

Annex A - Summary of Questions

Supporting the Scottish Police Service - the national delivery of services

Question 1: Do you agree that a Service Authority should be created to maintain the SDEA and provide the other common police services?

Yes. A Service Authority would be able to employ its own staff directly and enter into contracts.

Question 2: Do you agree with the proposed division of responsibilities between the Director of the SDEA, the Service Authority and the Scottish Ministers?

Yes. The proposed division of responsibilities would ensure the operational independence of the Director of the SDEA

Question 3: Do you agree that, in certain circumstances, it is appropriate that the SDEA should be able to recruit officers directly?

Yes.

Question 4: Have we identified all the initial functions to be provided by the new Service Authority?

Yes.

Question 5: Do you agree with the proposed division of responsibilities between the Service Authority and the Scottish Ministers for the provided common police services?

Yes.

Question 6: Do you agree that there should be a senior strategic director for the provided common police services?

Yes.

Question 7: Do you agree that the Service Authority Board should comprise representatives from ACPOS, Police Conveners and lay members, and do you have any views on the proposed composition of the Board?

With regard to composition of the Service Authority Board, it is suggested that it should include elected members nominated by local authorities or COSLA. There is also a case for the inclusion of experienced elected members representing the views of geographic areas and other areas of interest who have acquired experience of a scrutinising role as a result of participation in the community planning process and community safety partnerships. There is also a need to ensure that a transparent competency framework is introduced, in terms of selecting independent members, that sets out the skills, abilities and personal qualities required.

Question 8: Do you agree that the legislation should include an enabling provision to allow functions to be added or removed?

Yes.

Question 9: Do you agree that the SDEA's budget should be simplified, provided on a 50:50 basis by central and local government and that Ministers should be able to direct additional funding if necessary?

Yes.

Question 10: Do you agree that the Scottish Ministers should directly provide the whole of the funding for the provided common police services?

Yes.

Question 11: Are there any other comments you wish to make with respect to our proposals to create a single Service Authority which maintains the SDEA and provides common police services where police powers are not exercised?

No.

Knife crime

Question 12: Do you agree with the proposal to double the maximum penalty for carrying a knife (or other articles with a blade or point)?

Yes. The alignment of penalties is to be welcomed given the high incidence of violent crime in the West of Scotland.

Question 13: Do you agree with the proposal to give the police the power to arrest a person whom they reasonably suspect has committed or is committing an offence of carrying a knife (or other articles with a blade or point) or an offensive weapon?

Yes.

Question 14: Do you agree with the proposal to increase the minimum purchase age for knives (and other bladed and pointed objects) to 18?

Yes. Increasing the minimum age of purchase should assist in restructuring the availability of such weapons. Consideration should also be given to banning the sale of ceremonial swords and knives.

Football Banning Orders

Question 15: Do you agree that football banning orders as described above are an appropriate and effective response to the problem of football-related violence and disorder?

Yes.

Question 16: Do you agree that courts should be able to impose banning orders *on conviction* for a football-related offence and *on summary application* by a Chief Constable?

Yes. For parity of treatment, banning orders on conviction should only be available in the Sheriff Court.

Question 17: Do you agree that the courts should be able to make a banning order if they are satisfied that it would help reduce football-related *disorder*, specifically the stirring up of hatred against others or threatening, abusive or insulting behaviour at or in connection with a football match?

Yes.

Question 18: Do you agree with the proposed length of a banning order and the proposed penalty for breach of a banning order?

Yes.

Question 19: Do you agree that banning orders should apply to all competitive and friendly games involving the Scottish national team and SPL and SFL clubs? If not, which games do you think they should apply to?

Yes.

Question 20: Do you agree that the Scottish Police should take on the administration of the banning orders?

Yes.

Marches and Parades

Question 21: Do you agree that organisers should be required to give local authorities and the police 28 days notice of their intention to hold a procession?

Yes. The proposal will provide time for a full consultation..

Question 22: Do you agree that the 28 days notice period should be dispensed with in limited circumstances?

Yes.

Question 23: Do you agree that organisers of all marches and parades should give notice of their intention to local authorities and the police?

Yes.

Question 24: Do you agree there should be regulations setting out the key steps and timetable for taking decisions on notifications?

Yes.

Question 25: Do you agree that local authorities should be able to take into account wider views, including community views, when taking decisions on procession notifications and that they should put in place transparent procedures as to how those views will be considered?

Yes.

Question 26: Do you agree that local authorities should be able to take into account wider issues when taking decisions on procession notifications?

Yes.

Question 27: Do you agree that local authorities should be able to impose wider conditions on procession notifications?

Yes.

Question 28: Do you agree that there should be a code of conduct prepared by the police and local authorities?

Yes.

Question 29: Do you agree that organisers and participants in breach of the new statutory requirements remain subject to the same penalties as currently?

Yes.

Mandatory drug testing and assessment

Question 30: Do you agree that police should have powers to require persons arrested for certain trigger offences to undergo a drug test?

Yes.

Question 31: Do you agree that drug testing should be applied to those arrested for certain offences rather than *on charge*?

Yes.

Question 32: Do you agree that powers should be taken to enable the police to require those who test positive for a class A drug to attend an assessment of their drugs use?

If such powers are taken the resource implications for both the Social Work Department and the NHS would require to be fully assessed.

Question 33: Do you agree that theft and drugs offences should be the main trigger offences for testing? Should any other offences be included?

Consideration should be given to driving offences, breach of the peace, e.g. aggressively begging and antisocial behaviour.

Question 34: Do you agree that there should be a power for a senior police officer to authorise a drug test where there are reasonable grounds to suspect that the misuse of a Class A drug has caused or contributed to a non-trigger offence?

Question 35: Do you agree that the minimum age at which these proposals take effect should be 16 or should a lower limit be set?

The proposals should take effect at 16.

Question 36: Do you agree that mandatory drug testing will provide access to a key group of clients that might not otherwise engage successfully in treatment services?

Probably but the resource implications for the Social Work Department, the NHS and the criminal justice system will require to be fully assessed.

Police power to take fingerprints at a place other than a police station

Question 37: Do you agree that the police be given the power to take fingerprints outside of a police station in order to confirm a person's identity?

Yes, such a power will allow the full use of new technology in this area.

Question 38: Do you agree that officers should also be able to conduct on-the-spot checks, other than for identity verification, in specified circumstances?

Yes, subject to satisfactory safeguards for the individual.

Date and place of birth

Question 39: Do you agree that the police should be given a power to ask for date of birth and place of birth information from suspects?

Yes.

Independent Police Complaints Body

Question 40: Do you agree that the proposed measures at paragraph 9.11 are the most effective ways in which to raise the profile of the role of the Procurator Fiscal in investigating criminal complaints made against the police?

Yes.

Question 41: Are you satisfied that the powers and duties outlined at paragraph 9.15 will be sufficient to allow the new body to play an effective role in ensuring that Scotland has a modern and transparent police complaints system?

As with the Service Authority Board, membership of the new body should include experienced elected members who have acquired experience of a scrutiny role as a result of participation in the community planning process and community safety partnerships.

Question 42: If not, what alternative or additional powers do you think are needed?

Incentives for providing information or evidence for use against others

Question 43: Do you agree that a statutory system should be established to seek to increase the number of accused who plead guilty and provide co-operation against other accused in return for a reduced sentence?

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Question 44: Do you agreed with the features of the system proposed?

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Question 45: Do you agree that the prosecutor in Scotland should be able to inform the trial judge in confidence of unrelated co-operation which an accused has provided in the past and for the judge to be able to take that into account in sentencing?

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Question 46: Do you agree that the prosecutor's power to offer immunity from prosecution in return for co-operation should be put on a statutory basis and that the prosecutor should be able to commence or recommence proceedings where the degree of co-operation has not been provided?

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