

REPORT TO: East Lothian Council

MEETING DATE: 28 October 2014

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Response to the Scottish Police Authority – Armed Policing Call for Evidence

1 PURPOSE

- 1.1 To seek Council approval for a suggested response to the Scottish Police Authority's Call for Evidence on Armed Policing.

2 RECOMMENDATIONS

- 2.1 That the Council agree the terms of the attached draft response, subject to any revisions which it will delegate to the Chief Executive.

3 BACKGROUND

- 3.1 To quote the Scottish Police Authority's letter dated 19 September:
- “Since 1 April 2013, a decision has been taken by Police Scotland to allow its complement of trained Armed Response Vehicle (ARV) police officers to deploy to routine incidents with visible sidearms across Scotland. In response to the public debate around this decision, the Scottish Police Authority and HM Inspectorate of Constabulary (HMICS) have announced a complementary programme of review and inquiry.”
- 3.2 The SPA called for evidence about the policy's impact on communities, and about any consultation and engagement by Police Scotland on the policy.
- 3.3 It is understood that Police Scotland, for its own logistical and operational reasons, has not during this time chosen generally to deploy armed police officers to routine incidents in East Lothian.

- 3.4 The media had reported a largely negative reaction from local authorities to Police Scotland's operational policy of deploying armed officers to routine incidents. COSLA in late September declared itself in favour of the principle that police officers should **not** carry firearms on regular duties, and this was widely reported in the media. Subsequently on 1 October Police Scotland announced that it would not now be deploying armed officers on routine duties unless there was a threat to life.
- 3.5 Although Police Scotland has made the decision described above, the Scottish Police Authority has decided that it will continue its inquiry, in order to ascertain:
- 3.5.1 the level and nature of concerns over Police Scotland policy in relation to its standing firearms authority;
 - 3.5.2 how effectively Police Scotland are engaging with partners and the public and considering the impact on communities in implementing their approach;
 - 3.5.3 how Police Scotland can best address any public concerns and provide necessary reassurance to communities, and;
 - 3.5.4 what, if any, lessons might be learned around how operational decisions with wider strategic or community impact are communicated to national and local oversight bodies and other key interests.
- 3.6 Although the closing date for the consultation exercise was set as 17 October, the SPA has confirmed they were willing to extend this deadline to accommodate the Council's committee schedule.

4 POLICY IMPLICATIONS

- 4.1 Council officers appreciate the good working relationships they have with local commanders. The attached draft response to SPA highlights the apparent disconnect between central command and local communities on whom its decisions have an impact. (Another recent example was in the removal of traffic wardens.) The draft response also contains suggestions about how engagement could have been bettered.
- 4.2 We have also invited partners on the Safe and Vibrant Communities Partnership to make their own comments.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – none in relation to this report.
- 6.2 Personnel - none in relation to this report.
- 6.3 Other – none in relation to this report.

7 BACKGROUND PAPERS

- 7.1 Scottish Police Authority call for evidence:

<http://www.spa.police.uk/news/2014/september/247707/>

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DATE	10 October 2014

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This form is part of the Scottish Police Authority's scrutiny inquiry into Police Scotland's decision to allow trained Armed Response Vehicle (ARV) police officers (around 275 in number) to deploy to routine incidents with visible firearms across Scotland (routine incidents are those which do not require firearms and where trained ARV police officers are supporting local police officers or tackling local priorities in their day to day work).

The Authority is inviting stakeholders and interested parties to complete the form in order to capture their experiences, views and opinions as part of the inquiry process. Once officers of the Authority have collated all the responses, they will be analysed and the results used to inform the wider SPA scrutiny inquiry.

The inquiry will draw together both its own findings and that of a separate HMICS assurance review, and report with overall findings and recommendations to the full Authority at its public meeting on 17 December 2014.

Please indicate whether the response is from a member of the public, elected representative or organisation:	Organisation
Elected representative (if applicable):	
Organisation (if applicable):	East Lothian Council
Date completed:	[October 2014]

SECTION ONE – COMMUNITY IMPACT

<p>Has Police Scotland's decision to allow its complement of trained ARV police officers to deploy to routine incidents with visible firearms impacted on your and/or the public's feelings of <u>safety and security</u>? If so, how?</p> <p>It is our understanding that Police Scotland have not deployed armed officers to routine incidents in East Lothian thus far, for operational reasons of their own.</p> <p>However it would be fair to say that such a deployment might well impact on the feelings of safety and security of members of the community. This possibility should be examined if considering in future the routine deployment of armed officers. Public perception is key and should be regarded with appropriate attention. There is at the very least an appreciable risk of people feeling less safe.</p>
<p>Has Police Scotland's decision to allow its complement of trained ARV police officers to deploy to routine incidents with visible firearms impacted on your and/or the public's <u>fear of crime</u>? If so, how?</p> <p>As above.</p>

Has Police Scotland's decision to allow its complement of trained ARV police officers to deploy to routine incidents with visible firearms impacted on your and/or the public's levels of satisfaction with Police Scotland? If so, how?

See above. East Lothian Council values its good working relationships with local commanders, but would welcome appropriate levels of consultation and engagement from Police Scotland's central command about matters over which local commanders and local authorities have no say but which nonetheless affect our communities.

The withdrawal of the traffic warden service was another such instance.

Has Police Scotland's decision to allow its complement of trained ARV police officers to deploy to routine incidents with visible firearms impacted on your and/or the public's levels of confidence and trust in Police Scotland? If so, how?

See above.

Does Police Scotland's decision to allow its complement of trained ARV police officers to deploy to routine incidents with visible firearms have any human rights or civil liberties implications for you and/or the public? If so, what are these implications?

The carrying of weapons to "routine" incidents would possibly tend to put members of the public in fear and alarm.

Does Police Scotland's decision to allow its complement of trained ARV police officers to deploy to routine incidents with visible firearms have any equality implications for you and/or the public? If so, what are these implications?

See above. It would be incumbent on Police Scotland to assess the equality impacts of any proposals.

Any other comments on community impact: Nil.

SECTION TWO – CONSULTATION & ENGAGEMENT

Has Police Scotland engaged with you in any manner about its policy of allowing its complement of trained ARV police officers to deploy to routine incidents with visible firearms? If yes, what was the nature of this engagement and when did it occur? Did you initiate any of this engagement with Police Scotland?

We are not aware of any attempt by Police Scotland to engage with the Council on this issue.

Have you received any information from Police Scotland about its policy of allowing its complement of trained ARV police officers to deploy to routine incidents with visible firearms? If yes, what information was provided and when? Did you actively request this information from Police Scotland?

[We are not aware of having received any information from Police Scotland on this issue.]

How would you assess the level of consultation that has taken place on Police Scotland's policy of allowing its complement of trained ARV police officers to deploy to routine incidents with visible firearms? Please outline the reason(s) for your answer, if possible.

[The Council considers that a higher level of consultation on issues of this sort would be more appropriate. This type of operational issue has the potential to cause concern among members of the public, not just in relation to the sight of sidearms being carried in any particular incident but also to public perception of policing by consent, general safety, whether police on the streets are or will soon be routinely armed as they are in other countries, and what the effect might be on the prevalence of illicit gun possession.

As part of such consultation and engagement, it would have been helpful for Police Scotland to cite whatever arguments and evidence they possessed in relation to whether such practices might cause disproportionate worry to the public, whether they are proportionate to the evidence of illicit gun possession in any particular area, whether they might encourage potential lawbreakers to arm themselves more heavily, and the likely impact on the community and on equalities groups.

Would you expect Police Scotland to engage with the public and/or seek their views about deploying trained ARV police officers to routine incidents? Please outline the reason(s) for your answer, if possible.

[See above.]

How can Police Scotland best address any public concerns and provide reassurance to individuals, groups or communities regarding its firearms deployment policy?

[By providing appropriate information and engaging in appropriate consultation.]

What, if any, lessons can be learned from the implementation of Police Scotland's firearms deployment policy about how operational policing decisions which may have wider strategic or community impact are consulted upon and communicated?

- 1. Better consultation with partners and the community.**
- 2. The ability to cite evidence about any feared negative effects.**
- 3. The ability to demonstrate that consideration has been given to the possible impact on communities and on equalities groups.**
- 4. An explanation of the opportunity cost of not carrying out the action proposed.**

Any other comments on consultation and engagement:

[Nil.]

SECTION THREE – GENERAL VIEWS ON ARMED POLICING

Assuming it is necessary for some trained ARV police officers to have immediate access to firearms and be available across Scotland, on a scale of 1 to 5 (with 1 being very reassured and 5 not at all reassured) please rate the following options:

a) A limited number of trained ARV police officers carrying visible firearms and attending routine incidents in support of local police officers or local priorities.

1 2 3 4 5

b) A limited number of trained ARV police officers carrying firearms covertly and attending routine incidents in support of local police officers or local priorities.

1 2 3 4 5

c) A limited number of trained ARV police officers carrying visible firearms but only being deployed to incidents where firearms are necessary or when the public or police officers are at imminent risk.

1 2 3 4 5

We are not sure it is appropriate for East Lothian Council to answer the above; this might be a more appropriate question for individuals to answer.

Option c) in this question would mean that trained ARV police officers would not attend routine incidents in support of local police officers or local priorities. Does this restriction on their productivity or wider contribution to local policing give you any cause for concern? Please outline the reason(s) for your answer, if possible.

[It is difficult to answer this question without knowing what the effect on officers' productivity/ contribution to local policing would be. That would be useful evidence.]

SECTION FOUR – ANY OTHER COMMENTS

[Nil.]

SECTION FIVE – FURTHER EVIDENCE

The Scottish Police Authority will be holding a series of evidence sessions around the country on this issue. Do you wish to be considered to participate and provide evidence at one of these events?

Yes No

(Please note that due to time and resource constraints only a limited number will be able to provide evidence at these sessions.)

Contact details:

Name –

Address or email –

SECTION SIX – HANDLING YOUR RESPONSE

Do you wish your response to be made public?

Yes No

SECTION SEVEN – INTERNAL USE ONLY (to be completed by Scottish Police Authority Officers)

Date received:

Received by: