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22 March 2024

Your Ref:

Our Ref:

Health, Social Care and Sport Committee  
The Scottish Parliament  
Edinburgh  
EH99 1SP



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Dear Ms Haughey

**Health, Social Care and Sport Committee Stage 1 scrutiny: Abortion Services (Safe Access Zones) (Scotland) Bill**

In relation to the above and your letter dated 20 March 2024 where the following points were raised:

1. To what extent and in what circumstances (if at all) an individual or group of individuals engaged in silent prayer might be judged by the police to be committing an offence under the terms of the Bill. It would also be helpful if you are able to set out how you would expect officers to approach policing such cases within a safe access zone; and
2. It would be useful if you could outline the processes that would be undertaken by officers to ascertain whether an individual or group's behaviour constitutes an offence in a safe access zone, including the types of dialogue to be used in those situations.

In relation to the first point, each individual set of operational circumstances would of course require to be judged on its own merits. We would assess each incident on the facts and circumstances that presented themselves to us, primarily around the conduct and attitude of the person(s) present. It may be possible and relevant to obtain

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evidential statements from persons who are affected by individuals engaged in silent prayer and what impact this has, however, this may not always be available and presents sensitivity issues where that would be from persons accessing health services as opposed to persons providing the health services. Once all available evidence has been gathered, we would make a judgement on whether in our view it presented a contravention of Section 4 (1) of the Bill.

In general, officers approach the policing of protests, where offences are being committed, through a graduated response. This response involves officers engaging in dialogue with protestors in the first instance, requesting compliance in terms of relevant legislation, explaining the legislation, explaining the impact to them of the offence committed in contravention of the legislation, for example, possible arrest and fine at court. Thereafter, upon ascertaining that the protestor will not comply with the legislation, for example, to move out of the safe access zone, then we may decide to move to arrest where compliance through this engagement has not been reached. Again, each case will be judged in its own merits with the exact course of action depending on various factors, for example the immediate impact or seriousness of the offence.

In relation to the second point, in order to ascertain whether an offence is being committed, officers will gather all available evidence at the scene around the facts and circumstances. This could include flags and banners in the possession of those present, what they are heard to be freely saying or chanting, the demeanour and body language of those present and where they are located. Again, officers would act according to the evidence that is presented to them. Due to current criminal justice practices, officers could not engage in dialogue to competently gather evidence from those present in order to substantiate any potential offences under the Bill. This does not however, prevent officers from engaging in conversation in order to try and resolve the situation through the graduated response as outlined above.

I hope this provides further clarity.

Gerry Corrigan  
Superintendent

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