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Convener
Justice Sub-Committee on Policing
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SENT BY EMAIL

30 April 2015

Dear Convener

Scottish Police Authority (SPA) Response to Justice Sub-Committee Follow Up – Armed Policing

Thank you for your letter of 23 March 2015 with the remaining questions members wished to raise in relation to armed policing. I note that questions 2 and 4 in your list are also being asked of Police Scotland.

I set out SPA responses to members' questions below.

Does the SPA monitor the firearms reports from the Police Investigations and Review Commissioner, and does it scrutinise Police Scotland's take-up of the recommendations within those reports?

The SPA's Audit and Risk Committee meets on a quarterly basis and scrutinises an Improvement Tracker which captures the joint recommendations made to Police Scotland and SPA by external scrutiny bodies, including those of the Police Investigations and Review Commissioner (PIRC).

Much was made during the session of the higher levels of training and ongoing assessments in respect of firearms officers. Does the SPA accept that such sensitivities reflect a reality that the presence on our streets of firearms in anyone's possession is a risk factor?

In evidence gathering within our SPA scrutiny inquiry, we encountered a broad consensus around the need for Police Scotland to have a trained and professional armed policing capability, and so we believe that the public at large understand that these officers are operating within an environment in which a degree of risk is a constant factor. Training, procedures, and equipment are all central to mitigating those risks and we place reliance on the inspection work of HMICS and the guidance issued by the College of Policing in regards to their adequacy. In our inquiry report, we recommended

that the development of Police Scotland's Communications and Engagement Strategy may provide an opportunity to make a clear and ongoing commitment to engaging with community representatives and the public on prevailing risk and threat, in order to build community confidence and trust.

Given the concerns raised regarding officers engaged on routine patrol, have the risk assessments provided to date justified to SPA members the overt carrying of firearms by police officers on routine patrol (outwith the period of a Standing Authority)?

As the Sub Committee is aware, Police Scotland announced on 1 October 2014 that it would no longer send ARV officer carrying sidearms and Tasers to routine calls and incidents. HMICS reported last October following its review that the operational need for a standing authority is justified by the composite assessment of national threat, risk and intelligence, and that overt carriage is the best and safest method of carriage on the grounds of operational effectiveness. The SPA's consideration of these issues has been informed and reassured by that finding.

The Firearms Standing Authority is the subject of ongoing review by an Armed Policing Monitoring Group at which the assessment of threat and risk are central elements. In line with recommendation 2 made by HMICS in its assurance review, the SPA is now represented at these quarterly meetings as an observer to improve transparency and provide assurance to the Authority.

What both HMICS and the SPA have recommended, however, is that consultation and engagement is needed with communities across Scotland before any change in deployment is considered. Police Scotland has already begun that engagement with the SPA, and has already indicated to the Sub Committee in evidence that they are committed to wide public engagement on that. SPA can assure the Sub Committee that Police Scotland has confirmed that, unless there is a significant change to the UK threat level, there will be no extension of the current deployment model until such an engagement and consultation exercise has been undertaken.

Given the concerns raised by Sub Committee members regarding the repeated changes/clarifications of the facts of this issue; is the SPA confident that we now have an accurate timeline of when decisions were taken, by whom, and on what authority?

We noted that most questions raised by Sub Committee members on this issue related primarily to legacy decisions, particularly in Northern Constabulary. SPA's view is that the timeline of key events relating to Police Scotland and the SPA is set out clearly and in some detail on pages 13-18 of the HMICS assurance review. We are not aware of any changes or clarifications subsequently made to that information. That report found that Police Scotland had not ensured the SPA fully understood the implications of the firearms standing authority.

In its evidence, both SPA and Police Scotland have acknowledged learning from that early experience, and point to practical and tangible developments that will ensure similar issues are addressed differently in future. In particular, the Joint Agreement on Police Policy Engagement commits Police Scotland to engage in advance with the SPA on any policy or approach that is likely to raise significant public interest.

During the evidence session, Mr Finnie MSP asked whether, in the interests of openness and transparency, the SPA could make available to the Sub Committee – in track changes format – a copy of the changes that were made to the SPA's report on its inquiry into the public impact of Police Scotland's

Firearms Standing Authority. You offered to consider this request with the SPA Chair and SPA Chief Executive.

SPA has already considered similar requests to it made under Freedom of Information legislation. Those issues have been considered carefully by SPA officers, in consultation with the SPA Chair and Chief Executive. The SPA has concluded that to release multiple early drafts would prejudice substantially, or be likely to prejudice substantially, the effective conduct of its public affairs.

The inability of SPA to develop materials for public presentation, or to restrict the SPA's capability to effectively test the factual and policy implications of papers, would lead to less comprehensive and quality-assured information entering the public domain or more papers being taken in private. Neither of these are, in the SPA's view, positive outcomes for the public.

We have set a very high level of public transparency for this armed policing work by publishing not only our inquiry report, but also an independent analysis of evidence gathered, an independent academic study, and an independent public attitude survey. In addition, all of our three public evidence sessions are still available to be viewed online by anyone who wishes to do so. The SPA's findings are entirely consistent with that publicly-available body of evidence.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Iain Whyte', with a stylized flourish at the end.

Iain Whyte
SPA member
(Chair of SPA Scrutiny Inquiry on Public Impact of Police Scotland's Firearms Standing Authority)