

## Response to Supporting Police, Protecting Communities: Proposals for Legislation

I have limited my response to those areas which concern me or about which I have sufficient knowledge to comment.

Questions as per the Appendix A summary of questions: -

**Background (Para 2.2) States:** - Since then, much has been achieved. On the one hand, forces have undertaken a wide range of internal reviews which have resulted in rationalisation and improvements in service and have released significant resources which Chief Constables have been able to redeploy to other areas within their forces particularly front-line policing. In 2003-04.

**My Response:** - I as a frontline officer am unaware of these so called re-deployments to front line policing. The numbers we operate with on the front line are well below levels of years gone by. I would be interested to see the actual details of these. Any redeployment that is achievable is quickly used up in the number of extra posts/tasks we are asked to do. Indeed far from reducing administration we seem to be adding to it. The latest Scottish Crime Recording Standard as added extra work to that of officers -- and why?

### SDEA

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

**My Response:** - I do not. At the moment we have one police force which serves the whole of the country. Officers join a service and are taught the needs, purpose and history of that service. Once we start to introduce another police service born out of a different ethos perhaps we should not call it the police, as we know it. The police service is at a crossroads and before making these changes we need to consider properly the future of policing. If the SDEA are to operate as an independent body with direct recruiting then we need to consider what it is we are trying to create. Direct recruiting also leads to an incestuous ness -- will these officers work solely for the SDEA for 30yrs, will they be able to join/ transfer to local Police Forces.

### Knife crime/

### **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)?

**My Response:** - Definitely. What about also reducing the size of an acceptable blade to below 3 inches or banning possession without reasonable excuse at all. Criminals know the law and are only too quick to carry pocket knives.

**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?

**My Response:** - Definitely. Long Overdue. I would also suggest that consideration be given to introducing banning orders-- preventing those convicted of violent offences from carrying or being in possession of a knife or other article with a blade or point at all in a public place (including pocket knives etc).

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

**My Response --** Yes.

### **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?

**My Response:** -Yes. However it should also include not just the ground but also an area around the stadium and 2hrs before and an hour after kick off. If a person resided in the area then provided they remained at home during a game that would suffice.

**Question 16/**

**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?

**My Response:** -Yes.

**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?

**My Response:** -Yes.

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

**My Response:** - Presumably it should be treated like an interdict or a conviction and recorded on SCRO. That would be straightforward. If however it involves more than that then how would that be funded/managed. We want to reduce administration not create it.

### **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?

**My Response:** -Yes.

**Question 33:/**

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

**My Response:** - Why be restrictive -- any offence for which a person is arrested should be a 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?

**My Response:** -Any age at which arrested albeit there may be additional conditions in respect of those under 16.

**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?

**My Response:** -Yes.

**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?

**My Response:** -Yes.

**Date and place of birth/**

### **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?

**My Response** --yes. The power would be not to 'ask' but to require.

**General Comment** -- Additional **powers which I would suggest** which should be considered but which are not mentioned in this Bill are the following: -

a) The power of the police to release when releasing a suspect on an undertaking to appear in court -- to attach conditions thereto i.e. not to approach or enter etc.

b) The power to release a suspect on bail so that he returns to the police station at a given time/date for further interview. This would prevent the police having to chase a suspect again just to complete their enquiry.

c) As with the English power under Section 18 of the Police and Criminal Evidence Act 1984 can the police not be given the power to search the home of a person after he is arrested without always having to apply for a warrant. I include the text of Section 18 below: -

#### Entry and Search after Arrest

18. --(1) Subject to the following provisions of this section, a constable may enter and search any premises occupied or controlled by a person who is under arrest for an arrestable offence, if he has reasonable grounds for suspecting that there is on the premises evidence, other than items subject to legal privilege, that relates--

(a) to that offence; or

(b) to some other arrestable offence which is connected with or similar to that offence.

(2) A constable may seize and retain anything for which he may search under subsection (1) above.

(3) The power to search conferred by subsection (1) above is only a power to search to the extent that is reasonably required for the purposes of discovering such evidence.

(4) Subject to subsection (5) below, the powers conferred by this section may not be exercised unless an officer of the rank of inspector or above has authorised them in writing.

(5) A constable may conduct a search under subsection (1) above--

(a) before taking the person to a police station; and

(b) without obtaining an authorisation under subsection (4) above,

### **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?

**My Response:** - A lot of words repeating a lot of things that are already in place. Equally the opening paragraph at 9.1 says it all-- "While there is no evidence of widespread dissatisfaction with the current Scottish system, nor evidence that the system is failing those who complain." The Procurator Fiscal does a good job and in reality the question is simply who should do the work on the ground to gather the evidence.

**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?

**My Response:** - Coupled with the proposal for a new independent body must be an overhaul of the length of police investigations simply to deal with straightforward minor matters of misconduct. In addition any system has to balance the need for openness and accountability with the fact that allegations against police officers are a likely outcome of their job. I would propose--

1. Minor matters of misconduct must be dealt with efficiently and speedily. A simple investigation and outcome dealt with by the organisation itself.
2. More serious allegations of misconduct still dealt with by the Force itself and its own Complaints Dept.
3. Upper level serious allegations -- by another Force.
4. Criminal by the Procurator Fiscal directing either the Home or an external Force dependant on the allegation.

The proposals, as outlined in the Bill, I think add little to the effectiveness of the current system and only serve to complicate it.

An appeal body (ombudsman) may be the only sensible solution in serious misconduct cases. Who investigates complaints against lawyers? Crown Office etc.

I would also propose that in cases of vexatious complainers the Police be entitled to refuse to accept to deal with these complaints.