



THE UNIVERSITY *of* EDINBURGH

Edinburgh Research Explorer

Daniel Donnelly, Municipal Policing in Scotland

Citation for published version:

Henry, A 2009, 'Daniel Donnelly, Municipal Policing in Scotland' *Edinburgh Law Review*, vol. 13, no. 3, pp. 548-50. DOI: 10.3366/E136498090900081X

Digital Object Identifier (DOI):

[10.3366/E136498090900081X](https://doi.org/10.3366/E136498090900081X)

Link:

[Link to publication record in Edinburgh Research Explorer](#)

Document Version:

Publisher's PDF, also known as Version of record

Published In:

Edinburgh Law Review

Publisher Rights Statement:

©Henry, A. (2009). Daniel Donnelly, MUNICIPAL POLICING IN SCOTLAND. *Edinburgh Law Review*, 13, 548-50doi: 10.3366/E136498090900081X

General rights

Copyright for the publications made accessible via the Edinburgh Research Explorer is retained by the author(s) and / or other copyright owners and it is a condition of accessing these publications that users recognise and abide by the legal requirements associated with these rights.

Take down policy

The University of Edinburgh has made every reasonable effort to ensure that Edinburgh Research Explorer content complies with UK legislation. If you believe that the public display of this file breaches copyright please contact openaccess@ed.ac.uk providing details, and we will remove access to the work immediately and investigate your claim.



ECJ case law on *ne bis in idem* (the double jeopardy principle). Chapter 5, on the external dimension of EU action in criminal matters, is the most detailed in the book and provides an elegant and clear overview of a highly complex field of EU external action. Surprisingly last (given the importance of its subject matter for the development of EU criminal law) comes a chapter on substantive criminal law. Noteworthy here are the detailed analysis of the ECJ case law on Community criminal law competence and the insightful comments on questions relating to the justification of the adoption of substantive criminal law at EU level.

The book contains a number of interesting arguments and comments on the development of EU criminal law. However, with the exception of the rather self-contained chapter on external relations, the book's style and structure do not always help the authors' points to come across in a clear manner. There is an ongoing tension between different approaches to writing (perhaps hard to avoid in a co-authored book), with parts of the book focusing primarily on commentary on the basis of secondary literature, while other parts focus primarily on explaining and highlighting legislative developments in the field. In this context, the decision to insert developments to be brought about by the Lisbon Treaty ("Reform Treaty" in the book) in boxes throughout the text is unhelpful. The implications of Lisbon are not fully analysed, while the use of boxes hints at the aim of the book to serve primarily as a textbook and not a monograph. Structural issues also relate to the at times uneven treatment of the various aspects of EU criminal law. The book focuses in detail on external action and *ne bis in idem*, and to some extent on mutual recognition (primarily in relation to the European arrest warrant) and harmonisation of substantive criminal law. The analysis is, however, more limited with regard to the law on the institutions (and the related discussion on sovereignty and competence), the increasingly prominent role of EU bodies such as Europol and Eurojust, police co-operation and data collection and exchange. The selective analysis may highlight a number of aspects of EU criminal law, but could have been more inclusive and detailed with regard to the plethora of legislative instruments in the field. Nonetheless, the authors' efforts to provide a generalist book in this ever-growing, increasingly important and still under-researched field of EU law must be welcomed.

Valsamis Mitsilegas
Queen Mary, University of London

EdinLR Vol 13 pp 548-550
DOI: 10.3366/E136498090900081X

Daniel Donnelly, MUNICIPAL POLICING IN SCOTLAND

Dundee: Dundee University Press (www.dup.dundee.ac.uk), 2008. xx + 284 pp. ISBN 9781845860479. £25.

Around a decade ago Neil Walker observed that Scottish policing, although bearing certain distinctive features in terms of its historical development and institutional organisation, was facing many of the same structural, cultural and political challenges that were identified as transforming policing arrangements in liberal democracies around the world (see N Walker, "Situating Scottish policing", in P Duff and N Hutton (eds), *Criminal Justice in Scotland* (1999)). The capacity of public police organisations to control crime and meet ever-widening service expectations was very much in question. At the same time policing was becoming recognisably more "multi-tiered" at local, national and international levels, through the development, emergence and increasing importance of what in contemporary parlance

might be called “the extended policing family”. For Walker, these challenges (amongst others) raised important questions about the evolving role of the public police and the vitality and appropriateness of existing arrangements (such as the tripartite structure of police governance) for securing its accountability. Despite all that has changed in the intervening years (Scottish devolution being, of course, of great significance) it is nonetheless instructive to read Daniel Donnelly’s valuable new book in the light of this account. If anything, Donnelly illustrates that these challenges (capacity, public expectations and confidence, pluralisation) as well as the questions that they raise (about the role, function and accountability of police and policing) not only continue to be of crucial importance today, but have become even more complex and pressing.

The book opens with a chapter on the history of municipal policing in Scotland. Charting the development of Scotland’s policing arrangements not only introduces many of the themes and topics that will preoccupy the remaining chapters of the book (police governance and accountability, the role of local government in policing, defining the police function, the police as but one contributor to social control, policing and “partnership”) but also serves as a reminder that the current landscape is marked by some striking continuities as well as changes. That said, the following chapters on community policing, community wardens, civilianisation and surveillance do document many important changes and together provide an effective portrait of the complexity of current arrangements and how they are increasingly characterised (and this is not an exhaustive list) by a patchwork of sometimes overlapping partnership structures, widely-held commitment to prevention and problem-solving approaches, auditing and performance management regimes and responsibilities, and the active development of intelligence and crime analysis systems and capacity (a particularly important dimension of civilianisation given the potential importance of IT work to strategic and operational decision-making). Although the broad features of this account will be familiar to most readers (as they have been well-documented in the extensive literature in England and Wales), Donnelly’s review is peppered with the kinds of local detail (such as the specifics of local community policing initiatives in Govanhill, Dennistoun and Edinburgh, the Scottish approach to the collection and retention of DNA samples, and research into how community wardens throughout Scotland understand their work) that will make the book a valuable resource for anyone interested in policing in Scotland and the UK.

However, it is the last three chapters (on police governance, politics and policing in Scotland, and the future of municipal policing) that really mark the book as a timely contribution to debates about the nature of policing in Scotland. Like Walker before him, Donnelly places particular emphasis on the question of the adequacy of existing accountability mechanisms. In the light of ongoing tendencies towards the centralisation of strategic control (through the work of Her Majesty’s Inspectorate of Constabulary Scotland and the Association of Chief Police Officers Scotland, and the establishment of national policing bodies such as the Scottish Police Services Authority, for example), the simultaneous embedding of local obligations and responsibilities through community planning, partnerships and “single outcome agreements”, and the expansion of the extended policing family (from the private security industry to various community initiatives) more generally, it is argued that the whole system of accountability and regulation is in need of urgent review and overhaul. But where policing in Scotland may have suffered a certain amount of political neglect in previous decades, the devolution settlement of 1998 and the election of a nationalist administration in 2007 have both contributed to this changing substantially. Justice Committee enquiries into the “effective use of police resources” (covered by this book) and “community policing”, and the Scottish Government’s “Independent Review of Policing in Scotland”, all testify to the timeliness of

Donnelly's contribution. *Municipal Policing in Scotland* is a book that informs one about, and chimes closely with, important, long overdue, and very welcome public conversations about the nature and future of policing in Scotland.

Alistair Henry
University of Edinburgh

EdinLR Vol 13 pp 550-551
DOI: 10.3366/E1364980909000821

Nicola Lacey, THE PRISONERS' DILEMMA: POLITICAL ECONOMY AND PUNISHMENT IN CONTEMPORARY DEMOCRACIES

Cambridge: Cambridge University Press (www.cambridge.org), 2008. xx + 234 pp. ISBN 9780521728294. £12.99.

America imprisons a larger portion of its population than any other country on earth, a fact that has been, paradoxically, a source of both reassurance and worry on this side of the Atlantic. It is reassuring because the extraordinary US imprisonment rate is so much higher than in Scotland or England and Wales (or indeed anywhere else) that large increases in prison populations in the UK seem acceptable by comparison. There is the lurking worry, however, that we are moving along the same trajectory as America and will eventually end up in the same place. Nicola Lacey confronts both complacency and alarm about imprisonment in this thorough and insightful book, urging more, and more nuanced, attention to the distinctive political and economic structures that form the context of penal practices.

The book is the published version of the Hamlyn Lectures Lacey delivered in late 2007, with each of the four lectures forming chapters in the book, updated with extensive footnotes, figures and tables. It comprises two parts, with the first setting out a comparative analysis of penal systems in a number of democracies and the second considering whether other democracies are likely to become as punitive as America, and what might be done to avoid this.

Lacey argues that in order to take reform of criminal justice seriously, the analysis "needs to move to a higher level generality, beyond criminal justice systems themselves" (14). In other words, how humane our penal system is or can be depends on larger questions about the organisation and sustainability of our democracy and capitalism. This insight restores some balance to the debate within penal studies, which had been drifting in the wake of recent influential work toward the idea that it is criminal justice which is coming to shape our political institutions and culture, rather than the other way around. Lacey accepts that punishment and politics exist in a dynamic relationship, but policymakers and academics alike are too often guilty of addressing reform of criminal justice in isolation, and her arguments are an important corrective to this.

The comparative perspective that Lacey adopts allows her to figure out how some capitalist democracies are highly punitive while others are not. M Cavadino and J Dignan's *Comparative Penal Systems* (2006) supplies the basic framework for categorising countries into different families based on political and economic systems. The key economic dividing line runs between those countries where there is minimal regulation of capitalism and priority is placed on short-term gains (liberal market economies), and those where market regulation is seen as necessary to the operation of capitalism and expectations of gains tend to be long-term (co-ordinated market economies). Hence, it is the neo-liberal family of countries (USA, South Africa, New Zealand, Australia, England and Wales) where imprisonment rates are higher, and the social