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Politics and the Police in Scotland: The Impact of Devolution

Kenneth B. Scott*

Abstract

The creation of a Scottish Parliament and Scottish government in 1999, under the process of devolution within the UK, created a significantly different constitutional and political landscape from that which preceded it. The impact on domestic issues in Scotland, such as policing, has been considerable. This is partly because of new structural arrangements, including the creation of a Justice Minister and a Justice Committee of the Parliament, and partly because of the significance of the law and order agenda within Scottish politics. This paper discusses the impact of these developments on the Scottish police. Analysis focuses on the growing involvement of the Scottish Parliament and Scottish governments in key areas such as constabulary independence, police accountability and the management of police resources. Through this discussion, the paper seeks to make a contribution to the debate about the relationship between the police and politics, and the extent to which policing in Scotland is becoming increasingly politicised.

Introduction

The single most important change in Scotland in recent times has been the Scotland Act 1998, the legislation which brought about constitutional devolution. The creation of a Scottish Parliament with full legislative powers in domestic policy has created a significantly different constitutional and political landscape from that which preceded it, one which now focuses on nearby Holyrood instead of distant Westminster [10]. As a significant part of Scotland's domestic affairs, policing now indisputably lies within the remit of the devolved Parliament and a Scottish government. The impact on Scottish policing has been considerable. This is partly because of new structural arrangements, including the creation of a Justice Minister and a Justice Committee of the Scottish Parliament, and partly because of the increased significance of the law and order agenda within Scottish politics.

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Policing in Scotland has always been a local service, locally delivered and locally accountable. There are eight territorial forces whose boundaries are co-terminus with the former local government regions created in 1975: Central Scotland, Dumfries and Galloway, Fife, Grampian, Lothian and Borders, Northern, Strathclyde and Tayside. There is a great imbalance in this structure in that Strathclyde Police covers half of the country, includes about 50% of the population, and deals with around 60% of the crime, while the other seven forces police the other half of Scotland. Of Scotland's 17,000 police officers half are based in Strathclyde, while some forces, such as Dumfries and Galloway and Northern Constabularies have quite small numbers, 540 and 777 respectively, much fewer than in a single division within Strathclyde [29]. Historically, policing in Scotland has always had a strong community focus, even before 'community policing' was developed internationally as a specific strategy in its own right [7]. Links with local government and the idea that policing was not only about law enforcement, but had an important role to play in the welfare of local communities has been well established since the nineteenth century [2]. At the same time, there has been a recognition that certain support services require to be made available to all forces on a national basis. In particular, elements of training, the maintenance of criminal records, and the development of information technologies have been provided through common police service organisations such as the Scottish Police College and the Scottish Criminal Record Office.

Governance and accountability structures are based on the tripartite model championed in the 1962 report of the Royal Commission on the Police [24]. That model includes roles for central government, originally fulfilled by the Secretary of State for Scotland and the Scottish Office, for local government through police boards consisting entirely of councillors nominated from constituent councils within the force area, and the chief constable with direction and control over all operational matters and all staff, whether police officers or those in civilian support posts [8].

The evolution and impact of the devolution settlement on policing has created what has been called 'a moving landscape' [9] within which Scotland's territorial police forces and central support services are now situated. The main features of this landscape include:

- a Scottish Parliament in Edinburgh with 129 MSPs, some of whom are directly elected from constituencies ('Constituency' MSPs) on the traditional first-past-the-post system and some who are elected on the basis of proportional representation from eight regional electoral lists ('List' MSPs) through the Additional Member System method;
- a Scottish government composed of MSPs, led by a First Minister, and collectively known in terms of the Scotland Act as Scottish Ministers, including a Justice minister, usually a senior politician who has responsibility, *inter alia*, for policing in Scotland [8].

The traditional view of the police in Britain has been one of non-partisanship in politics and, as Reiner has argued, historically this has been a central factor in the establishment of police legitimacy [23]. The corollary of that has been the adherence in both law and practice to the principle of constabulary independence, whereby politicians, both at national and local levels, are excluded from direct influence on decision-making in operational policing, this being accepted as the preserve of the chief constable alone. This applies equally in the Scottish system where chief constables have 'sole overall responsibility for the efficient administration and management of police operations' [26]. There remains, however, a question mark over the point at which political oversight is appropriate as against the point at which constabulary independence is inviolate. In the increasingly complex world of contemporary policing, Stenning has proposed that the broad distinction between 'operational' and 'non-operational' areas is arguably no longer sufficiently clear or useful to warrant the complete exclusion of democratically-elected bodies and the general public from key areas of accountability of a major service dependent on public finance [36]. This tension is central to the relationship between policing and politics.

Prior to devolution, the relationship between policing in Scotland and the politicians was clearly marked by the geographical distance between Scotland and London. Policing was only one of a myriad of responsibilities held by the Secretary of State for Scotland in the British cabinet, supported by a Scottish Office in both London and Edinburgh. It was normal for one of the ministers of state in the Scottish Office to hold the portfolio for 'home' affairs, and this was paralleled by supporting civil servants within an omnibus Scottish Home and Health Department,

in which ‘Police Division’ constituted but one small administrative section. The result was that Scottish policing had an incredibly low political profile. Even on those occasions when the police became the subject of major debates in the House of Commons, such as during the 1990s when the impact of the Sheehy Committee led to the Conservative Government’s policies and legislation focusing on police reform, Scottish policing was little more than a minor appendage to the political process. Indeed, contentious miners strikes in Scotland in the mid-1980s, part of the UK-wide strikes, which led to intense clashes between police and strikers, failed to ignite debate of politicization in the way it did south of the border.

Within Scotland the key political relationships for chief constables were always with local government in the form of the police boards which comprised the local leg of the tripartite system. Each force had its own police board, which was comprised of members of the local council. As the most significant power which these boards exercised was the appointment of senior officers, especially chief constables, their influence lay almost entirely in appointing whom they regarded as the right person for the job in the first instance. Thereafter, the local politicians’ duty was to ensure that the chief had the resources to police the area with no input at all to any operational issues. In the largely non-party political world of Scottish local government, this permitted chief constables to be almost entirely unencumbered by political intervention and in an immensely powerful position both constitutionally and personally [21, 4]. The tri-partite structures were but nominally operational. This is far removed from the situation in England and Wales where policing has, since the 1980s, been a highly politicised activity.

Since the devolved institutions have come into being, the situation appears to have changed bringing the interaction between politics and policing sharply into focus. The changes and emerging new relationship between the two moved one former chief constable to remark two years after the Scotland Act that: ‘telling officers how many criminals to arrest is not the function of a minister of state. When this becomes a habit, it is a danger to the public, the politician and the police. . . [Now] politics is infecting the police like Aids.’¹ The aim of this paper is to analyse the post-devolution relationship between politics and policing in Scotland. In particular, consideration will be given to interactions between the police and the key structures in the new

¹ “Politics infecting police ‘like AIDS’” *Sunday Herald*, 10 June 2001.

model of governance and administration of Scotland: the Scottish Parliament and Scottish Ministers.

The Scottish Parliament and Policing

Quite deliberately, the Scottish Parliament has sought to avoid some of the perceived pitfalls of the Westminster parliamentary system. The architects of Holyrood decided that the political process had to be more accessible, more open and more responsive, and ought to encourage the widest-possible public participation and scrutiny of policy and legislation [14]. Consequently, politicians are now much closer to issues of concern to the electorate. With a four-year fixed term for the Parliament there is no scope for MSPs to influence the timing of when they have to face that electorate; MSPs are physically much more accessible to their constituents than MPs at Westminster; and, in principle, should be in a much better position to scrutinise, monitor, query and question public agencies and government departments. Of course, the Scottish electorate is now somewhat spoiled for choice as far as representation is concerned, with not only one ‘constituency’ MSP but also seven ‘list’ MSPs in addition to a Westminster MP, seven European Parliament MEPs and three or four local councillors in each multi-member local council ward. For senior police officers this can create situations in which they have to deal with the same issue, complaint or grievance on more than one occasion from an array of elected members competing with each other for attention.

Law and order is a significant electoral issue in Scotland and is often ranked in the top three issues of importance to voters in Scottish opinion polls alongside health and education. It is also important because of the existence of Scots law and criminal procedure as a separate jurisdiction within the UK. Criminal justice legislation and policy making are therefore key areas for MSPs and the Parliament has been keen to establish its populist credentials. Over one third of all the Acts passed by the Scottish Parliament since 1999 have been about criminal justice, not necessarily about policing directly, but certainly about many matters in which the police have a vested interest. These include the regulation of investigatory powers [22], a law banning fox-hunting with dogs [20], the expansion of anti-social behaviour offences [1], the introduction of a new offence of sexual grooming [18], the extension of the use of electronic monitoring [5], procedures for vetting and disclosure of persons unsuitable for working with children [19], and

reform of the law on sexual offences [35]. Many of these expand policing powers in ways which potentially infringe on human rights, raising legitimate questions as to how the police exercise those powers and, relatedly, how they are held to account for their actions. As Holyrood is now responsible for enacting this legislation, MSPs take on a greater role in both asking and answering these questions.

The one piece of legislation passed by the Scottish parliament directed specifically at policing has been very significant. The Police, Public Order and Criminal Justice (Scotland) Act 2006 is arguably the first parliamentary Act since 1967 to deal in a fundamental way with various aspects of the Scottish police. Its main provisions relate to the setting up of a new central service agency, the Scottish Police Services Authority (SPSA) which was created in 2007 to bring together in a more coordinated way than before the existing common support services, namely the Scottish Police College, Scottish Criminal Record Office, the quaintly named Scottish Police Information Strategy, and the police forensic science laboratories [33]. It is a Non-Departmental Public Body which has a staff of over 1600 and a budget of £100 million annually. With its own board it operates independent of Government, though is still accountable to Holyrood. The Board is appointed by Ministers and consists of Chief Constables, joint police board conveners and lay persons. Each individual ‘business’ area has its own head, which is a member of the overall executive committee, managed by a Chief Executive who reports to the Board.

The significance of SPSA lies primarily in the centralising tendency which it represents. Its creation makes sense in terms of a joined-up organisation of primarily backroom services on a national basis. It is also regarded, of course, as a means of expanding national policing services at the expense of the eight local forces, with the centralisation of both forensic science and information technology even although the resources for these continue to be located *within* forces. The possibility of other support services, for example recruitment and procurement, coming under the aegis of SPSA in the future may be seen as either an opportunity or a threat, depending on one’s view of the direction in which police organisational structures in Scotland should be moving, either for the status quo or towards greater integration [11].

The 2006 Act also placed on a statutory basis the Scottish Crime and Drug Enforcement Agency (SCDEA) and prescribed its relationships to both SPSA and Scottish Ministers. The original Scottish Drug Enforcement Agency (SDEA), of which SCDEA is the successor, was set up in 2001 as part of the Scottish government's response to the war on drugs [25]. It was defined in legal terms as a common service under the 1967 Police (Scotland) Act, but in practice it was conceived of primarily as an arm of frontline policing. This proved problematic, not least because the Agency's staffing depended on secondments of officers from the other eight forces. As a result SDEA primarily developed as an intelligence-gathering organisation, involved in anti-money-laundering activities, witness protection and hi-tech crime whilst also becoming the external face of Scottish policing in a range of collaborations with UK, European and international police bodies. In particular, its work began to move away from combating drug crime on the streets to focusing on the criminal networks responsible for the trafficking of drugs and other goods in the form of serious organised crime. This is revamped by the 2006 Act which establishes a complex foundation for the re-named Scottish Crime and Drug Enforcement Agency. The Board of the Scottish Police Services Authority (SPSA) has the duty of 'maintaining' SCDEA and 'providing' the other central services. In a sense, the governance of SCDEA mirrors the broader tripartite system in Scottish policing, with a balance between central government, a body representing the 'community' (in this case the SPSA Board) and the head of the police organisation itself. Essentially, SPSA acts in similar fashion to a local police board: it provides the resources for SCDEA to carry out its functions. The director-general, a police officer who holds the rank of deputy chief constable, has, like local chief constables, overall operational control. However, the Agency's priorities are set by Scottish Ministers rather than the police service, especially in relation to its high-profile activities against serious organised crime and, because these have become a central plank of the current Scottish Government's crime control policies [28], the relationship with central government is undoubtedly the main influence on SCDEA operations. The centralisation documented by Conway and Walsh in relation to policing in Ireland is clearly also embedding itself in Scotland.

The 2006 Act also address a source of much debate and discussion in Scotland: the procedure for dealing with complaints by members of the public against police officers. Traditional practice is based on a purely internal investigation by the police itself, although where the complaint relates

to a senior officer this may involve another force. Where a criminal offence is involved the matter is referred to the procurator-fiscal, the local prosecutor in the Scottish system. The key issue here is the matter of independence and transparency. There is often considerable suspicion of a lack of both in situations where the police investigate themselves [6]. On this issue Scotland is clearly lagging behind its neighbouring jurisdictions all of which have for some time now engaged an external body at some point in the complaints procedure.

The 2006 Act created a new office of Police Complaints Commissioner for Scotland (PCCS). This body is markedly different from the complaints bodies established in the last decade in England and Wales and Northern Ireland. The Commissioner acts as an independent reviewer of how the police handle complaints made against them by members of the public, not as the actual investigator of complaints. This does not do away with the police investigating themselves, but it does add an extra stage of redress if a complainant is unhappy with the initial police investigation. The Commissioner may require a chief constable to reconsider a complaint or to take other appropriate action. So far the work of the PCCS has begun to have a significant effect on police complaints in several ways: the considerable number of cases referred to it (just over 4,500 for 2010); its exposure of inefficiencies and poor practice in police handling of complaints; and the promotion of higher standards in police conduct [16]. For instance, the Commissioner has the power, under the legislation, to return complaints to forces for reconsideration where he feels that the complaint has not been properly investigated. In November 2010, eleven complaint reviews were published and involved returning complaints to seven forces for reconsideration. One particular review included the conclusion that the Chief Inspector of Northern Constabulary's response to a complaint was 'not convincing' and that the Commissioner did not believe 'that the complaint was dealt with in a reasonable manner'. This particular report concludes with a 'learning point' section and how complaints of the particular type should be handled [17].

Also of great importance is the gathering and dissemination of greater information about police complaints themselves. Previously this would have been handled either by forces themselves or by Her Majesty's Inspectorate of Constabulary for Scotland for whom complaints would have been just one aspect of their work, whereas now dedicated reports are being published on

complaints on an annual basis. These provide substantive details as to the nature of the complaints, details as to the level of officer complaints are directed at, emerging trends in complaints and how complaints are handled and disposed. While this may be a step in the right direction of providing an element of independence and transparency to the complaints procedure, it is however still open to criticism on the grounds that it is less complete in these regards than are police complaints procedures elsewhere in the UK and in other jurisdictions. Primary among these criticisms is the fact that complaints themselves are not independently investigated.

Included in the 2006 Act there are also extensions to police powers in relation to arrests for the carrying of offensive weapons and for offences involving the possession of fireworks, as well as clarifying police powers in relation to the taking of samples, including DNA, and the procedures pertaining to the retention of such samples especially in relation to those charged with serious violent and sexual offences. The police are also empowered to apply directly to a sheriff court for the issue of football banning orders for use against those engaging in violence or disorder in relation to football matches. This, in part, reflects the fact that MSPs are themselves more accessible to the representations of groups and individuals, including police associations such as the Association of Chief Police Officers in Scotland (ACPOS), Association of Scottish Police Superintendents (ASPS) and the Scottish Police Federation. Under devolution accessibility has in reality become a two-way street.

Looking beyond the 2006 Act, at governance structures, a further strength of the Scottish Parliament is its committee system which deals not only with the progress of legislation, but can also initiate enquiries into any topic within its remit [14]. Amongst the busiest and most influential of these is the Justice Committee. Against a background at the 2007 Scottish Parliament elections of promises by the various parties to increase police numbers, the Justice Committee commenced an inquiry in 2008 into the effective use of police resources. While this inquiry took as its starting point the political debate about how many more ‘bobbies on the beat’ the Scottish National Party government was going to deliver, it very soon broadened out into a wider range of policing issues [31]. The Committee’s final report included recommendations on, and some very considered critiques of, the role and responsibilities of the police, the effectiveness of local police boards, the value of surveys of the public conducted by the police,

and the use of civilian staff and others in releasing sworn officers for frontline duties. It is probably the closest that Scottish policing has come so far to a repeat of the landmark 1962 Royal Commission on the Police, though on a more limited scale and it was not entirely surprising that the Committee recommended that the Scottish government should set up an independent commission to review policing for the new century. That this has not been fully implemented also illustrates the limitations of parliamentary committee reports, but the fact that a Parliamentary body had seriously probed a range of policing issues was in itself an encouraging development in terms of police accountability.

The Committee followed this up with a further report on community policing and brought to Edinburgh a number of national and international experts to discuss this [32]. Although this report was less substantial, the Committee was very critical of what Scottish forces were currently doing in terms of engaging with communities and pursuing high visibility patrols to reassure the public. In particular, MSPs were unhappy with the fact that only two forces were able to produce community policing strategies when asked to do so. The role of governance and the tri-partite system in effective community policing was apparent. For instance, the Committee called for an enhanced role of Scottish Government in ensuring that forces meet their obligations in terms of delivering community policing. And in relation to the fact that many community police officers reported being redirected from their task when other situations arose the Committee stated: “To ensure that abstractions of community police officers from their communities are minimised, it is critical that force policies are effectively monitored. The Committee recommends that police boards and authorities should undertake this role.” [32: para 161].

What is clear from this review is that the impact of the Scottish Parliament has been considerable on Scottish policing at a range of levels: through new legislation which affects police organisation and work; through the scrutiny of Parliament’s committees; and through the involvement of individual MSPs raising issues with senior officers within their constituencies. Compared to the previous relationship with UK parliamentarians, Scottish policing is much more in the political spotlight than it has ever been.

Scottish Ministers and Policing

The statutory description for the devolved government of Scotland, according to the Scotland Act 1998, is 'Scottish Ministers'. The collective term for the executive branch of government has varied depending on its political composition at the time. From 1999 to 2007 the Labour-Liberal Democrat coalition which had a majority in the Scottish Parliament described itself as the 'Scottish Executive'. Following the 2007 Scottish Parliament elections the Scottish National Party formed a minority administration and formally use the term 'Scottish Government'. Whatever the terminology, government has become increasingly involved in matters relating to Scottish policing.

One aspect of this is the opportunity which devolution provides for governments to develop their own Scottish-based policies to deal with problems that have a particularly Scottish dimension to them. Much of the legislation enacted by the Scottish Parliament has been based on ministerial initiatives, for example in relation to the management of violent and sexual offenders [12], serious organised crime [3] and tackling the perennial Scottish problem of knife-carrying [5]. However, since devolution, justice ministers have also been extremely active in promoting many new policies relating to crime and justice which have an effect on police work. These often have their roots in political responses to public opinion rather than emerging from the policy-making of police organisations themselves. For example, government campaigns to deal with domestic abuse have been important in placing this issue very firmly on the police agenda for action [27]; funding from Scottish governments has been important for developing the ground-breaking work of Strathclyde Police's Violence Reduction Unit in seeking long-term solutions to Scotland's high rate of violent crime [37]; and a template of seven community policing engagement principles has been laid down for police forces to follow [30]. Above all, the funding of an additional 1,000 police officers by the Scottish Government, as promised in the SNP's election manifesto of 2007, has been achieved on the assumption of a particular policing strategy, namely that they will be used for proactive, high-visibility, community-facing policing. All of this suggests, at least, a very active engagement by Ministers with the detail of policing which has not been experienced previously.

Politicians, the public and political commentators now appear to be adopting a much more critical stance towards the police than in the past, and Ministers in particular are much more open in the demands that they feel they can make on chief constables and their forces. Examples of such demands being made include:

- In May 2001 the Justice Minister of the day publicly directed the police to increase the detection of racist incidents and drug seizures.
- In May 2003 the First Minister at that time told the annual conference of ACPOS: ‘People tell me there’s no point ‘phoning the police because they cannot do anything, they don’t have the powers and the laws to back them up. Or that they take too long to come and when they do, they stay in the car and don’t get out...’ [13].
- On several occasions during 2004 the First Minister called chief constables to Edinburgh to meet with him to discuss significant issues of law and order of concern to Ministers.
- In January 2005 the First Minister, commenting on the new ACPOS guidelines on minor complaints and low level intimidation, said that he wanted the police ‘to ensure that anti-social behaviour legislation is observed in spirit and to the letter.’²
- In April 2007 the First Minister called in the ACPOS executive and warned that those police forces not using the new dispersal orders under anti-social behaviour legislation may be forced into doing so by the government. As a result, there was some significant increase in the use of such powers by chief constables.

Each of these incidents represents a level of engagement and involvement with policing that was absent in Scottish politics prior to devolution. Underpinning this greater involvement by Ministers in policing is a significant formalisation of how police efficiency is determined. A set of national targets was put in place by Scottish Ministers, based on consultation with both police and local government bodies, but this has now given way to a more fully developed Scottish Policing Performance Framework. The Framework covers four main areas of activity and organisation, and includes 12 high level Objectives and 38 performance measurements [34]. The idea is eventually to develop a website which can provide, initially to police board members, then to members of the public, data on policing at the most local levels. While this Framework is the outcome of joint working between ACPOS and Audit Scotland, the body which audits the

² “Scots police chiefs plan to ignore minor crimes to boost efficiency” *The Scotsman*, 3 January 2005.

accounts and activities of public service organisations, the fact that it is co-ordinated by HM Inspectorate of Constabulary, the government's main advisers on policing, makes it clear that the direction is coming from the politicians in order to strengthen police accountability.

This 'hands-on' approach to policing by Scottish politicians is not universally appreciated. Understandably, not everyone in police circles is comfortable with this situation: partly because political popularity potentially brings with it greater political control, and partly because it endangers that political neutrality to which the Scottish police has traditionally and strenuously adhered. However, the official reaction of the police service leadership, ACPOS, has generally been one of acceptance of the new relationship. There is some evidence from the period of the UK Government's police reforms in the early 1990s to suggest that chief constables were prepared in the last resort to accede to the wishes of elected politicians [15]. If anything, that position has become more frequent under devolution, propelled by the tendency of ACPOS to operate increasingly as a corporate body with individual chief constables more often than not tied into national positions and policies as a result of its representational processes. Through discussions with ACPOS, or at least its office-bearers, the Scottish government has been able to express its views very directly to the police leadership.

Scottish Ministers and MSPs have also been strong enough to face up to some of the long-standing social problems that have bedevilled Scottish public life and which public policing needs to confront. From a police perspective, this may have added to the ever-expanding policing mandate, but it has provided strong encouragement to the police to develop strategies for dealing with those problems. In some of these areas at least, including prostitution, sectarianism, and Scotland's woeful record on alcohol abuse and its social effects, the result has been a measure of improvement in the quality of local community life through effective policing [10].

Conclusion

The new constitutional context in which the police in Scotland now operates is therefore much more political than it was under the previous arrangements and the amount of interaction between the police and politicians has increased significantly. In terms of the interaction between

policing and politics, the devolution settlement in Scotland seems to illustrate three main consequences, which may have relevance in other jurisdictions as well.

Firstly, proposed on the basis of *less* interference by government and politicians, devolution has created a new relationship between politics and policing which involves much *more* activity by government and politicians than previously. This is largely a result of the importance of law and order to the Scottish electorate, the focus of Scottish politicians on relatively self-contained domestic issues such as policing, and the ease with which, in a small country, policy-makers are able to develop close working relationships with key police personnel.

Secondly, proposed on the basis of decision-making becoming more open and transparent, devolution in Scotland has led to widespread changes in Scottish policing taking place often through administrative mechanisms rather than through publicly scrutinised legislative approaches. This usefully avoids challenging directly the doctrine of constabulary independence and chief constables' authority in respect of operational decisions. It also raises questions about those who advise the politicians on policing policy. The influence of the Justice Department in the day-to-day interactions between the Scottish government and the police remains an uncharted area. Nonetheless, it is likely that the increase in Scottish government activity in relation to policing has been underpinned by an equivalent increase in involvement by civil servants in policing policy-making.

Thirdly, proposed on the basis of power being given away by the centre, devolution has in reality meant a greater degree of centralisation by Scottish Ministers and the Scottish Parliament at a more local level. The purpose of devolution has been the withdrawal of the UK government and parliament from certain areas of activity to allow a greater self-determination in domestic areas of policy not only in Scotland, but in Northern Ireland and Wales as well. As far as Scottish policing is concerned, the argument here is that there is a centralising tendency whereby the initiative in and direction of policing rests to a greater extent with the politicians in Edinburgh than was the case prior to devolution.

In terms of Stenning's arguments about democratic accountability [36], the Scottish situation has moved from one in which political involvement in police decision-making was almost exclusively related to the provision of resources to one in which politics impacts on organisational policies, priority-setting and even, at times, on the deployment of resources.

The impact of devolution has been to leave the traditional boundaries of constabulary independence much less secure, but in doing so it may be paving the way for a model in which there is a potentially better balance between legitimate political oversight and properly accountable policing.

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