

CAC/DM/CB

13 May 2005

e-mailed to Ian.Ferguson@scotland.gsi.gov.uk

Ian Ferguson
Scottish Executive
Justice Department, Police & Community Safety Group
St Andrew's House
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Dear Mr Ferguson

SUPPORTING POLICE, PROTECTING COMMUNITIES: PROPOSALS FOR LEGISLATION

With reference to the above consultation paper, Angus Council welcomes the opportunity to make comment.

As the deadline for responding to the consultation paper did not tie-in with our Council meeting, the undernoted comments are submitted by officers of Angus Council. The consultation paper will, however, be considered by our elected members at the Council meeting on 19 May 2005, consequently there may be additional comments submitted following this meeting.

The officers' comments are as follows:-

Supporting the Scottish Police Service – the national delivery of services

The proposal of creating a Service Authority seems a sensible one. This would involve bringing together the Scottish Criminal Records Office, Police Training College at Tullieallan, and the Scottish Police Information Strategy under the control of one agency and available to Forces Scotland-wide. This would ensure that the service they provide is able to meet the ever changing challenges of modern day policing. The Service Authority would also be able to provide additional services, as and when required, in a cost effective way.

The proposal to maintain the Scottish Drug Enforcement Agency ensures political independence for its director in respect of operational matters.

Knife Crime

A range of statutory provisions already exists in respect to the sale and carrying of knives and other dangerous articles. The proposed legislation will provide a measure of deterrence and assist enforcement. Much has been said, however, about the need to change attitudes to knife related crimes. To that end, it is hoped that Ministers will provide sufficient resources to educate the public regarding the dangers of knives etc. This would be likely to be more effective in bringing about the culture change required.

Football Banning Orders

The proposals to introduce banning orders for persons convicted or otherwise known to have been involved in football related violence or disorder are reasonable with proportionate levels of punishment should the orders be breached.

Marches and Parades

Although the proposed legislation recognises the right of individuals to march and participate in parades, it takes into account the wider issues not previously considered by current statute. The proposals do not prevent organised events but allow local authorities greater powers to limit their impact on the local area. The legislation will provide local authorities sufficient time to determine relevant measures, where needed, and consult with, as well as provide information to, the wider communities.

Mandatory Drug Testing and Assessment

Drug abuse not only adversely affects the individual, it causes significant harm to families and the wider community. Recent reports indicate that the numbers of those abusing Class A drugs is increasing. Significant resources have been committed in terms of education and enforcement to reverse this trend and the roll out of the arrest referral scheme nationally would be a welcome development.

Any activity designed to assist individuals into treatment, thus breaking the cycle of offending, must be supported.

The proposal to introduce mandatory drug testing and assessment in Scotland for individuals arrested for certain offences is appropriate and would allow a greater referral rate for those engaging with drug treatment services. Hopefully this would assist, in time, in indirectly reducing the level of abuse of Class A drugs and the level of offending behaviour.

The proposed processes are reasonable, however, consideration should be given in providing the Senior Police Officer discretion to include an individual under the age of 16 years found committing crime and clearly involved in drug misuse. Consent may be required from the legal guardian prior to testing and assessment but this would afford an ideal opportunity to provide early intervention and treatment.

Police Powers to take Fingerprints at a Place Other Than a Police Station

The proposal to change the legislation to allow the police to take fingerprints outwith a police station appears to be an appropriate means of extending the use of modern technology. The use of such 'mobile fingerprint readers' would bring the police service into the modern age and would assist in identifying suspects more quickly and effectively.

Date and Place of Birth

The outline proposal to give the police the power to require a person to divulge their date and place of birth is a sensible one and in effect would provide the police with the legislative support they need to carry out their duties effectively.

Page 3
13 May 2005
Ian Ferguson, Scottish Executive

Independent Police Complaints Body

The proposal to develop further the role of the Procurator Fiscal in the investigation of criminal conduct by police officers is a sensible one and fits in well with the current framework.

It is considered that the proposals in relation to non criminal complaints against police officers provide an appropriate balance between local investigation of complaints, which will enable most complaints to continue to be resolved speedily, and the provision of a clear independent element at each and every stage of the process. The proposals should be welcomed as bringing new levels of transparency and independence to the police complaints system.

Incentives For Providing Information Or Evidence For Use Against Others

The proposals contained within the document are sound and would give Procurators Fiscal the ability to increase levels of co-operation, to more successful prosecutions, particularly in the area of organised crime.

Lastly, could I apologise for the lateness of this response.

Yours sincerely

Catherine A Coull
Director