Book Review

Policing Scotland (2nd ed)
Daniel Donnelly & Kenneth Scott (eds)
£24.99 & £75.00, Willan 2010

This important book is imposing at 524 pages although it does cover most of the major concepts of policing in Scotland. Doubtless each succeeding generation of police officers remark that police work has changed beyond recognition in a generation or so: the amalgamation of forces alone is one of the most patent symbols of that change. The Greenock Burgh police officers in the early 1950s, to give one example, became Renfrewshire and Bute police officers of the 1960s then became part of Strathclyde Police on formation in the 1970s. This is a matter of immediate interest because within a year or so from now there will be police officers who only know of an all-Scotland jurisdiction: see the Police and Fire Reform (Scotland) Bill 2012 presently before the Scottish Parliament as it provides by s. 6 that: “There is to be a constabulary to be known as the Police Service of Scotland...”. However, it may be that burgh provincialism is to be replaced by small nation provincialism, given the amalgamations and the increasingly international nature of police duties.

This book sets out (p 1) to establish if policing is different in Scotland as compared to the rest of the United Kingdom, and if so how? The aims are (p 1-2) to consolidate what is known, to describe how policing in Scotland works and to provide an analysis of policing and to see how characteristics and traditions are maintained. There is, however, an enormously wide range of expectations by the public on the police and that shows through in the diverse nature of the seventeen chapters (by sixteen contributors in various combinations).

One constant theme is “policing by consent” and it is said (p 5) that by and large the Scottish public is highly supportive of the police. It is accepted (p 6) that the picture is “not universally rosy”. At any rate emphasis is placed in the introduction (p 8) on the traditional and statutory duty to “guard, patrol and watch”: s. 17 Police (Scotland) Act 1967. This is notable as it establishes the statutory basis of much of Scottish policing: regretfully no mention seems to have been made of the proviso to s. 17, which in few words marks out the Scottish police from others elsewhere and encapsulates a wholly different concept of policing: viz. “provided that in relation to the investigation of offences the Chief Constable shall comply with such lawful instructions as he may receive from the appropriate prosecutor”. Ordinary investigations do not need recourse to such authorities but when the going gets tough powers such as those allow for an assertion of where overall responsibility lies for investigations. Admittedly there is an assertion that investigation and prosecution of crime “lies with COPFS” (p 388) but that is deceptive as what is under consideration is not an abstract policy aspiration. The appropriate local prosecutor may direct the police and that may for some individual officers detract from their apparent authority. Of course experienced and clever police officers schooled in the Scottish system know precisely the point at which they ought to ask the appropriate prosecutor for an instruction but that sort of manipulation seems not to be a matter for analysis in this volume.

However, with a system of public prosecutions, answerable to the Scottish Parliament through the Law Officers, the proviso ought to be seen as a deceptively simple constitutional safeguard: the police ought to defer in the correct circum-

stances to the appropriate prosecutor who is answerable through the professional hierarchy to the Scottish Parliament. Accordingly, the reference to and study of the tripartite system (central government, local government and chief constable see p 81 et seq) might in legal reality be seen as a quadrilateral in effect: the police act closely with and often on the direct authority of the public prosecutor. Chief Constables may receive competently policy directives from the Lord Advocate (s. 12 Criminal Procedure (Scotland) Act 1995) and investigating or reporting officers may receive competently instructions on specific operational matters (proviso to s. 17 of the 1967 Act).

The remaining work in the book covers such a wide vista as to provide much of interest for many others: the historical perspective is interesting (Chapter 3) although it might logically have come before the structure and organisation of modern Scottish policing (Chapter 2). The social context of the police is well covered (Chapters 7-10). The final chapter sets out some views for the future, several of which will come to pass soon enough: it seems highly likely that the discussions (p 464-468) about “restructuring”, which is to say amalgamation, will require to be rewritten soon for the inevitable third edition.

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