Supplementary written submission from Sam McEwan JP

Re your question regarding ACC Higgins’ statement on the introduction of “recorded police warnings”, I have spoken with colleagues Legal Advisers, Defence Solicitors and none of them are able to verify ACC Higgins statement or have seen any evidence of the scheme he describes. Indeed a defence solicitor offered the information that he had recently spoken with a police officer who had been spoken to by his senior officer after he took a suspect to the police station instead of “dealing with the incident on the street”.

At our annual training conference on the 20th November both the Sheriff Principal and the Lord Advocate were briefed by a senior fiscal from the Strathclyde Sheriffdom PF’s office personally known to me on the situation regarding the issuing of fixed penalties. Neither the SP, the Lord Advocate or the fiscal himself mentioned this scheme in their answers to a range of questions from JPs expressing concern about the number of fixed penalties. It would seem inconceivable that, if such a scheme exists, these three gentlemen would not know about it or fail to use it as a response to the concerns expressed by the JPs. I hope this helps.

Sam McEwan JP
1 December 2016