

Scottish Police Federation

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Violence against Police Officers

An assault or attempted assault on a police officer in Scotland is a specific offence under Section 41(1)(a) of the Police Scotland Act 1967.

The difficulty in presenting any paper on this subject is that there is no official publication of the statistics which cover such assaults. Even if these figures were published they would not tell the whole story. For example a serious assault or an assault where a weapon was used would not feature as these crimes are recorded elsewhere and would not identify the victim as a police officer. Additionally it is the experience of the SPF that many crimes of assaults on our members go unreported. This is in part supported by a complete variance in the numbers of crimes reported to the Procurator Fiscal and those recorded in accordance with the requirements of Health & Safety legislation governing Accidents, Injuries or Near Misses in the workplace.

The number of Reported Offences under Sect 41(1)(a) Police Scotland Act 1967 was advised as below (in response to a written ministerial question) in October 2009

2004 - 05	6469
2005 - 06	6518
2006 - 07	6908
2007 - 08	6270
2008 - 09	6877

In addition to the statutory offence the opportunity to accurately capture data, relevant to the subject matter is provided by means virtue of RIDDOR legislation. The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) places a legal duty on employers to report work-related deaths, major injuries or over-three-day injuries, work related diseases, and dangerous occurrences (near miss accidents).

Regrettably this legislation is often not complied with either. The SPF has numerous examples of occasions where CS Spray has been used to subdue a violent individual and the matter was not reported under RIDDOR. This is despite the fact that CS Spray is categorised as a Firearm in terms of UK

legislation. Local representatives regularly press the case that if the discharge of a firearm is not considered by a force as a near miss, nothing will.

The situation is complicated yet further as a consequence of a court decision in the case of **Templeton (Paul William) v HM Advocate 2008 G.W.D. 40-593** in which a sheriff determined that a common close stair-well covered by a door can not be considered as a public place for the purposes of offensive weapon or knife legislation. The effect of this decision has been that cases in which offers have had weapons brandished at them in such stair-wells, no crime is recorded. On this specific matter the SPF is urgently seeking a Crown appeal against this judgement.

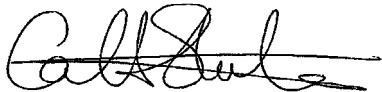
Officer Safety Equipment

As will not be lost on many of the delegates at Conference, Scotland is one of the few countries in the western world where the police service is largely unarmed. Whilst there is an increase in the number of trained firearms officers and an active armed response vehicle in 7 of the 8 Scottish forces, the bulk of Scotland's police officers do not carry firearms (save CS Spray).

In the past 15 years developments in officer safety equipment have been enormous. 15 years ago the service issues officers with a balsa wood baton (which was to be hidden in a special pocket in the uniform trousers), a pair of chain-link handcuffs and a whistle. Since then the service as a whole moved to the issue of rigid handcuffs which made an immediate impact and (anecdotally at least) resulted in a significant drop in cases of resisting arrest. This was accompanied by the PR-24 extendable baton but this quickly fell out of favour due to what was considered the excessive training requirement and was eventually superseded by the ASP telescopic baton. Body armour was issued to the police service around 10 years ago and CS Spray shortly thereafter.

The issue which dominates the current debate on officer safety in Scotland at this time is the one surrounding the issue of Taser. The decision to issue this piece of officer safety in Scotland rests with individual Chief Constables but the subject has been shrouded by political opportunism.

The Cabinet Secretary for Justice has supported the right for Chief Constables to make the decision to deploy Taser or not. This has led to (pseudo) outrage amongst some politicians despite the fact that in 2004, when they were the party of power, the then Justice Secretary supported the same position.



Calum Steele
General Secretary