



SCOTTISH

CHILDREN'S REPORTER

ADMINISTRATION

SCRA RESPONSE TO THE CONSULTATION ON "SUPPORTING POLICE, PROTECTING COMMUNITIES: PROPOSALS FOR LEGISLATION"

SCRA is pleased to respond to the consultation on the "Supporting Police, Protecting Communities: Proposals for legislation". We have the following specific comments to make.

We would only wish to comment on the following questions posed in the consultation:

Chapter 3: Knife Crime

13. We agree that police should have the power to arrest a person whom they reasonably suspect of committing an offence of carrying a knife.

Chapter 4: Football Banning Orders

16. We agree that the Chief Constable should be able to apply on summary application for a banning order in addition to them being imposed by a court on conviction. If a young person was involved in football-related violence and was being dealt with in the Children's Hearings System, it is only by giving the power to the Chief Constable that a banning order could be made: the young person would not be dealt with by the courts so that an order could be made on conviction.

Chapter 6: Mandatory drug testing and assessment

35. As noted in paragraph 6.2, the policy behind the proposal to have mandatory drug testing is to ensure that there is opportunity for drug misusing offenders to be directed into treatment services at all stages of the criminal justice process. If a young person under 16 is using Class A drugs, it is entirely consistent with the principles of the Children's Hearings System that the young person's drug use is identified and he/she is directed into treatment services as soon as possible.

The key question to be answered in deciding whether the mandatory drug testing should be extended to young people under 16, is how many young people are being arrested by the police are misusing Class A drugs, where that drug use has not yet been identified?

If there are only a small number of young people in this category, there would be a real risk that the mandatory drug testing of *all* young people charged with certain "trigger" offences would be a disproportionate response. However, if there is a large number of young people in this category, by not having mandatory testing for young people charged with certain offences it would result in those young people being denied the positive outcome of having their drug misuse identified and being directed towards appropriate services.

In response to question 35, we would recommend that further research is required into drug misuse by young people before this question can be answered. Such research should also consider whether the "trigger" offences for young people under 16 are the same as those for adults.

Chapter 7: Police power to take fingerprints at a place other than a police station

37. We agree that the police should be given the power to take fingerprints outside of a police station in order to confirm a person's identity.

Chapter 8: Date and Place of Birth

39. We agree that the police should have the power to ask for the date of birth and place of birth from suspects.

Jackie Robeson
Head of Practice