



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

### JUSTICE SUB-COMMITTEE ON POLICING

Thursday 19 March 2015

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**JUSTICE SUB-COMMITTEE ON POLICING**  
**5<sup>th</sup> Meeting 2015, Session 4**

**CONVENER**

\*Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP)

**COMMITTEE MEMBERS**

\*John Finnie (Highlands and Islands) (Ind)

\*Alison McInnes (North East Scotland) (LD)

\*Margaret Mitchell (Central Scotland) (Con)

\*Elaine Murray (Dumfriesshire) (Lab)

\*Kevin Stewart (Aberdeen Central) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Roderick Campbell (North East Fife) (SNP)

Assistant Chief Constable Bernard Higgins (Police Scotland)

Deputy Chief Constable Iain Livingstone (Police Scotland)

Graeme Pearson (South Scotland) (Lab)

Derek Penman (HM Inspector of Constabulary in Scotland)

Iain Whyte (Scottish Police Authority)

**CLERK TO THE COMMITTEE**

Joanne Clinton

**LOCATION**

The David Livingstone Room (CR6)



## Scottish Parliament

### Justice Sub-Committee on Policing

Thursday 19 March 2015

*[The Convener opened the meeting at 13:15]*

### Decision on Taking Business in Private

**The Convener (Christine Grahame):** Welcome to the fifth meeting in 2015 of the Justice Sub-Committee on Policing. I ask everyone to switch off mobile phones and other electronic devices, as they interfere with broadcasting even when they are switched to silent. No apologies have been received.

I welcome Graeme Pearson and Roderick Campbell. I say to both of you, as I have said previously, that the sub-committee functions on the basis that it represents other committees, so I will take questions from members of the sub-committee first, before I take questions from visiting MSPs.

Agenda item 1 is a decision on taking business in private. Do members agree to take in private consideration of our work programme?

**Members indicated agreement.**

## Armed Police

13:16

**The Convener:** Agenda item 2 is armed police. We are continuing the evidence session that we began on 5 March and we have the same witnesses before us, whom I thank very much for returning. I welcome Iain Whyte, a Scottish Police Authority board member, who chaired its recent inquiry into the public impact of Police Scotland's standing firearms authority; Deputy Chief Constable Iain Livingstone, crime and operational support; Assistant Chief Constable Bernard Higgins, operational support; and Derek Penman, HM inspector of Constabulary in Scotland, who also recently reported on the standing firearms authority.

I will go straight to questions from members.

**Margaret Mitchell (Central Scotland) (Con):** Good afternoon, gentlemen. Two weeks ago, when I asked how communication would be improved between the SPA and Police Scotland, Iain Whyte referred to the joint agreement on police policy engagement. You said that it would bring into play "significant public interest", which would in effect be the test of when Police Scotland would give you notice of a policy change. How will you gauge significant public interest?

**Iain Whyte (Scottish Police Authority):** "Significant public interest" is quite a broad term, and the reason that we do not want to define it in any more detail is similar to that around the term "operational policing"—we do not want to exclude things from consideration.

Clearly, if matters arise within Police Scotland and it has knowledge of them, there is an expectation that it will make decisions about what is of significant public interest. I hope that Police Scotland, as it has indicated, will conduct various community impact assessments; those assessments will include public interest, among other items, and Police Scotland will bring them to us. I also hope that there will be a more informal aspect, whereby if Police Scotland has something that it thinks might be of interest it will discuss that with our officers in the SPA, to see whether we agree jointly that it is of significant interest. Issues can be brought forward in that way.

Similarly, we in the SPA may raise things. We raise various things with Police Scotland from time to time, and we have a number of mechanisms that test issues for us. We have quarterly meetings with trade unions and staff associations, and issues come up there. We have links to local authorities; each SPA board member has a link relationship with up to four local authorities, which raise things with us. Indeed, things have been

raised with us by the sub-committee and at some of the informal discussions that we have had. Issues come to our attention through a host of ways, and we raise issues, too.

**Margaret Mitchell:** I am afraid to say that that does not inspire me with too much confidence, given that we are hoping for quite a lot here and given the background to why we are discussing communication in the first place. In the first instance, there was an argument about whether this was an operational decision or a policy decision, and even when it was established as a policy decision, there was no real appreciation of the matter's importance until significant public concern was expressed after the event. Is it not the case, then, that the only way to be absolutely sure about this is for all policy decisions to be transmitted and referred to the SPA?

**Iain Whyte:** Policy decisions will be referred to the SPA; indeed, that is how matters are discussed and decided. The joint agreement makes it very clear that there will be advance engagement on future policy decisions, and the chief constable has signed up to that.

I understand what Mrs Mitchell says about how things might have been characterised last summer, but I believe that things have moved on considerably since then and that the wording in the joint agreement is clear about that. We have also tasked our chief executive to work with the chief constable on coming up with a way of monitoring that agreement and ensuring that it is delivering.

**Margaret Mitchell:** But how do you carry out the significant public interest test?

**Iain Whyte:** I believe that the firearms issue became one of significant public interest, but only much later on from when the policy was determined—indeed, a year and a bit or at least a year after the decision had been taken and officers throughout Scotland were acting in a different way. In the past, some of these things were not dealt with in as open a way as I would have liked, and I believe that with the joint agreement in place and the commitments that I have seen from Police Scotland in recent weeks we can take things forward in a much better way in future. Ultimately, we as an authority are here to improve the performance of policing in Scotland and to make things better and more open for the public in future.

**Margaret Mitchell:** I am confused. Why is there a significant public interest test if all policy decisions are going to come to you in advance?

**Iain Whyte:** There might be things that are not a matter of policy as such but which raise a significant public interest, and there would be

value in airing such matters before the authority in an open public meeting.

**Margaret Mitchell:** Is this a catch-all, then?

**Iain Whyte:** It allows for a wider look at things. Instead of looking just at policy changes that Police Scotland might bring forward, we can request a discussion about a particular policy that we want to look at.

**Margaret Mitchell:** Are we going into operational matters?

**Iain Whyte:** We covered operational matters last time. Certain specific policing operations are a matter for the chief constable, but certain issues that arise from policies that Police Scotland has put in place to deal with operational issues are policy matters, and they should be aired publicly to ensure that the public have oversight of and give consent to them. The obvious place to begin that process is at open public meetings with the SPA.

**The Convener:** Mr Penman will want to comment on the joint agreement.

**Derek Penman (HM Inspector of Constabulary in Scotland):** I want to clarify the situation as best I can. I think that we are further forward than we were six months ago with regard to accountability. In our report, we discussed the issue of operational responsibility, which is where the chief constable would be accountable to the SPA for operational and non-operational decisions that he took. In effect, he would be accountable for everything that he did.

In its firearms report, the SPA sets out what is effectively a statutory framework of accountability by making it clear how it would hold the chief constable to account under the Police and Fire Reform (Scotland) Act 2012. That is helpful, because it makes it clear that the chief constable is accountable to the authority for policing in Scotland, which, to me, covers operational and non-operational matters. The distinction between the two becomes less important, because the authority has the opportunity to challenge and test the chief constable publicly on his policing of Scotland.

The potential weakness, which members have identified, is that sometimes the process might take place after the fact; sometimes, it takes place before. Through the joint agreement on police policy engagement, there has been an attempt by the chief constable and the authority to agree a protocol whereby he will bring policy decisions to the authority beforehand. To some extent, that will rely on the chief constable's professional judgment. Therefore, the safeguard now exists that, should that not take place, the authority has the opportunity to hold the chief constable to account for the decision that he has made, and he

can also be held to account for why it was not brought forward under that protocol. That has moved us on quite a bit in the past six months.

**Margaret Mitchell:** How do you see the significant public interest test working?

**Derek Penman:** The intention is that Police Scotland will undertake a community impact assessment that will look at what the impact would be on wider communities of the decision that was made. In some respects, that will be a professional judgment, but I hope that it will set the scene for a threshold. As I say, there is still the safeguard that, if it is deemed that that has not taken place and it becomes a matter of public interest, the decision can be revisited.

I think that the joint agreement on police policy engagement is quite important. Next week, we will publish a report on stop search and will make recommendations that are likely to lead to decisions on policy changes. We have said in our report that it is our expectation that the chief constable and the authority will adhere to their agreement in discussing those policy changes. It is an important document that we must allow the authority and the Police Service to use, and we must be able to check whether that has been done.

**Alison McInnes (North East Scotland) (LD):** Good afternoon, gentlemen. Towards the end of the previous meeting, we were beginning to explore in more detail the deployment of armed response vehicle officers. It would be helpful if the sub-committee could understand a bit more about the day-to-day deployment of those officers. Are they active in all divisions? Are there variations in how they are deployed depending on whether they are on a daytime shift or a night-time shift?

**Assistant Chief Constable Bernard Higgins (Police Scotland):** I will clarify the operating parameters of our armed response vehicles. Since 1 October, we have made it very clear in numerous public forums, not least here on 5 March, that the ARV officers will be sent to firearms incidents and other incidents that fall within a threat-to-life category. Those are the only incidents that the ARVs will be deployed to from the area control rooms. However, on a daily basis, they are employed to patrol in every part of Scotland. Part of that patrol matrix has them covering iconic sites and vulnerable premises in line with the current terrorist threat in the country, so they are out patrolling the streets of Scotland.

Although they are not sent to what have been referred to as routine incidents, should something occur in front of them, my expectation—and that of Mr Livingstone and every member of the Scottish public, I imagine—is that they will make a professional assessment of how they should deal

with that matter. As I reported at the previous sub-committee meeting, the figures up to and including 1 April show that they had done that on 1,644 occasions. I emphasise that those were not 1,644 incidents that they attended; they were 1,644 occasions when something occurred in front of them and they dealt with it. For example, in Glasgow a couple of months ago, an armed response vehicle was stopped by a member of the public who told the officers that a road accident had occurred just around the corner. The officers went there and saw that a car had collided with a lamppost. The driver was drunk and also disqualified from driving, and the car that he was driving was stolen. Although that was neither a firearms incident nor a threat to life, the officers dealt with that incident as I would have expected.

My answer to your question, Ms McInnes, is that those officers are deployed right across the country on a daily basis. They are given a patrol matrix to follow, which will have them in particular areas as determined by the threat profile, and they have the parameters to use their professional assessment to deal with the things that occur in front of them.

**Alison McInnes:** Are they deployed differently on night shifts?

**Assistant Chief Constable Higgins:** I am sorry—in what respect?

**Alison McInnes:** Well, do they have the same sort of matrix to follow?

**Assistant Chief Constable Higgins:** Yes, they do.

**Alison McInnes:** The HMICS review of the standing firearms authority stated that armed officers had

“completed more than 11,000 hours of directed patrols in local divisions and over 18,000 hours on default patrols.”

Do those two categories still exist? Can you explain what those two categories are?

**Assistant Chief Constable Higgins:** Yes. The directed patrols were prior to 1 October 2014 when local divisions had a particular issue in a particular area—for example, if cars on a particular road in Glasgow were speeding. They would request the ARVs when they had downtime to go into that area and deal with the speeding vehicles.

Default patrols are exactly that. When a person is not engaged in a firearms or threat-to-life incident, they revert to the patrol matrix. As I have explained, that takes the cars into areas of vulnerability for a variety of reasons.

13:30

**Alison McInnes:** That is helpful. Have ARV patrols been present in the vicinity of nightclubs on a regular basis?

**Assistant Chief Constable Higgins:** Potentially, they would have been. For example, ARVs will routinely patrol past George Square because the city chambers is an iconic building and George Square is in the middle of Glasgow. It is therefore well within the realms of possibility that, to get to George Square, they will drive up Queen Street, which has a number of nightclubs on it.

**Alison McInnes:** Have ARV officers issued fixed-penalty notices for minor breaches of the peace, drinking in a public place or urinating in the street?

**Assistant Chief Constable Higgins:** Yes, they have. They have done so on many occasions.

**Alison McInnes:** So you consider those to be things that have happened in front of them.

**Assistant Chief Constable Higgins:** Yes, indeed. As I have said, we have asked the officers to use their professional judgment, and the result can range from an informal warning to formal ticketing, as you quite rightly say.

Again, I must emphasise that, in my view, the firearms officers receive the most intensive training for their situational awareness and decision making, and that is tested intensely over the course of a year. There is real scrutiny of their decision making in their refresher training, and if there is any doubt about that, they are not permitted to carry out the duties of a firearms officer. I contend that those officers demonstrate a far higher level of situational awareness and decision making than any other officer in the force.

**Alison McInnes:** Can you tell me how many fixed-penalty notices have been issued by armed officers?

**Assistant Chief Constable Higgins:** Do you want the figure from 1 October?

**Alison McInnes:** Yes.

**Assistant Chief Constable Higgins:** That forms part of the 1,644 figure. Armed officers have issued 207 antisocial behaviour fixed-penalty notices. Contextually, Police Scotland issued 21,044 in the same period. The armed response vehicles therefore accounted for roughly 0.9 per cent of all the fixed-penalty notices that were issued.

**Alison McInnes:** I want to press you on the patrol matrix that you mentioned. How was weekend work decided, for example? Are ARVs

deployed as an extra resource at busy times around nightclubs?

**Assistant Chief Constable Higgins:** No. The ARVs have a very specific duty, which is to mitigate the highest threat against the communities of Scotland. That is from people who are intent on causing harm through using extreme levels of violence with a firearm or people who have been deemed to be otherwise dangerous, as they are armed with a samurai sword, for example. We overlay that against the current threat level. A particular area is not less vulnerable to attack simply because it is the weekend. The patrol matrix is based on the duty to protect life and to be available to mitigate the highest levels of threat against the communities of Scotland, but also on the duty to contribute to our current response to the United Kingdom threat level.

**Alison McInnes:** It is helpful to understand that detail. Thank you.

Since April 2013, has any part of any firearms officer's equipment been seized by a member of the public or been the subject of an attempted seizure by a member of the public?

**Assistant Chief Constable Higgins:** Absolutely not. It might be helpful to say that our current modes of carriage have several locking mechanisms. As part of the officer's training, they are trained in defensive techniques to prevent that from happening. There has been no attempt by any member of the public or other person to try to seize or gain access to any weapon that has been carried by a Police Scotland officer.

**Alison McInnes:** If that had happened, it is clear that it would be reported, perhaps also to HMICS.

**Assistant Chief Constable Higgins:** It would. Yes.

**Deputy Chief Constable Iain Livingstone (Police Scotland):** I will add something about what the firearms officers do when they are not doing threat-to-life or firearms jobs. I think that the mode of carriage and deployment was the second issue that I talked about in the previous session.

ACC Higgins has underlined some of the instances that might have arisen, and ARV officers have responded to such incidents because they have happened in front of them. We are now going to consult and look for criteria, because one of the recommendations from HMIC was that Police Scotland should do that. In response to some of the questions at the previous evidence session, I said that we will ensure that that consultation is thorough and that there is understanding of the issue.

We want to extend right across the country the conversation that you and Bernie Higgins have



just had. People will say to us, “We don’t think that ARV officers should do that” or, “We think they should do more of this”. It would be counterintuitive and against the public interest for the officers not to respond when they saw a drunk driver, someone assaulting their partner or whatever. That element of the deployment of ARV officers—ARV officers going to deal with instances in front of them that do not involve firearms or a threat to life—is the key element that we are going to consult on and get some criteria around, because we have committed to accept and support Mr Penman’s recommendations.

**Elaine Murray (Dumfriesshire) (Lab):** ARV officers are required to remove their handguns when they attend training, and they are not allowed to carry them in court. Other than that, as you have described, it is left to the individual officer to judge when it is appropriate to carry a handgun. There has been a suggestion that guidance should be provided for officers on how firearms should be handled when they need to leave the ARV in responding to operational incidents. Is any guidance being drawn up? Has that been considered at all?

**Assistant Chief Constable Higgins:** The officers receive that guidance as part of their training. The default position is that, when they operate on patrol, and with the exceptions of training and going to court, they carry their sidearm and their Taser on their person. If, for whatever reason, they have to disarm themselves, they follow a standard procedure that they learn during their basic ARV training.

**Elaine Murray:** One of the complaints that I received in my constituency—admittedly, this was before 1 October—was from a constituent who observed an ARV officer doing his shopping in a supermarket while armed with a Glock 17, which obviously caused a bit of distress. I presume that he was still on duty and was getting something to eat. Is it considered appropriate that an officer would be in a setting such as a supermarket while carrying a Glock 17?

**Assistant Chief Constable Higgins:** Since 1 October, I would not expect them to be pushing a trolley round the supermarket. That would be completely inappropriate. We have said, as part of ARV officers’ overall awareness training, that, if they have to go and buy a sandwich or a bottle of water, they should use their professional judgment. I would not expect them to do that at 3 o’clock on Saturday afternoon in any supermarket; they should go to the petrol station next to the supermarket and buy their sandwich or water there. That message is constantly being reinforced through what we do with our officers, and on a daily basis it is reinforced as part of their briefing and their deployment plan.

**Elaine Murray:** So, would police officers who are entitled to carry arms now be advised, as you have just said, in the guidance that they receive during training, that they should not go into a supermarket with their weapons on their person?

**Assistant Chief Constable Higgins:** No. I would never constrain my officers in that way. I would say to them, as I have said on many occasions, that they must use their situational awareness training and their professional judgment. Personally, I would not have a huge problem with their going into a 24-hour supermarket at 3 o’clock in the morning when there were very few members of the public around and there were actually more members of the public on the petrol station forecourt. It all depends on the particular circumstances. As I said, it is not something that I would expect them to do at 3 o’clock on a Saturday afternoon, but at 3 o’clock on a Tuesday morning it would perhaps be more acceptable.

**Elaine Murray:** How is that now communicated to officers? You said that officers use their professional judgment, but are they given advice about when it is appropriate to carry weapons?

**Assistant Chief Constable Higgins:** Yes. It is constantly reinforced to them. At the start of every tour of duty, the officers have to take a declaration and warning about how they operate. As part of the briefing, before they go on the streets, they are reminded of their personal responsibilities. The briefing covers not only when they can and cannot discharge a firearm but the situations that they put themselves in, which is exactly what we are talking about. They are reminded to make sure that they will not be put in a difficult position.

As I have said, my firm belief is that the training and refresher training that the officers receive make them the most skilled in that area.

**Elaine Murray:** Margaret Mitchell spoke about communication issues. What specific steps are being taken to improve communication with the public and local authorities? There was obviously a communication issue between the SPA and Police Scotland but, equally, there were problems in the communication with local authorities and the communities that they represent. What steps have been taken to ensure that there are clear lines of communication, particularly about operational matters that could cause public concern?

**Deputy Chief Constable Livingstone:** We accept that we did not undertake as much communication and engagement with our existing links and relationships, which were built on many years of trust. It was perhaps inevitable but, nevertheless, on reflection, we realise that we were introspective and quite transactional in the

early days and months when the new organisation came together.

A fundamental lesson that has come from the debate about armed policing is that we need to ensure that we do not back away from those links and relationships that have been established over many years. Therefore, a key element has been the role of the local divisional commanders, the role of the local area commanders and the networks into community groups, local authority scrutiny panels, business and volunteer groups. As I think I said at the previous meeting, those links were all there and remain there. We need to mobilise them, map them out and be very active and deliberate in our engagement with them. We take that wholly on board—it is a matter for reflection.

We are in a different place now. We are days away from being two years into the existence of Police Scotland and we need to ensure that we engage with the vast array of networks that I have outlined.

**Elaine Murray:** How are you going to monitor that?

**Iain Whyte:** It is important to recognise that, at our last board meeting, along with the joint agreement about communication between Police Scotland and the SPA, Police Scotland's communications and engagement strategy was presented to us—I see that the DCC has a copy of it on the table in front of him. We will look to monitor that strategy and ensure that its aspects are implemented. We have tasked our chief executive to go away—

**The Convener:** I beg your pardon, but I missed that—I was trying to get something. Are you talking about the report that is going to come out?

**Elaine Murray:** No.

**Iain Whyte:** No, I am talking about how we will monitor communications and engagement going forward. Our chief executive will draw up a proposal for how we will monitor performance against that communications and engagement strategy.

Also, as part of the firearms review that we undertook, we commissioned some expert academic input about strategic police engagement. That information from Cardiff University has been provided to Police Scotland to advise and inform its approach to communications and engagement. We hope that it will build on that in the work that it does on its communications strategy and in engaging with the authority. Indeed, we can hold it to account on that.

We are carrying forward our programme of work with local authorities. Indeed, tomorrow we will hold a partners in scrutiny event with the

Convention of Scottish Local Authorities, at which 21 of Scotland's local authorities will be represented.

13:45

**The Convener:** In its report, the inspectorate said:

“overt carriage ... is the best and safest method of carriage ... More broadly, we consider that overt carriage for ARV duties promotes openness and transparency with the public”.

Following that, Police Scotland considered its position with regard to overt carriage and, as I understand it, covert carriage. I believe that DCC Livingstone was going to present something to the SPA's senior leadership on 18 March—yesterday. I put the question to both of you: how have matters progressed?

Mr Penman has indicated that he wants to come in, so he can go first, followed by ACC Higgins. I would like you both to give us an idea of where that work has come to, because there seems to be a conflict—or a potential conflict—between your views.

**Derek Penman:** I will quickly cover the localism issue before I answer that question.

In addition to the work of the SPA and Police Scotland, we have a divisional inspection programme whereby we go round each division and each local authority, because we are keen to ensure that the engagement between Police Scotland and the local authorities is taken into account. We are also keen to promote localism and to encourage local authorities to be less passive and more demanding of Police Scotland in the future. We will look at that theme as the weeks and months go on.

The answer to the convener's question was covered slightly at the previous meeting. We feel that overt carriage is the safest method because there are operational issues around where the firearm is drawn from on the body and the safest way to do that. I am sure that ACC Higgins will cover that aspect of it.

Our view on transparency is that, now that the public is very much aware of armed policing and overt carriage is something that people understand, we would have concerns if the policy moved to covert carriage. If that happened, Police Scotland would have to make absolutely sure that people understood what it was about, because it could be misinterpreted or could damage public confidence if people felt that many police officers had guns but they just could not see them. At the previous meeting, ACC Higgins set out that it was one of a number of options that Police Scotland

would consider in order to move forward in an informed way.

**Deputy Chief Constable Livingstone:** Just to be clear, it was, according to Police Scotland's own internal chronology, a Police Scotland-only leadership board that met yesterday. It discussed two elements: the mode of carriage and the default activity when there is not a threat to life, which is the issue that I discussed with Alison McInnes earlier. It was, by definition, an options appraisal of the two points that I described, around which there is a lot of detail.

With regard to the mode of carriage, we note HMIC's position and the comments that members have made. However, given the comments and observations about governance and the need for the SPA to be rigorous, it is right and proper that the next stage will be to take those two reports to the SPA, and we are going to do that on 31 March. As I recall, we outlined that clearly at the previous meeting, but I apologise if there was ambiguity in that respect. We were quite clear that there is an internal gold group, which I chair, and an internal Police Scotland leadership group—that is our own internal governance. We will then take the two reports to the authority, but until we do so it would not be appropriate—

**The Convener:** Sorry—my papers tell me that the matter was to go to the SPA's senior leadership board on 18 March. I will have our clerking team check whether that detail was wrong in the previous evidence or whether something has changed. I am not being accusatory; that is what I have before me, and that is why I am asking.

**Deputy Chief Constable Livingstone:** I categorically assure you that the process and the timeframe were always that the matter would go from my gold group to the leadership board of the force executive—the force cabinet, if you like—and then to the SPA at the end of the month.

**The Convener:** We will check that out.

**Deputy Chief Constable Livingstone:** There may be too many dates, but it was always clear—and I think that it is right and proper—that we will take the matter to the authority, recognising the observations that have been made regarding the mode of carriage.

**Iain Whyte:** It may be helpful for you to know that that is exactly my understanding, too, convener.

**The Convener:** Well, we will clarify that point.

**John Finnie (Highlands and Islands) (Ind):** Good afternoon, panel.

Mr Whyte, I want to return to the SPA report. First, I thank you for the comprehensive update

that you provided in your letter of 16 March. I am always learning new terms, and I learned a new one—"dynamic drafting process"—from your letter.

We understand from previous discussions that there was some discussion about the original report. Again, in your letter you refer to

"factual and policy engagement with Police Scotland."

Can you give a brief outline of what was involved in that?

**Iain Whyte:** We sent the report to Police Scotland to check its factual accuracy on some of the issues that Alison McInnes has raised on carriage and so on, which related to Police Scotland's operating procedures.

**John Finnie:** Thank you. Are you keen to be open and transparent about the entire process?

**Iain Whyte:** Yes.

**John Finnie:** That being the case, would you make available to the sub-committee—in track change format, if you like—a copy of the changes that were made? I am sure that there will be a process that shows what the original report comprised, the subsequent changes that were made and who requested the changes.

I know that you say that the report ultimately had your full endorsement, but it would be helpful to have that document, so that we can understand the changes that were made. We all write reports, and we all know that there can be errors in reports.

**Iain Whyte:** There can errors and reflections. The board sub-group that took on the work had discussions. If the Justice Sub-Committee on Policing wants to make that request, we will consider it carefully. I think that it is a matter for the convener. I would be happy to take such a request away to consider further with the SPA chair and chief executive, and we would then respond to it.

**The Convener:** I am not undermining my colleague by saying this, but you certainly would not want to see some of the track changes in our reports—we have battles over a conjunction. However, those discussions are taken in private.

**Iain Whyte:** The difficulty is the not-inconsiderable policy implications for us in releasing all the detail.

**The Convener:** I understand. Obviously, you cannot make a commitment and you want to take the matter back—

**Iain Whyte:** Yes.

**John Finnie:** I would be grateful if you could give my request consideration, Mr Whyte. The

spirit in which engagement continues, which has been alluded to, is important.

I have a question for Mr Penman. You said that we are further on, and you talk about wanting local authorities to be more demanding. I am keen that we move the issue on, but we can do that only if we understand the process that brought us here. Can you, in turn, provide the sub-committee with your understanding of when the various changes took place, who requested them, who was consulted and what the feedback was? You may have pulled together that information for the report that you did last year. It would be helpful if you could make it available.

**Derek Penman:** I suppose that this is about understanding the scope of our report, and we were clear that the scope of our report was that, in it, we would give a description about the situation in relation to ARVs and whether the method of carriage was overt or covert in each of the legacy forces prior to the establishment of Police Scotland. That information is contained in the report. We also captured the decision making by Police Scotland and the SPA in the timeline in the report. Can you clarify what additional information you are looking for?

**John Finnie:** Unfortunately, I do not have the report in front of me, so you will need to remind me about certain things. For instance, there have been issues about who was told about the decision, when they were told about it and who made the decision. We touched on at our previous meeting, and different versions of what happened were given.

We have been told that Mr Graham made the decision for Northern Constabulary. We have also been told that Stephen House made the decision, and we have been given different times for when that happened. From memory, I do not think that that information was in your report. It would be helpful to have a timeline showing when the change took place, who made the decision and who was consulted.

**Derek Penman:** Is that specifically in relation to Northern Constabulary?

**John Finnie:** No. It would also be helpful to have information on Tayside Police.

**Derek Penman:** We did not look at the evidence on that in detail because it was not within the scope of our review. Our review was very much based on who made the decision in Police Scotland and how that was communicated. A timeline exists for that. The legacy arrangements, who said what, who was notified and who was not notified were issues that were excluded from the review.

In the report, we gave the factual position on what armed response vehicles existed and a timeline in relation to the Scottish Police Authority and Police Scotland. We did not go back for, and nor do we have, that information on any of the legacy police boards.

**The Convener:** The point is that we are here to scrutinise Police Scotland, not the legacy forces.

**John Finnie:** Yes, but the issue has its genesis in the period before Police Scotland.

We have heard that there was a difficulty with the level of scrutiny. Indeed, that is reflected in the Scottish Police Authority's report.

**The Convener:** Mr Penman has given his answer.

**John Finnie:** I am keen that we move forward but we need to know that the problems that created the difficulty that we are in are being addressed by the new arrangements. We must know what the issues were.

**Derek Penman:** With respect, that is covered in our report. Our report shows the genesis of the decision in Police Scotland and the timing of that decision by the chief constable. In our report, there is recognition of—and there is certainly criticism of—the extent to which that was communicated locally and to the authority.

We did not go into all the different decisions that were made in each of the legacy forces, because there was no remit for us to do so. As you are aware, Northern Constabulary's decision was taken very close to the establishment of Police Scotland. Some stuff was done—

**John Finnie:** How close?

**Derek Penman:** My understanding was that it was on 1 March, so it would have been a month before that the ARV situation changed in Northern Constabulary. However, my point is that we did not examine the legacy force arrangements, because we felt that the more relevant issue was the decision in relation to Police Scotland and the authority and how that was communicated.

**The Convener:** I want to bring in Deputy Chief Constable Livingstone at this point.

**Deputy Chief Constable Livingstone:** In order to assist Mr Finnie and make things absolutely clear, I point out that, up to midnight on 1 April 2013, the operational responsibility for all the legacy force areas rested and remained, in practice, in law and in reality, with the legacy chief constables who were in place at the time. Mr House—Sir Stephen, as he is now—was absolutely clear about that, and as a group we knew that in the transition there would be a number of issues such as major crime, our

response to rape and ARVs that would require a change of structure and format.

However, the changes that Sir Stephen as chief constable instructed only took place after 1 April 2013, because, in law, those were the only changes that he could make. Some of the legacy chiefs quite rightly guarded their responsibilities very dearly up to the changeover, because they knew that they would retain that vicarious responsibility and that responsibility to their communities. Sir Stephen, the chief constable, was in charge and took decisions only after Police Scotland went live.

**John Finnie:** So Mr Graham took the decision.

**Deputy Chief Constable Livingstone:** As I recall the circumstances—and I was living and breathing them at the time—Mr Cowie was acting chief constable of Northern Constabulary. It was, ex officio, the chief constables of the legacy forces who were in charge of their resources prior to Police Scotland starting up.

**Derek Penman:** If it helps, my understanding is that Mr Cowie took over on 1 March, which is when the policy itself took effect. As a result, all the planning and preparation would have been done, and the decisions would have been taken, when Mr Graham was the chief constable in the area. If I understood what you were looking for, Mr Finnie—perhaps we can discuss that outwith the meeting—I might be able to see whether I could find the information for you.

**The Convener:** Anything like that would have to come through me, on behalf of the sub-committee. Do you want to clarify things further, John?

**John Finnie:** I am grateful for the work of the clerks and members, but the fact is that not everyone who might have an interest in the matter is sitting with a copy of the HMICS report and it is important that we get some of the information on the record. The answers to some of my questions might be self-evident, but we need to understand the process.

My final question is: would you have expected the convener of the Northern joint police board to have been aware of the change?

**Derek Penman:** That would have been a decision for the chief constable at the time. I am not sure how or, indeed, whether that was communicated.

**The Convener:** Deputy Chief Constable Livingstone, given that I was challenging you on timescales, I want to clarify the point, because there seems to be a bit of an ambiguity here. At our previous meeting, I asked:

“What is the timescale for the report that you will circulate internally and then to the SPA?”

Assistant Chief Constable Higgins responded:

“It will go internally to Mr Livingstone’s gold group on 11 March. Subject to discussions at the gold group, it will then be presented to the senior leadership board on 18 March. Thereafter, again subject to the board’s discussions, I believe that it will notionally be provided to the meeting of the Police Authority at the end of March.”—[*Official Report, Justice Sub-Committee on Policing*, 5 March 2015; c 10.]

You are therefore quite right. I just wanted to make it clear that there had been some ambiguity.

**John Finnie:** Can I ask some questions about safe carriage, convener?

**The Convener:** Okay, and then I will take Kevin Stewart. I do not know whether I will have time for Roderick Campbell and Graeme Pearson.

**John Finnie:** I understand from what you have been saying, Mr Higgins, that safe carriage is the number 1 priority.

**Assistant Chief Constable Higgins:** That and transparency with the public.

**John Finnie:** Indeed. Given the circumstances that you outlined, one could take the view that nothing has really changed. Police officers will always be police officers, and they will not stop being police officers if they happen to have a firearm strapped to them.

**Assistant Chief Constable Higgins:** We have made their operating parameters quite clear. Just to ensure that there is absolutely no ambiguity, Mr Finnie, I make it clear that they will deal with incidents involving firearms and threats to life, and they will use their professional judgment when other things occur in front of them. On occasion, they will issue a warning and take no action; on other occasions, they will formally interject in a situation as they see fit.

Yes, they are police officers first and foremost and, yes, they carry a firearm. They do a very difficult job, which is why we give them intense training and test their understanding, their knowledge and their ability to carry out the job, and why we do that so frequently and intrusively.

**John Finnie:** If there were to be a breach of the peace in Inverness High Street that was similar to the incident that prompted the press photograph, could we anticipate three armed officers attending?

14:00

**Assistant Chief Constable Higgins:** If you want to be specific, that incident related to a well-known hot spot for violence. My understanding is that fights are routine outside the particular premises in question. When does a breach of the peace suddenly become a serious assault? When does a serious assault suddenly become an

attempted murder? Sadly, when does a fight in the street end up with somebody's tragic death? If you are asking me whether I want my firearms officers to prevent that street fight from escalating into a murder inquiry, my answer is, "Absolutely". One of the officers' duties is to protect life, and if that means that they have to break up a fight in the street where somebody is clearly getting a bit of a beating, that is absolutely their job.

**Deputy Chief Constable Livingstone:** To reiterate, that point is exactly what we are going to consult on. This ties into my previous conversation with Ms McInnes. We will consider the criteria for spontaneous deployment, and community representatives, police officers themselves, communities, citizens, our families and your families—everybody—can contribute so that we have agreed criteria. We undertook to do that, and we will do it.

**John Finnie:** Convener, I—

**The Convener:** John, Mr Penman wants to comment on this as well.

**Derek Penman:** Mr Finnie gave an example of the sort of thing that was raised in the HMICS report on armed policing. In paragraph 66, we recognised that Police Scotland was quite clear about the criteria relating to firearms incidents or threats to life and the things that officers might come across.

My view is that there is a real public confidence issue if officers in a marked police vehicle see a breach of the peace and drive past it. There is a communications issue. We need to make sure that people understand that armed officers may be involved in such incidents—that is part of the briefing that ARV officers receive and it is covered by one of our recommendations.

On the criteria that were set, in my view it was quite clear that such examples would arise. I have a real concern that if armed officers did not stop at but drove past incidents, the public would not understand what that was about and it could damage public confidence.

**Iain Whyte:** That is exactly how the situation was described to us, both in writing and verbally, by the chief constable at our October meeting—it fits in with that. I would go slightly further. Our report shows that, when we asked the public, we found that more than 70 per cent suggested that, if they called the police, they would be content if the quickest way of getting them a police officer was for a firearms officer to attend. That goes further than the deployment method that Police Scotland is using.

**John Finnie:** For the avoidance of doubt, I would expect every police officer to do their duty.

Mr Higgins, let us say that two of your ARV officers are dealing with a minor breach of the peace that they want to stop becoming a major breach of the peace. If a call comes in about someone with a samurai sword elsewhere, who will go to that incident?

**Assistant Chief Constable Higgins:** That is Hobson's choice, Mr Finnie. It comes down to the officers' professional judgment. When officers deploy to break up a breach of the peace, they immediately shout in and ask for local officers to come and assist them. It comes back to the question about where the greatest threat to life is, and in your example, the greatest threat to life is clearly the individual with the samurai sword.

**John Finnie:** As you may be aware, Mr Higgins, I was a dog handler for 10 years and I supported colleagues.

**Assistant Chief Constable Higgins:** Yes.

**John Finnie:** Supporting colleagues meant that I assisted colleagues if there was, for example, a domestic incident or a violent incident. However, it did not always mean that I took my dog out of the vehicle.

**Deputy Chief Constable Livingstone:** You are challenging—you are absolutely entitled to do so—the rationale behind and the *raison d'être* of the standing authority.

**John Finnie:** I am coming to challenging it.

**Deputy Chief Constable Livingstone:** Based on the requirement to provide a level of support for the very high number of real threats and risks that exist, the chief constable has taken the view that we need that standing authority. That has been validated on a professional basis by the work that HMI has carried out. The standing authority, with the provision of 24/7 ARV coverage, remains in place.

What we are clearly now looking to consult and engage with colleagues and communities on is the mode of carriage, which we have discussed, and the profile of incidents that ARV officers may deal with that are not threat-to-life or firearms incidents—the spontaneous cases.

What is clear, and it must remain so, is that the standing authority is based on the assessment of threat and risk that the chief constable must carry out. Thereafter, we will consult on deployment. The process for that has been validated by the work that the Police Authority and HMI have carried out.

**John Finnie:** Is the risk assessment for the whole of Scotland or is it specific? It seems to me that the risk in Lochinver might be different from the risk in Leith.

**Assistant Chief Constable Higgins:** The strategic threat assessment looks at Scotland as a whole, but it also breaks it down into particular areas. We look at things such as the serious organised crime groups that have access to firearms; the number of legally held firearms and where they are across the country; and the vulnerable sites across the country that might need firearms support in times of severe terrorist threat. We have concluded categorically that the firearms threat—domestically, from serious organised crime and from terrorism—exists in all parts of Scotland and that, as such, the standing firearms authority is appropriate for all parts of Scotland. That was independently validated by the work that Mr Penman and his team undertook in their audit of the standing firearms authority.

**Derek Penman:** We provided an assurance role. We examined the STRA—the strategic threat and risk assessment—and other intelligence products that were available. It was not just us who did that. DCC Simon Chesterman, who is the lead on armed policing at the Association of Chief Police Officers, also examined the documentation and came to the same conclusion as we did.

Obviously, that document is not shared publicly, but in the interests of transparency we recommended that a member of the Police Authority should attend the meetings and be able to witness the threat for themselves. I understand that, since our recommendations were made, the chair of the Police Authority has already attended one of those meetings.

**John Finnie:** Do you envisage a return in the Highlands and Islands to the situation in which officers are deployed in an armed response vehicle with the weapons retained in the boot, so that they can attend all incidents, including firearms incidents, without any of the concerns?

In relation to ARV officers not participating, the chief constable said to the SPA board on 30 October:

“what the hell are those cops doing?”

I have to say that most folk who came across armed cops at filling stations in the Highlands of Scotland would say, “What the hell are these cops doing with a firearm on?”

**Deputy Chief Constable Livingstone:** Given the threat and risk that exist at the moment, I do not envisage that change being made. However, you know as well as anybody, Mr Finnie, that we constantly keep the matter under review, and we will continue to do so. We do that because it is our duty to protect the public. We do not do it because we want our officers to have guns; we do it because our judgment is that that is the best way to keep people safe right across the whole of Scotland.

**John Finnie:** I appreciate that it is an on-going assessment.

**The Convener:** I am sorry, Mr Finnie, but as usual I am trying to get everyone in.

**Kevin Stewart (Aberdeen Central) (SNP):** My question is for Mr Whyte, Mr Penman and DCC Livingstone. How many complaints have your organisations had from members of the public regarding armed officers?

**Iain Whyte:** I am not sure that we have had any directly. I imagine that complaints would go directly to Police Scotland. Indeed, if we had a complaint about something like that, we would direct it to Police Scotland for it to answer.

**Kevin Stewart:** Thank you. People use different routes to complain, as you well know, Mr Whyte.

**Derek Penman:** We have no statutory role in relation to complaints. From my personal knowledge, I am not aware of any, although that is not to say that correspondence has not come in on that. I will check to make sure and feed back to you on that.

**Deputy Chief Constable Livingstone:** We have figures, and ACC Higgins has them right at his fingertips.

**Assistant Chief Constable Higgins:** Since May last year, I have received 27 complaints specifically about the standing firearms authority. I will put that in context by pointing out that, in the same period, Police Scotland has received roughly 5,000 complaints relating to all matters ranging from incivility to excessive force. Of those 5,000 complaints, 27 were specifically about the standing firearms authority.

**Kevin Stewart:** Were those specific complaints from folks who were involved in something and saw an armed officer, or were they general complaints about the policy?

**Assistant Chief Constable Higgins:** They were a mixture of both, Mr Stewart. Some of them were exactly as you have described: a member of the public saw an officer at a filling station, say, and did not agree with the policy. More commonly, somebody had read about the policy in the media and wrote to complain that they disagreed with it.

**Kevin Stewart:** We have heard a lot about professional judgment, and ACC Higgins has stated that armed response officers receive more situational awareness training than other police officers. What does that training involve, Mr Higgins? Can you give us an idea of how long the training lasts and what the officers go through?

**Assistant Chief Constable Higgins:** Certainly, Mr Stewart. An ARV officer will take nine weeks to complete their initial training, part of which is about weapon handling and being physically capable of

using the weapon. Drilling right down into it, I can tell you that they get five and a half days in a classroom to study the theory of situational awareness, assessment and decision making and then 22 days of practical application during which they are given exercises and have their decision making tested. Once they qualify as an ARV officer, they have to refresh their skills over the course of the year. As well as having to undertake three qualifying shoots to maintain the standard of their shooting, they undertake nine days of additional developmental training during which their situational awareness, decision making and professional assessment are tested.

**Kevin Stewart:** So, it would—

**The Convener:** I am not cutting you short, Kevin—I just want to indicate that there is time for a short supplementary question from Alison McInnes. I will try to get Rod Campbell and Graeme Pearson in, too, by extending this line of questioning.

**Kevin Stewart:** I do not mean to cast aspersions on other police officers, but is it fair to say that these are some of the best trained police officers in the force?

**Assistant Chief Constable Higgins:** Unquestionably. I will give you an example. Some months ago, two of my officers—they were firearms officers—were attacked on the Mound in Edinburgh by a man with a knife; they were stopped by a member of the public who told them about a gentleman who appeared to be distressed, but as they got out of their vehicle, the man ran at them and tried to stab them. One was stabbed four times. Despite that and despite their both suffering a frenzied attack, both officers still used their professional judgment. In my view, they could have been justified in using their conventional weapon against that individual, but they did not. They brought him under control and subdued him by other means.

When I asked the officers why they had done that, both of them said, independently of the other, that the reason was not so much what was happening right in front of them—they could see what the guy was doing and they would not have missed him, because he was too close—but the many members of the public who were behind him. Had they shot that individual, a member of the public could have been struck by the bullet after it had gone through him.

The training that those officers had received allowed them to make an assessment, even under the most intense and frenzied attack, and they realised that they could not use their conventional weapon. It was a terrible incident, but if nothing else it assured me of, first, the courage of the officers and, secondly, their utmost

professionalism even in the most intense circumstances.

**Kevin Stewart:** Everyone will agree that those actions are to be applauded. That level of situational awareness in such circumstances is pretty immense.

You have said that officers will deal with things as they happen in front of them. It has been suggested that their not doing so would be seen by the public as a neglect of their duty; indeed, it is likely that the force would lose trust if officers did not respond to incidents, despite being seen nearby. What would you say to those folks, of whom there are a few, who have said that no armed officer should ever deal with anything other than a situation in which lives are at risk?

**Assistant Chief Constable Higgins:** I would disagree with them, Mr Stewart. There are two elements to consider. Officers have a professional duty, and although firearms officers are passionate about what they do, they are also very humane about it. In Dumfries some months ago, during the bad weather, ARV officers came across an elderly lady who had slipped on the ice and broken her hip. They got out of their car, covered her in blankets, gave her emergency first aid and waited until the paramedics arrived to take her to hospital. That was not a police matter, in general terms, but who would want police officers to drive by that? Certainly not me.

14:15

**Kevin Stewart:** We have heard from Mr Finnie that the threat assessment in Leith might be different from the threat assessment in Lochinver, but we know from the firearms incidents that have occurred over the years that there is a threat across the country. Indeed, there was such an incident in St Andrews the other week, and one of the worst incidents involving firearms that we have ever seen in this country was in Dunblane. Do you think that it is right to look at the threat that exists right across the country? Do you agree that no one could ever say that there is a wide gulf in the threat differential between rural and urban areas?

**Deputy Chief Constable Livingstone:** The threat is real and genuine. If we look at Scotland as a whole, there is not a single area that we could in all conscience exclude in discharging our duty. We just need to look at the level of threat from international terrorism and the capability and the profile of that threat to see that it is very diverse in nature.

The threat from organised crime is real, too. I mentioned a crime group from Merseyside that targeted the Highlands. The operation to tackle that—operation Cambridge—was well publicised in *The Press and Journal* a few weeks ago. We



know that there is a requirement for a small minority of armed officers to mitigate that threat and to support the men and women in the unarmed service who work in our communities. That is critical.

Undoubtedly, there is scope at times for different approaches to be taken in different parts of Scotland. We accept that, but given their specialist nature, I do not think that armed response vehicles are an area where we would want there to be a differential.

**Kevin Stewart:** My final question is for Mr Whyte. With regard to Police Scotland's reporting to the SPA on matters of significant public interest, do you think that, as well as what you called—if I remember rightly—the significant public interest test, you need a significant political interest test? Sometimes I think that the political bubble drives things to a greater extent than public interest does.

**Iain Whyte:** You might have a point there.

**The Convener:** That is a dangerous question for you to answer.

**Iain Whyte:** I do not think that it is for me to say directly whether we should have such a test. It is absolutely clear that matters that are taken up by politicians become matters of public interest—the two are intertwined—and the media has a role to play in that, too. All three things combine to become a test of public interest.

**The Convener:** I promised that I would let Alison McInnes back in.

**Alison McInnes:** I commend the courage of the officers in the Edinburgh incident that you described. You have repeatedly stressed the ability of firearms officers to judge the situation, and I do not doubt that they are trained in that. However, I have here two critical and quite disturbing Police Investigations and Review Commissioner reports from last year, one of which relates to a firearms incident near Daviot and the other to a firearms incident in Kinghorn in Fife. In the incident near Daviot, a 91-year-old man who was driving his car on the northbound carriageway of the A9 near Inverness was stopped by armed officers of Police Scotland; four police officers pointed their guns at him and detained him. The PIRC report on the incident recommends that Police Scotland should

“review the actions of some of the officers involved in this incident and examine the wider issues raised.”

The other report—

**The Convener:** Can we get comments on that serious case first, please?

**Assistant Chief Constable Higgins:** I am familiar with that case. The PIRC review said that, based on the information that the firearms officers

had at the time, their actions were absolutely appropriate. Police Scotland was criticised in relation to the intelligence and information that were held and how quickly or otherwise they were passed to the firearms officers. It is true that the armed officers pointed their weapons at the man. However, as soon as he exited the vehicle and the officers saw that he was a 91-year-old gentleman, they used their judgment to carry out an assessment and immediately lowered their weapons.

**Alison McInnes:** Did you examine the wider issues that were raised, and did Police Scotland provide additional training to officers undertaking the role of initial tactical firearms commander?

**Assistant Chief Constable Higgins:** Yes, it did, and I chaired a gold group on that incident. As I have said, there were issues about the communication exchange between control rooms in Stirling and the Aberdeen area, but the pure firearms operation complied with the College of Policing guidelines. The manner in which the officers stopped the vehicle and challenged the gentleman was absolutely appropriate. As I have said, as soon as they saw what was in front of them and assessed the threat that they were being presented with, they immediately lowered their weapons.

**Deputy Chief Constable Livingstone:** The key point is that it was a firearms incident that the officers were sent to. The learning for us concerned the communication between the intelligence and the initial tactical firearms commander.

**Alison McInnes:** And—

**The Convener:** I know that you want to say more, Alison, but there are two other members who have sat through the entire meeting and have said nothing. Because both of them have done this before, I will in fairness let them ask their questions and get answers on the record. Graeme Pearson can go first, followed by Roderick Campbell. I do not want to exclude either of you, as you have been very patient.

**Graeme Pearson (South Scotland) (Lab):** It has been worth while attending this evidence session; it has, I think, been a worthwhile exercise. I will supply some supplementary questions in writing, if you will allow me, convener—

**The Convener:** If you ask your questions, and then Rod Campbell asks his, we can try to get some answers here.

**Graeme Pearson:** I have a question for Mr Whyte, who will not be surprised to see me back here to speak to him.

One of the key factors in support of the creation of a single police force was the need for an

improvement in governance and accountability, which was deemed to be a weakness under the arrangements for the eight previous forces. We have heard from the police today of the need for a clear way forward, and for clarity with no ambiguity. The answer to my question in the previous meeting told me a lot about lessons learned, engagement, consultation, significant public interest, shared accountability and agreement, but it did not tell me who had the authority to make the decision on 1 April two years ago about changing policy in relation to firearms.

Mr Whyte, you talked about a shared accountability agreement. In my experience, if something is shared, no one ends up with responsibility. Does the SPA now accept the responsibility of not only holding the chief constable to account but ensuring that, when the chief constable makes significant policy changes, the SPA is consulted thoroughly and will endorse the change before it happens?

**Iain Whyte:** The short answer is yes. On the firearms issue, there are some specifics that are laid out in Mr Penman's report. There are specific legal implications and decisions given to the chief constable with regard to the standing firearms authority, but in general terms, it is important that we, as an authority, have oversight of policy. If nothing else, that will give the public assurance that the chief constable is doing is the right thing, and, in many cases, it will give backing to Police Scotland.

**The Convener:** I am sorry, but I am going to—

**Graeme Pearson:** I just want to say one more sentence, convener. For the record, I accept that, in crises and emergencies, a chief constable needs operational independence, and I therefore accept the indication that has been given.

**The Convener:** I understand why you would say that, Mr Pearson, given your experience. I will bring in Roderick Campbell now.

**Roderick Campbell (North East Fife) (SNP):** I have a question for Mr Penman, but he does not need to respond to it now; perhaps he can supply an answer in due course. With regard to recommendation 7 in your report, Mr Penman, are you content with the speed at which deployment criteria are being

"understood and accepted by local communities"

in relation to attendance at appropriate non-firearms-related incidents?

Secondly, following on from my colleague John Finnie's comments about the history of the legacy forces, I note that page 23 of the HMICS report from October indicates that

"On 30 November 2012, he"

—that is, the police chief constable—

"made a policy decision that at the commencement of Police Scotland there would be a single Standing Authority to overtly arm all ARV officers with a sidearm (self-loading pistol) and Conducted Energy Device (Taser)."

Footnote 27 on the same page states that

"Northern Constabulary granted a standing authority on 01 March 2013 as part of the transition to Police Scotland. Prior to this it operated a dual role ARV without standing authority and weapons in vehicle safe."

**John Finnie:** That will be the fourth different time—

**The Convener:** I think that I am getting evidence—

**Roderick Campbell:** I am trying to get this on the record.

**John Finnie:** Yes, I know you are, but still—

**The Convener:** Excuse me, gentlemen—you are not to have a wee discussion with each other. You can tell that Mr Campbell was an advocate, as he has read every last page of the report, which is a good thing.

I will stop the session there. If members have any additional questions, they can ask them through me as convener and share them with the sub-committee. I am sorry that I have had to do that. Thank you all for coming.

14:25

*Meeting continued in private until 14:27.*

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