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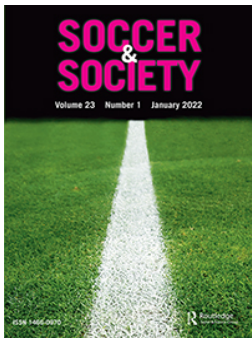
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Running an ostler? Exploring the use of stop and search tactics at Scottish football matches

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ABSTRACT

There has been a plethora of literature detailing the detrimental impact of police stop and search tactics (S&S) on police-community relationships and police legitimacy, as well as recent controversy surrounding football policing in Scotland. Yet, the recent controversies, and subsequent reform of S&S in Scotland has yet to trigger any meaningful discussion about the use of search tactics at football matches. The aim of this research was to explore the relationship between S&S at football matches and police-supporter relationships. This research utilized qualitative methodologies in the form of semi-structured interviews with police officers and football supporters. This study found, that S&S, in the context of football, did not affect police-supporter relationships in the same way as traditional S&S. This paper offers two reasons: the difference in S&S implementation, and a broader acceptance of 'criminalizing' practice among fans wherein specific practices are perceived as the cost of participation in football fandom.

Introduction

Much is known about the construction of football supporters as a dangerous, drunken and violent group.¹ The public construction of deviancy is then used to legitimize the creation of legislation aimed specifically at football supporters. This often involves policing offensive behaviour and speech, as well as regulating control and availability of alcohol.² In Scotland, the Criminal Law Consolidation Act (Scotland) (1995) makes it an offence to both carry and consume alcohol when travelling to football matches. Further, it also gives officers the power to search any *vehicle* (as opposed to individual supporters) when they have reasonable grounds to believe an offence has taken place.³ Officers involved in search operations refer to these searches as ostlers.

Policing Scottish football supporters remains a contentious issue in the wake of the (now repealed) offensive behaviour and threatening communications act (OBFA). This has led to a feeling of 'criminalization' within sections of football supporters in Scotland. This can be seen in the formation of groups such as 'Fans Against Criminalization'. Despite this, there has been little in the way of academic research exploring police-supporter relationships in Scotland, particularly in the context of S&S, which has garnered significant attention in non-football contexts.

The aim of this research was to explore ostlers as an S&S tactic used when policing football fans. We begin by outlining the theoretical framework of this research by drawing on the work of deviance theorist Austin Turk on criminalization. Building on this, we then situate this research within current literature, emphasizing the importance of understanding ostlers as a form of S&S,

and situating their use within dominant assumptions about football supporters as a dangerous entity. We then present the findings from semi-structured interviews with both Police Officers and football supporters. In doing so, this research finds that ostlers operate in a substantially different manner than other forms of S&S. This research suggests, also, that ostlers contribute to the broader criminalization of football supporters, but that they do not impact police-community relationships in the same way as traditional S&S. In doing so, we argue that the removal of autonomy from individual offers creates somewhat of an accountability gap. By being confronted with officers who are 'only doing their job', supporters are critical of, yet resigned to, practices which contribute to the broader criminalization of football supporters.

Turk, criminalization and conflict

This research is theoretically predicated on the theory of criminalization outlined by criminologist Austin Turk. In *'criminality and the legal order'*, Turk describes the conditions through which police-public conflict occurs. Turk contends that understanding the differences between authorities and subjects is crucial to our understanding of conflict.⁴ Authorities are decision makers (such as police officers, judges, lawyers etc), and subjects are those affected by those decisions (e.g the public). Subjects can be distinguished from authorities by their lack of ability to manipulate the legal process. Criminality is a statement of *'the conditions under which the cultural and social differences between authorities and subjects will probably result in conflict'* (p.53⁵).

Cultural and social norms are important in determining the extent to which conflict is likely to occur between authorities and subjects.⁶ Cultural norms describe written laws, procedures and policies, whereas social norms refer to actual behaviour (of either subject or authority) and the law as it is enforced. Conflict is most likely when there is inconsistency between cultural and social norms, between belief and action. If authorities and subjects hold contrasting beliefs, and their action is consistent with this belief, then conflict is highly likely.⁷ For Turk⁸:

The greater the cultural differences between the evaluator and violator, the less likely are psychological sanctions which assume a capacity and readiness to subtle cues to get through to the violator, and therefore sanctioning will have to be more psychically coercive in order to enforce the norm (p.285)

In other words, the greater distinction between values and norms of the authority and subject, the greater the odds of conflict. As Greenleaf summarizes, non-violent forms of persuasion by authorities (verbal announcements, dialogue, etc) may not be able to achieve compliance with people who have vastly conflicting views and/or values.⁹ This is problematic in the case of football supporters and legislation enacted to police football matches, such as the OBFA and Ostlers. In this context, there is a direct clash between cultural and social norms of authorities and subjects in that such legislation can be read as a direct attack on the beliefs and actions of football supporters (i.e social norms). Greenfield and Osborn argue, for example, that legislative attempts to pacify supporters by arguably prohibiting activities associated with being a football fan.¹⁰

For Turk, however, not all authorities have equal access to influence the legal order. 'First-line enforcers' such as the police have the greatest impact upon subject criminalization and authority-subject conflict.¹¹ Police officers, as 'evaluators', have access to influence the legal order. Criminalization is therefore¹²:

the assignment of status to individuals, the ability of some people to announce and enforce legal norms. Consequently, the power of these persons and the manner in which they use their power are in the centre of the range of interests of those who wish to understand and predict criminality and its consequences (pg.xi)

Similarly, Quinton demonstrates that when police officers conduct S&S, they are making legal decisions. These decisions can, in turn, have a profoundly negative effect on public confidence in policing, particularly which such encounters are carried out with little reason or are perceived to be unfair. Criminalization, then, is not something which one *does*, rather it is something which

happens in the course of the interactions between various parties.¹³ In what follows, this framework is applied in the context of the criminalization of football supporters and the use of ostlers.

Stop and search: conflict, criminality and police legitimacy

S&S can take a variety of forms, and be used for a variety of purposes. In the overwhelming majority of cases, S&S is a non-negotiable police power. S&S is the expression of police authority, and is fundamentally concerned with power, control and coercion.¹⁴ S&S amounts, therefore, to a deprivation of liberty insofar as when a police officer stops a person with the intent of searching them, they are detaining them (for however brief of period) with coercive force and the threat (implicit or explicit) of state-sanctioned violence.¹⁵ As Bowling and Phillips argue ‘There can scarcely be any meaning to the word “stop” if it does not indicate an attempt to detain someone from continuing on his or her free passage on foot or in a vehicle’.¹⁶ S&S must be viewed therefore as a coercive force, insofar as police have the power to compel compliance and to use ‘reasonable force’ on a person attempting to resist.

The justification for the use S&S powers usually pivots claims of crime prevention either via detection (catching a person engaged in or planning to commit a crime) or deterrence (an individual is less likely to commit a crime because they anticipate a search).¹⁷ There is, however, a worrying scarcity of evidence to show that S&S has a meaningful impact on crime rates. According to Bowling and Phillips, only one in ten S&S in England and Wales results in either an arrest or the seizure of an illegal item.¹⁸ Further, Bowling and Weber¹⁹ report that the ‘hit rate’ ranges between 3% and 18%. Within Scotland the national rate of detection for S&S is 25%. Parmer²⁰ demonstrates that zero of the 100,000 searches under the *Terrorism Act* (2000) successfully identified a terror suspect, and the most frequent finding was cannabis possession. A report by the Equality Human Rights Commission states that S&S only reduced the number of disreputable crimes by 0.2% in 2011.²¹ S&S, appears therefore, ineffective as a crime prevention tool, it is useful to consider the effect of S&S powers in relations to criminalization and police legitimacy.

Delsol and Shiner contend that S&S practices have continued to provide a ‘flashpoint’ in police-community relationships.²² There is strong evidence to demonstrate that S&S is used extensively, disproportionately and aggressively against certain groups (typically males from working-class, minority and marginalized communities).²³ Parmer, in the context of counter-terror policing, suggests that S&S (mis)use has normalized racist perceptions of Asian men as inherently suspicious.²⁴ Bowling and Phillips contend that S&S has now become associated with racial profiling and institutional racism wherein particular groups are targeted for suspicion on the basis of ‘ethnicity’ or ‘race’.²⁵ S&S, then, fuels a crisis of police legitimacy in communities who feel ‘criminalized’ by the discriminatory use of S&S powers.²⁶

S&S (mis)use has, therefore, been at the centre of police-community conflict. Examples of this are littered throughout instances of public disorder (particularly in the ‘global north’). The majority of public disorder outbreaks are said to be about a breakdown in relations of specific communities and the police, notably poorer minority ethnic communities in which individuals, constructed to be deviant, are subjected to higher levels of police scrutiny and oppression through S&S practices. This creates a deep hostility towards the police which can result in in public disorder. The impact of these relationships are not new and are far ranging resulting in mass social disorder and breakdowns in communities. There are examples throughout the globe historically of these breakdown, such as the US urban riots of the 1960’s the English riots in the 1980’s such as St Pauls in Bristol, and in Birmingham, the Brixton riots and Stephen Lawrence Inquiry and most recently in the riots in London in the summer of 2011.²⁷

S&S in the Scottish context

Given the controversy of S&S globally, it is surprising to note that the use of S&S had avoided similar controversy in Scotland prior to 2013. This quickly changed in 2014 amid reports of

‘unprecedented’ use of S&S powers by Police Scotland.²⁸ Kath Murray demonstrates that searches were taking place at four times the rate in Scotland than in England and Wales.²⁹ Further, Police Scotland’s use of S&S powers disproportionately targeted young men within deprived areas.³⁰ Compounding this, the majority of searches taking place at this time were ‘non-statutory’ searches based on verbal consent as opposed to enacting legislative powers and were used when there was ‘insufficient’ suspicion for a statutory search.³¹

The use of non-statutory search was problematic for a number of reasons. Searching individuals without the grounds to do creates the immediate human rights concerns which have formed the basis on numerous criticisms from sources such as the Scottish Human Rights Commission.³² It is useful to briefly consider consent in relation to non-statutory searches. At a minimum, consent requires the individual to be in possession of all relevant facts, that the individual have the capacity and maturity and that the individual consent freely without coercion or pressure.³³ In the context of non-statutory S&S, however, officers were not required to inform people of their right to refuse, or give a reason for, a search. With this in mind, and given the disproportionate targeting of young people, it seems unlikely that any such search which be interpreted as voluntary.³⁴

As a result of the emerging political climate surrounding the use of S&S powers in Scotland, a review of S&S policy and practice was carried out by the Scottish Police Authority (SPA) in 2014. As above, the report found that there was little in the way of clear evidence to suggest that levels of S&S activity could be linked to a reduction in anti-social behaviour and violent crime. Since the SPA report, S&S policy and practice has since undergone a ‘restructuring’ which has phased out ‘non-statutory’ searches and ensured that data is collected and made publically available for ‘traditional’ stop and search practices.³⁵ More specifically, this can be seen through changes introduced in the Criminal Justice (Scotland) Act in 2015, which aimed to increase accountability with regard to S&S. It is surprising to note, therefore, that S&S reform in Scotland has yet to trigger a meaningful discussion on the use of S&S powers when policing football supporters. In the context of football supporters, the Criminal Law Consolidation Act (1995) makes it an offence to both carry and consume alcohol when travelling to football matches. The act also gives police officers the power to search any *vehicle* when there is reasonable grounds to believe an offence has taken place. There are, therefore, some key differences between S&S at football supporters and ‘typical’ S&S encounters. Most obviously, this involves both the search of a vehicle as opposed an individual. Additionally, ‘ostlers’, as colloquially known by Police Scotland officers, typically involve a team of multiple officers. This raises important questions as to the role of the individual officer and the impact of such searches on police-supporter relationships.

(Football) fandom as pathology: the ‘problem fan’ and criminalization

Dominant media and political narratives of football supporters as a problematic, deviant entity are not a new phenomenon. Football supporters have been consistently portrayed as violent, drunken, threatening and rowdy individuals, with specific sub-sets of supporters such as ‘hooligans’, ‘casuals’ and ‘ultras’ being viewed as particularly problematic. Jensen suggests that these dominant narratives underpin a tendency to construct fandom as a form of pathological behaviour.³⁶ The construction of football supporters as deviant shares this tendency and serves to legitimize the construction of supporters as problematic or even dangerous.³⁷ The image of the deviant football supporter can be found across broadcast, print and digital media representations of the ‘drunk’, ‘racist’ and ‘aggressively masculine’ football fan.³⁸

This view, in turn, informs a broader process of criminalization of football supporters via legislation aimed specifically at regulating ‘problematic’ sections of football fandom. This usually pivots on regulating activities traditionally associated, though by no means exclusively, with supporter cultures. This results in the criminalization of otherwise legal behaviours and activities associated with supporter culture such as alcohol consumption, *specifically* in the context of

attending football matches. This strange duality is neither a recent development nor politically neutral.

In Scotland control of alcohol has been at the forefront of football policing since 1980, following crowd trouble after a match between Celtic and Rangers at Hampden Park in Glasgow.³⁹ Following the match, the then secretary of state for Scotland, George Younger, blamed the availability, and consumption, of alcohol as a major contributing factor to disorder.⁴⁰ As a result, the Criminal Justice (Scotland) act (1980) was enacted to enforce a blanket ban on the sale and consumption of alcohol at sporting events in Scotland. This legislation was later amended in 2007 to allow the consumption of alcohol at sporting events such as Rugby after complaints from sporting governing bodies such as the Scottish Rugby Union,⁴¹ demonstrating again the extent to which assumptions about the 'violent' and 'drunken' football supporter permeate political responses to supporter (mis) behaviour.

Academic attention, however, has tended to focus on fandom behaviour and legislation specific to football supporters rather than the policing practices this enables. Brick locates legislation, in the context of England and Wales, within the 'tyranny of safety' wherein football related legislation has focused on a 'moralistic discourse' as a means to controlling and regulating fan behaviour under the guise of protecting supporter safety. The result of this can be seen in the creation of laws which fundamentally undermine fundamental the civil liberties and human rights of football supporters'.⁴²

In the Scottish context, this can be seen through the recently repealed 'Offensive Behaviour and Threatening Communications Act' (OBFA). Introduced in 2011, the OBFA was enacted to reduce the perceived problem of offensive behaviour at Scottish football matches. The OBFA sparked immediate controversy from a myriad of legal scholars and practitioners who were critical of the legislation's spacious definition of offensive which granted too much autonomy to individual police officers in determining what is to be considered offensive.⁴³ The OBFA was also met with fierce opposition from football supporters themselves, who felt the legislation 'criminalized' football supporters, leading to the formation of football supporters groups such as the 'Fans Against Criminalization'.⁴⁴

Against the backdrop of growing controversy and supporter protest, the OBFA was repealed after a vote in the Scottish parliament in March of 2018. While the OBFA has little practice connection to the use of S&S when policing football supporters, the legislation is situated firmly within the construction of football supporters as a problematic entity. The construction of the problematic supporter legitimizes legislative forms of control and justifies the contextual illegality of otherwise legal behaviours and acts only in the context of football matches, such as the songs criminalized by the OBFA⁴⁵ or alcohol consumption through the CLCA. The S&S practices enabled by CLCA, and otherwise legal acts related to alcohol consumption, are therefore legitimized through this construction of 'deviant' football supporters. Interestingly, although S&S has underwent radical change to improve the rights of those affected by it, this has not included football fans and the policing tactics used to regulate their behaviour.

Methods

This research follows a qualitative approach, predicated on articulating the views and experiences of both football supporters and officers who have experience of ostlers. Articulating the views of those on both sides of the search, so to speak, provides a useful framework to unpack the use of ostlers and their impact on police legitimacy.

The fieldwork for this research was conducted throughout the summer of 2018 and involved conducting semi-structured interviews with both football supporters who regularly travel on supporters' busses and officers from Police Scotland who are involved in ostlers. Participants from Police Scotland were recruited independent of the researcher through Police Scotland. The use of 'gatekeepers' involves negotiating access to participants with individuals and/or institutions

who have the power to either grant or withhold access.⁴⁶ A limitation of this research is the reduced sample size based on the ability and willingness of gatekeepers to provide additional access to the researcher. However, it is essential to note that beyond granting access to participants and facilitating interviews, Police Scotland did not inform the research design, or the data analysis. This was further mitigated by ensuring participants of their anonymity. All names listed in this paper are pseudonyms. With this in mind, the use of a gatekeeper grants the obvious advantage of access to essential participants – police officers who are involved in ostlers.

In total, seven police officers were interviewed for this research utilizing face-to-face semi-structured interviews. Football supporters were recruited largely through social media, utilizing a variety of platforms such as Twitter and Facebook, as well as football specific forums such as ‘Talk Celtic’, ‘Kerrydale Street’ and ‘Pie and Bovril’. Participants were asked to respond to a brief initial message which gave an overview of the research area, and the interview process. Social media has become an increasingly useful tool for researchers in seeking access to participants.⁴⁷ In the context of this research, utilizing social media allowed the research to balance the sample with supporters from a variety of football clubs. Semi-structured interviews were conducted with fans either face to face, over the phone, or online. A total of eleven football supporters, of various club affiliations, were interviewed for this research. The vast majority of participants self-identified as men (10 out of 11), with only one self-identifying as a woman. All participants were of white British descent, and the researchers did not query their religious background.

The completed interviews, transcribed verbatim, provided a substantial data set that could then be analysed. Data was analysed using a thematic analysis, drawn on Braun and Clarke’s⁴⁸ six step framework for conducting a thematic analysis. The first step involved identifying the key themes immediately apparent across both data sets, which were then used to generate the initial codes. Building on this, the initial codes were then further refined into key themes that forthcoming in the data. As this is a relatively small sample, there was considerable overlap between this step and the former. Finally, the themes identified prior were finalized and written up as the findings below.⁴⁹

Findings and discussion

‘Boots on the ground?’ Police officers, ostlers and perceptions of football supporters

It is important to explore the implementation of the ostlers, and how this contrasts with other forms of S&S. In interviewing officers from Police Scotland, it is clear that ostlers operate through a substantially different framework than that of ‘typical’ statutory S&S encounter. When asked to describe the differences between ostlers and other forms of S&S that officers have been involved in, officers who had been involved in a search pointed out that ostlers, as well as only being used when policing football supporters, required a great deal more planning and preparation, with searches being determined weeks or months before taking place:

I would say they are more planned in that they’d be ran as an operation rather than stopping someone in the street. With an ostler, we’re aware of. We’ve maybe got information, not so much information, but it’s a football event. It’s a fixture. For example, we know today that St Johnstone are playing Falkirk. So, if we’d decided to have done one, we would have known in advance. So, we can plan for it and have staff obviously allocated to it. (Mark, Police Sergeant)

Well it’s specifically focused on football, so that’s obviously the big difference. And it’s largely focused on the buses coming in and out, so it’s not everything we deal with every day. It’s only when there’s events on, a traditional stop and search would be done on a daily basis. Any time, and any place. (Douglas, Police Constable)

This highly planned, co-ordinated approach to ostlers has a substantial impact on the level of autonomy that is afforded to an individual officer in that the officer(s) involved in conducting a search have little practical influence on the strategic decision-making underpinning the search itself:

That's more kind of up towards line management. So, like sergeants, inspectors, chief inspectors that make that decision and we're just kind of the feet on the ground that are actually implementing them. (Stuart, Police Constable)

This is unlike other forms of S&S wherein the searching officer(s) are in a position of relative autonomy in that they can decide when, where and who to search. Though the extent to which officers are truly autonomous is subject to much debate, particularly in pre-reform Scotland wherein the increasing managerialisation of S&S, and the reports of 'search target KPIs' premating police practice.⁵⁰ Insofar as it is relevant to this research, however, there is a demonstrable divergence in the devolution of autonomy in the case of ostlers when compared to other forms of S&S. It is clear, then, that whereas the 'traditional' model of S&S operate through a 'bottom-up' wherein searches are conducted with autonomy at street level, as opposed to the 'top-down' model of search with the searching officer(s) acting more as 'boots on the ground'.

The removal of decision making power (autonomy) with individual police officers is perhaps a useful mechanism in explaining why ostlers are comparatively less detrimental to police-supporter relationships when compared to other forms of S&S. Other forms of S&S, it could be argued, have been controversial in that they represent both an institutional and individual prejudice.⁵¹ Simply put, disproportionate use of search powers, it can be said, aggravate communities to the extent that they represent *both* an individual abuse of power (at the level of the individual officer), as well as a wider institutional problem. As Genevieve Lennon points out, it is incredibly difficult to control 'street level' police powers, where individual officers are away from the oversight of supervisors and *'the practices of the street level officer take priority over outside regulation'* (p.634).⁵² To return to the work of Turk, 'front line' police officers have a greater capacity to exacerbate authority-subject conflict. As enforcers, front line officers have the capacity to influence the legal order (i.e using powers of search or arrest). However, in the case of ostlers, the lack of decision making power is restricted, with the officers conducting the search acting as 'boots on the ground'. In this sense, the role of front-line officers as authorities is lessened, in that individual officers have less ability to control the legal process. The result of this, it could be argued, was the view among fans that officers were 'only doing their job', despite feeling simultaneously criminalized by the existence of the practice itself. Ostlers are, in this sense, a sort of performance dictated by a broader conception of football supporters which neither of the actors involved control. A fetter on both the officer and the fan under the assumption that football supporters exist as a problematic entity.

'Nobody likes being treated like a criminal': supporter experiences of ostlers

There is, to date, little research, which understands the intersection of the criminalization of football supporters, performed through police practice, and the impact that this has on police-supporter relationships. The key finding from this research is, therefore, the fan perception of criminalization through police practice (i.e ostlers and specific alcohol regulation) did influence conceptions of police legitimacy within the football fandom. However, this was rooted in a broader acceptance of 'criminalizing' tactics as a mere consequence of participation in the football sub-culture. Further, while ostlers are conceived of as criminalizing, the focus, in terms of legitimacy, appears to be less on the actions of the individual officer(s) involved in the search, and more on the broader political climate.

Interviews with football supporters revealed, perhaps unsurprisingly, that the S&S of supporters' buses was not looked upon favourably. There was a unanimous view among participants that searching buses, and the broader legislative context which enables, was an unfair, unjustified practice. This is important when considering the broader construction of police legitimacy in relation to S&S out with football matches. Sharp and Atherton⁵³ demonstrate, in their study of young men from a largely ethnic minority background, the perceived discriminatory use, and consistency of, search encounters fractured community trust in policing. Indeed, the link between

S&S and a breakdown of police legitimacy is according to Bradford 'almost self-evident'.⁵⁴ Bradford contends more generally that S&S should be viewed as a police-citizen interaction which, as well as being potentially damaging to police-community relationships, can be a stressful and upsetting experience for the target of a search.

This is consistent in interviews held with football supporters. In total, six supporters reported being searched on a bus, with five of those supporters indicating that the experience had been a negative one. Supporters were critical of the search encounter because the search itself represented a waste of police time and resources.

Under current legislation the search was justified, but appears to be a waste of police time and resources. Yeah, I am concerned that this represents a waste of time and resources on behalf of the police. (Jamie, Celtic Supporter)

It was a complete waste everyone's time. (Chris, Ayr United Supporter)

It is clear, then, that ostlers contain a capacity to irritate or aggravate football supporters, with supporters expressing that such searches were a 'waste of time'. Given this, it is important to further explore the use of ostlers within the broader framework of the criminalization of football supporters. Seven of the football supporters interviewed indicated that the use of tactics such as ostlers, as well as other tactics such as video surveillance were examples of social control situated within a broader feeling being criminalized as a football supporter.

As a football fan, I always feel like I am viewed as if I am already under suspicion . . . I have also noticed police filming fans at games which to be honest is completely over the top and unnerving. Nobody likes being treated like a criminal. (Chris, Ayr United Supporter)

At football games, I think sometimes there's an us vs them sort of thing going on, whereby I feel more that the police are watching me rather than being there to protect me. For example, the surveillance of fans during games. (Brendan, Celtic Supporter)

I appear to be treated with less respect and courtesy as a fan attending football matches than in other walks of life. (Jamie, Celtic Fan)

To further illustrate this, supporters also built this experience of criminalization into their view of the regulation of alcohol at football matches as an unfair, stigmatizing practice. As a result, the use of ostlers is viewed by eight participants as a stigmatizing act, emblematic of the dominant assumptions of football fans as 'untrustworthy troublemakers'. Indeed, five participants referred to the consumption of alcohol at other sporting events such as rugby, as well as other entertainment events such as concerts and music festivals, as an example of why they felt controlling alcohol at football was unfair. In addition to this, many supporters also indicated that they viewed the consumption of alcohol as an enjoyable part of the match day experience:

Obviously, people on the bus had been drinking and that is an offence, but I disagree with the principle of the law and don't feel that the practice is justifiable. The people on that bus were drinking socially, and not going to cause any trouble just like anyone else who goes on a day trip away. (Bernadette, Celtic Supporter)

I can't see any problem with taking a few beers onto the bus to a football game. I feel that it is simply victimization to stipulate that football fans can't carry alcohol onto the bus. Why is it any different to other sports or music festivals? I disagree with it (ostlers) entirely and find it quite an insult that football fans are considered to be unworthy of the privilege of enjoying a few beers on the way to a match. Never heard of it happening to rugby fans, why is that? (Chris, Ayr United Supporter)

The fact this is not the case for other sports means football fans are being unfairly targeted and labelled. The fact this is only the case in Scotland also shows that Police Scotland and the Scottish government are behind the times with this legislation (Dean, Albion Rovers Supporter)

To be sure, the use of ostlers is demonstrably unpopular with football supporters, and the policing of football matches more general remains a contentious issue. The pacification of football supporters, constructed as problematic, has long been a facet of the moralistic regulation of football

supporters.⁵⁵ Joren demonstrates that it is perhaps, unsurprisingly, that legislative attempts directed therein has, in effect, prohibited activities which have long been associated with being a football fan.⁵⁶ This research has demonstrated, therefore, that the legislative attempts to control 'problematic' football supporters has resulted in a feeling of criminalization among fans, embodied through the 'unfair' regulation of alcohol and tactics such as ostlers.

It is clear from the data that the use of ostlers has only impacted on a minority of supporters' view of policing more generally. From the eleven football supporters interviewed, only three supporters suggested that such tactics impacted upon conceptions of police legitimacy more generally. Indeed, when explicitly asked by the researcher how ostlers impacted on their view of policing, such participants were keen to express issues of officer conduct and their broader 'attitude' towards football supporters.

Definitely their attitude is appalling towards football supporters - they treat them like shit and treat certain clubs more favourably than others. I feel this is why people take a very dim view of the police. (James, Celtic Supporter)

They do, because I know how they likely treat fans going to games, and it's an institutional problem that illustrates wider problems within the force, like the class based discrepancy in how people are treated. (Bernadette, Celtic Supporter)

This would suggest, therefore, that a clear majority of participants (9/11) expressed the view that ostlers had less of an impact on police-community relationships. It is important to note, however, that this is not to suggest that these participants viewed such tactics as legitimate – as has been demonstrated above. However, what is viewed as illegitimate, in the context of ostlers, is not the officer conducting the search but rather the broader political and popular discourse which portrays football supporters as criminals. This is reflected in the view that police 'were only doing their job':

Yes and no, I think it's important to consider the role of policy in dictating the actions of police. Although, when you see police officers acting over-zealously it does get your back up a bit. (Dean, Albion Rovers Supporter)

Not particularly, as I accept the police are carrying out the instructions of lawmakers and superiors (Jamie, Celtic Supporter)

Nah, they are just doing their job. I've not had a bad experience with them (Nicola, Livingston Supporter)

They are doing what they have been instructed to do and if you are attending the match without the intention of causing trouble then what is the problem? (Alexander, Rangers Supporter)

There is a clear tension, here, between broader experience of criminalization that supporters were critical of, and the acceptance of 'criminalizing' police practice as being simply the cost of participation in the football subculture. On the one hand, as the previous paragraphs illustrate, football supporters were highly critical of 'stigmatizing' police practices including – but not limited to – ostlers and the control of alcohol. However, the experience of criminalization did not impact upon police-community relationships as one might expect given the extensive literature on S&S and police legitimacy. Rather, there was a tacit acceptance of 'criminalization' as an inconvenient part of participation in football sub-culture, as well as broader animosity towards the political climate. A reasonable diagnosis, therefore, would be that football fans are critical of, yet resigned to, the construction of the fandom as a problematic entity. To return to Turk, a possible explanation could be in the relationship between authority and subject. As discussed above, the removal of autonomy from the authority shifts the locus of conflict upwards. That is to say that conflict resulting as a result of ostlers is therefore focused not on the act of criminalization but on the process of criminalization itself. Front-line enforcers, in this context, are only doing their job. In other words, supporters were critical of, yet resigned to, criminalizing practices such as ostlers due to the relative (in)ability of officers involved in them to influence the search itself.

Conclusions

The aim of this research was to explore the impact of ostlers in terms of police-community relationships. Findings from this research suggest that supporters located ostlers within the broader process of criminalization they experience as football supporters. However, ostlers did not impact upon police-community relationships in the same ways that traditional stop and searches did. The mounting evidence which ties the use of S&S tactics to police-community conflict begs the question as to why this appears not to happen in the case of ostlers. If, according to Turk, conflict between authorities and subjects is most likely to occur when there is consistency between cultural and social norms then perhaps this finding is less surprising. The highly planned, 'top-down' approach to ostlers fundamentally alters the role of the individual officer within the search itself. Unlike other forms of S&S, officers are acting as 'boots on the ground' with little practical decision-making ability when involved in searches. We suggest this fundamentally alters relationship between authority and subject. As supporters pointed out, '(officers) were only doing their job'.

Attention, in the case of ostlers, shifts from the police (as enforcers) towards the dominant construction of the problematic football fan. Participants were highly critical of the broader process of 'criminalization' of football supporters within media and political spheres. Supporters seemingly had an implicit acceptance of these tactics as being the cost of participation, as it were. The acceptance of fans as problematic and the forms of social control which they are subjected to is becoming a hegemonic construction within society. The findings in this research indicated how forms of social control such as the surveillance of fans, the loss of civility in interactions and legislation reform strengthens Turk's point that criminalization occurs within the interactions between various parties. Indeed, whilst supporters recognized, and were subsequently critical of criminalizing practice, the locus of their complaint was not the practice itself, or the officer's involved in the search. Rather, supporters were critical of the broader construction of football supporters as a pathology, and how this manifests in legislation aimed at tackling 'problem fans'. These were only indicative findings with a small data set further research within police/fan relations is required to further understand the cultural and social norms occurring which are allowing a hegemonic discourse of problematic fans to emerge resulting in subsequent legislations to control their 'problematic behaviours'.

Notes

1. Armstrong, 'Football Hooligans: Knowing the Score'.
2. Greenfield and Osborne, 'When the writ hits the fan'.
3. Lennon, 'Searching for Change: Scottish Stop and Search powers'.
4. Turk, 'Class, Conflict and Criminalization'.
5. Turk, 'Criminality and the Legal Order'.
6. Lanza-Kaduce and Greenleaf, 'Police-Citizen Encounters'.
7. Ibid; Turk, 'The Criminalization Process'.
8. Turk, 'Criminality and Legal Order'.
9. Turk, 'The Criminalization Process'.
10. Greenfield and Osborn, 'When the Writ Hits the Fan'.
11. *ibid*.
12. Turk, 'Criminality and Legal Order'.
13. Quinton, 'The Formation of Suspicions'; *Ibid*.
14. Bowling and Weber, 'Stop and Search in Global Context'.
15. Bowling and Phillips, 'Disproportionate and Discriminatory'; Bradford and Loader, 'Police, Crime and Order: The Case of Stop and Search'.
16. Bowling and Phillips, 'Disproportionate and Discriminatory'.
17. Bowling and Weber, 'Stop and Search in Global Context'; Delsol and Shiner, 'Regulating Stop and Search; Miller, Stop and Search; A reformed tactic or business as usual?'
18. Bowling and Phillips, 'Disproportionate and Discriminatory'.
19. Bowling and Weber, 'Stop and Search in Global Context'.
20. Parmar, 'Stop and Search in London: Counter-terrorist or Counter-productive'.

21. Equality and Human Rights Commission, 'Stop and Think'.
22. Delsol and Shiner; Miller.
23. Bowling and Weber, 'Stop and Search in a Global Context'; Quinton, 'The Formation of Suspicion': Parmer, 'Stop and Search in London'.
24. Parmer, 'Policing and Ethnic Profiling'.
25. Bowling and Phillips, 'Disproportionate and Discriminatory'.
26. Bradford, 'Stop and Search and Police Legitimacy'.
27. See, for example, Smith, 'Policing and Urban Unrest'; Newburn et al, 'The Biggest Gang? Police and People in the 2011 England Riots'; Reicher, 'The St Pauls' Riot: An explanation of the Limits of Crowd Action in Terms of a Social Identity Model'; King, 'Birmingham Revisited – causal Differences Between the Riots of 2011 and 2005?'; Delsol and Shiner, 'Regulating Stop and Search: A Challenge for Police and Community Relations in England and Wales'; Prasad, 'English Riots were "a Sort of Revenge" Against the Police'.
28. Lennon and Murray, 'Under-regulated and Unaccountable? 'Explaining Variation in Stop and Search rates in Scotland, England and Wales'; O'Neil and Aston, 'Improving the practice of Stop and Search in Scotland'.
29. Murray, 'Non Statutory Stop and search in Scotland'.
30. Deuchar and Miller, 'The Relationship between Stop and Search. Community Safety and Procedural Justice'.
31. Stop and Search toolkit.
32. Marshall, 'UN report critical of Police Scotland Stop and Search'.
33. Faden and Beauchamp, 'A history and theory of informed consent; Murray, 'Non Statutory Stop and Search in Scotland'.
34. Murray, Non Statutory Stop and Search in Scotland.
35. Deuchar and Miller, 'The Relationship between Stop and Search, Community Safety and Procedural Justice'.
36. Jensen, 'Fandom as Pathology'.
37. Brick, 'Taking Offence: 'Modern Moralities and the Perception of the Football Fan'.
38. Crabbe, 'The Public Gets What the Public Wants'.
39. Harrow, 'Why We Should re-think Scottish Football's Alcohol Ban'.
40. English, 'Tom English Looks Back at the 1980 Scottish Cup Final Riot Between Rangers and Celtic Fans and Asks: Who Was to Blame'.
41. Wood, 'Inside Track: Time to Relax Alcohol Ban at Football Grounds'.
42. Brick, 'Taking Offence: Modern Moralities and Perception of the Modern Football Fan'; Waiton, 'Criminalizing Songs and Symbols in Scottish Football'.
43. McKenna, 'Offensive? 'Our lawmakers' Decision to Target Scottish football fans Certainly is'.
44. Lavalette and Mooney, 'The Scottish state and the Criminalization of Football Fans'.
45. XXXX.
46. Crowhurst and Kennedy-Macfoy, 'Troubling Gatekeepers'.
47. Bryman, 'Research Methods'.
48. Bruan and Clark, 'Using a Thematic Analysis in psychology'.
49. Ibid.
50. Murray, 'Non Statutory Stop and Search in Scotland'.
51. Ibid; Bowling and Weber, 'Stop and Search in the Global Context'.
52. Lennon, 'Stop and Search Powers in UK Terrorism Investigations'.
53. Sharp and Atherton, 'Serve and Protect?'
54. Bradford, 'Stop and Search and Police Legitimacy'.
55. Brick, 'Taking Offence'.
56. Joren, 'Nothing to Hide, Nothing to Fear?'

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