitions of the Police Act 2012. For that reason, the committee asked for a new evaluation of the National Police after a further 5 years (in 2022). Still, it was strongly believed that the Police Act 2012 should be continued and viewed as an adequate legal framework for further development of the national police system. The committee's work was strongly criticised. It was said that the committee had a very instrumental view on the Police Act and its evaluation. It was called an illusion that with five more years to go the exact measurement of key indicators and a causal analysis of the impact of the reform process would become possible. As Fijnaut (2015) had already concluded, the committee had confused evaluation of the Police Act with an evaluation of the police.

By comparison, the evaluation of Scottish police reform was less ambitious, but also more practical. The focus was on whether the reform had achieved its aims of maintaining local police services despite cuts in the police budget; creating more equal access to specialist resources and expertise; and strengthening connections between the police and local communities. The reports published to date indicate that there is plausible and credible evidence of progress being made against each of these aims (Scottish Institute for Policing Research et al., 2016, 2017). However, the picture is uneven. Most progress has been made in relation to establishing new processes allowing local police areas to draw on national resources for major crime investigations or when responding to a significant spike in demand associated with significant public order events or natural disasters, such as large-scale flooding (Fyfe, 2018). Less progress has been made in relation to local engagement with communities for many of the reasons referred to earlier, although there are signs that partnership working is being given a higher priority than at the start of reform. An important aspect of the Scottish evaluation is its formative role. Each annual report sets out recommendations and wider lessons for Police Scotland which can be used to

inform the next stages of reform. Although it is too early to assess the impact of this process, it suggests that evaluations can play a significant role both in understanding the impacts and implications of reform but also in using these findings to shape the future direction of reform.

Conclusions: police reform and institutional change

The preceding analysis shows that although there have been important differences between the police reforms in Scotland and the Netherlands (in terms of their reform proposals, implementation and evaluation), one important conclusion applies to both. Both reforms were over-ambitious, requiring large-scale structural changes within a far too short time frame. Of course, all kinds of practical and organisational factors made implementation of these reforms very complex and difficult, such as a lack of resources, lack of time, political pressure, lack of experience and skills to manage this type of complex transformation, or the anti-reform mentality that is often seen as typical of police culture (Skogan, 2008). But even if there had been more resources, more skills and more experience, this type of radical and large-scale transformation would probably have been too much for any organisation to accomplish in a couple of years.

Seen from this perspective, the police in both countries have become the victim of a naïve, almost utopian, belief in the ability to reform within unrealistic time frames. This dream of quite a few politicians and managers is a serious underestimation of the complexity of social institutions. From an institutional perspective (WR Scott, 2014), police reform should not be seen as only a matter of structural, organisational and legal changes, but also as a process in which normative and cognitive–cultural elements, such as symbols (WR Scott, 2008, 2014) and 'rationalised myths' (Crank and Langworthy, 1992; Meyer and Rowan, 1977) may be involved. Police reform is therefore not just a linear, rational process aimed at only increasing the effectiveness and efficiency of the police, it is also about meaning, values or promoting legitimacy (DiMaggio and Powell, 1983). In both the decision-making and implementation of these reforms, many actors are involved, each with their own views, interests and resources. The outcomes of these processes are highly dependent on the strategies used by these actors, such as negotiation, compromise, exchange, delay, ritual approval, 'decoupling' (Meyer and Rowan, 1977) or conflict (Terpstra and Fyfe, 2014, 2015). From this institutional perspective, the reason why these reforms met so many problems, barriers and resistance becomes clearer. These reforms were built upon 'rationalised myths' (Crank and Langworthy, 1992; Meyer and Rowan, 1977), a strong belief in radical, total transformation of police organisations from a top-down perspective. This approach neglected the importance of established institutional patterns and dominating social relations, with lots of traditions, and taken-for-granted norms, rules and beliefs, and with many actors at different levels who had to be involved in this process, but who had their own resources, views and interests. This implies that reform goals and measures are selected, filtered and adapted as a result of the strategies used by these actors (WR Scott, 2014). It also explains the institutional inertia and resistance against this type of top-down and large-scale reform (Campeau, 2017). As a consequence, police reform is a process of institutional development, which means not only a matter of change, but also of continuity. Instead of this dream or maybe 'mirage' (Worden and McLean, 2017) of total transformation, the notion of piecemeal engineering (Popper, 1945), a process of social change, innovation and improvement step-by-step, seems to be more realistic. In a context of institutional complexity and large numbers of actors on which the implementation of the reform is dependent, this may be an important way of preventing the types of risks and problems highlighted here. It may also be the best way for the police to avoid being caught up in the web of politics and unrealistic political ambitions. Finally, the Scottish and Dutch experiences show that police reforms of the future should be less focused on organisational and structural issues, and more concerned with institutions and improving the professional quality of the police rather of their organisational structure.

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