



## SCOTTISH POLICE FEDERATION

Established by Act of Parliament

### ILEC 2006 USA

#### **SESSION 5 - 2<sup>nd</sup> Tier Policing**

##### **STATUS OF ISSUE**

Live. In recent years there is no doubt that Scotland has embraced a 2<sup>nd</sup> tier of policing. It is not immediately identifiable in all of its forms, it does not involve a large number of people, but it is there nevertheless. Many areas of Scotland have 'Community Wardens' (CWs). Other areas have 'Police Court Security Officers' (PCSOs) and staff of various other titles who have all, in one way or another, taken over what used to be described as 'police' duties. **See Appendix A**

##### **UNDER WHAT AUTHORITY ANY ARRANGEMENTS OPERATE**

Both primary and secondary legislation.

##### **WHAT POWERS HAVE THEY BEEN GRANTED**

The question of powers is our primary concern. In Scotland, CWs have no police powers. PCSOs have powers of detention and the use of force in limited circumstances.

##### **WHAT TERMS & CONDITIONS OF EMPLOYMENT (COMPARE WITH FULLY SWORN POLICE)**

In very general terms, members of 2<sup>nd</sup> tier policing occupations are paid about 75% of constable's pay.

##### **HOW ENTRENCHED IS THIS FORM OF POLICING**

To some extent, the future of 2<sup>nd</sup> tier policing is dependent on continued specific government funding.

##### **WHAT HAS WORKED & WHAT HASN'T IN RELATION TO THEIR OPERATION**

No authoritative studies have been done on the performance so far.

## **WHAT ROLES ARE THEY PERFORMING**

See Appendix A

## **DO THEY WEAR A UNIFORM**

Yes, similar to but not identical with police uniforms.

## **WHO REPRESENTS THEM (UNION WISE) ETC**

A number of trade unions, notably UNISON.

## **USE OF RETIRED POLICE**

To a limited extent, one of our police forces has utilized retired detectives to enquire into 'cold' murder enquiries.

## **USE OF PART TIME POLICE**

We have roughly 400 fully attested police officers working either part-time or job sharing.

## **USE OF VOLUNTEERS**

## **USE OF RESERVISTS**

We have approximately 1,000 special constables in Scotland.

## **CHANGES IN TECHNOLOGY THAT IS IMPACTING ON POLICE WORK**

Speed cameras, Automatic Number Plate Readers and a limited role for the Highways Agency have impacted on our Traffic (now called Road Policing) Units with most suffering reduced numbers.

Greater and more sophisticated use of computer technology has caused forces to employ more IT staff.

Joe Grant

**General Secretary**

**October 2006**

## APPENDIX A

### **POLICE POWERS FOR POLICE SUPPORT STAFF AND OTHERS.**

The Scottish Police Federation has serious reservations regarding the proliferation of police powers. At this time a police officer is the only person, with very few exceptions, who can deprive a citizen of his liberty and has the authority to use physical force to overcome the resistance of any person to effect a lawful arrest. For his protection in such confrontational circumstances the police officer is entitled to use handcuffs, an authorised police baton and incapacitant spray.

Every decision taken by a police officer to arrest someone is not taken lightly but after informed consideration of the available evidence, the law involved and consideration of the alternatives available to him or her.

The seriousness of this decision is reflected in the very high level of training, both academic and practical, which all police officers undergo. In the area of criminal law and police powers, a police officer's academic training is at least the equivalent of a law graduate. More senior constables and other supervisors closely supervise every police officer until it is felt that he has displayed the necessary knowledge and aptitude to safely be trusted to act alone.

In documentation supporting proposals for the expansion of workers with powers, we are unimpressed with the euphemistic phrase 'limited police powers'. It appears to us that they are only slightly limited in that they confer the right to deprive a member of the public of their liberty and to use force to do so. We are quite certain that the Chief Constables' duty of care will compel them to offer such support staff the same measures of self protection as those enjoyed by the police sooner rather than later.

We would also wish to be assured that any legislation enacted to proliferate these powers is not generally worded and capable of being seen as transferable to 'street wardens' or other similar persons.

Every survey of which we are aware indicates that the public are extremely worried and apprehensive about this issue and we are not satisfied that there has even been any meaningful consultation on this issue either with the police or the public and trust that this will be done before going to legislation in haste.

### **PRISONER ESCORTS.**

While we recognise the benefits of out-sourcing these duties to another agency in terms of savings of police time, the issue of transfer of funds will be critical. Police time will not be saved if the funding to have these police officers in the first place is transferred elsewhere. There are also issues of public safety to be considered. It must be recognised that despite the benefits anticipated, it cannot be said that public safety will be enhanced and we are doubtful that this change will be viewed enthusiastically by the public.

## **COURT SECURITY OFFICERS.**

The Scottish Police Federation has serious concerns as to the proposals regarding security in courts. Court buildings are the only places in our towns and cities where you can guarantee that the criminal classes and their associates will gather. They are also places of high anxiety and emotion where witnesses, accused persons, court staff and officials and police officers can and do feel intimidated. The fact that police officers are present on security duties is often the only factor that ensures that matters do not get out of control. We are aware that some Sheriff's have indicated an unwillingness to sit unless there is a police officer on security duties in the courtroom.

Within the last year, in a court in Portree, police officers were required to use incapacitant sprays against members of the public who were bent on attacking the accused person. In one police force a decision was taken by senior officers that incapacitant sprays should not be carried by police officers in court. After representation from the local Joint Branch Board of the Scottish Police Federation the Chief Constable has reversed this decision.

No matter how well intentioned or how well trained or how well equipped support staff members may be, they would not be able to provide the level of security that police officers provide by their very presence.

We are also of the view that the question of best value requires to be addressed. In terms of salary it may be that support staff performing these duties will be paid less. However, the initial costs of their training and equipment have to be considered. It is also true that some of the officers employed on court security are nearing the end of their service and many are probably not fully fit to carry out the full range of police duties. If they are removed from court security sections and returned to front line police duties it is likely that the level of ill health retirements among them will be significant as there are very few alternative duties they can be offered.

Our unequivocal view is that only police officers can ensure proper order within a court and that in practical terms and in considering best value, this is the best option.

## **TURNKEYS.**

The Scottish Police Federation has no problem with the concept of using support staff to look after prisoners in cells either at court premises or in police stations. Indeed every police force has used support officers in this way for a number of years. These members of staff have assisted in searching prisoners and support staff have also commonly taken fingerprints and photographed prisoners after the requirement was made known by a police officer. Elsewhere in the White Paper it is suggested that these arrangements be extended to the taking of DNA samples. It has not been found necessary to give these members of staff police powers as they are deemed to be operating under the direction of a police officer.

We are also doubtful as to whether turnkeys wish to have these powers, as it would fundamentally change their current relationship with prisoners. Prisoners do not see

turnkeys in an ambivalent way under the current arrangements and there is no real history of acrimony between prisoners and civilian turnkeys. If they were to be given the power to lawfully use physical force against them, this relationship would undoubtedly alter. We are not aware of a single instance where these support officers have requested that consideration be given giving them this power. This is because they are almost always acting under the direction of and with the support of a fully empowered police officer.

This addresses the question as it has been presented in the White Paper. If, however, the unstated intention is to extend this role or create a 'super turnkey/custody officer' who will not be acting under the direction of a police officer, there are many more considerations.

The turnkeys currently employed are simply not qualified for the role. There are legal decisions regarding custody, which can only be made by a police officer in the light of his training and experience as described above in this response. If the intention were to employ new staff in this role we would suggest that the level of training required would be formidable in extent and cost. In addition to a high level of legal training they would require to be computer literate and trained in the operation of the Police National Computer (PNC), the Scottish Criminal Records Office (SCRO) local computerised incident logging systems, recording of productions and preparing reports for the procurator Fiscal.

There are also considerations of the level of salary such persons would command and this would have to be set against the loss of flexibility in police staff resources. There is also the question of de-skilling of police staff who would on many occasions require to cover abstractions among support staff. Currently police custody officers or duty officers decide if it is appropriate that an accused, who has been arrested or detained by a police officer, can be detained in the cells. This is a valuable safeguard that should not lightly be discarded.

There are various types of legislation, which may have to be extended to empower non police officers to require accused persons to comply. Police custody officers, for example, administer breath tests under the provisions of the Road Traffic Act and they give evidence if required to these procedures in the court. They are familiar with the calibration and use of the equipment used to a much greater extent than street officers and this enhances the expertise and consistency required by the courts. Only a significant transfer of police powers and a high level of training could replicate this.

Our unequivocal view is that if police powers are required then the post should be filled by a police officer. That is not to say that non-police officers cannot fill a supporting role up to the point where police powers are required.