

Meeting 29th May 2020 14:00 – 16:00

Members attending:

John Scott QC, Solicitor Advocate (Chair)

Bruce Adamson, CYPSC

Tressa Burke, CEO Glasgow Disability Alliance

Martyn Evans, Scottish Police Authority

Maria Galli, CYPSC

Martin Hayward, Equality and Human Rights Commission

Gill Imery, HM Chief Inspector of Constabulary in Scotland (HMICS)

Susan Kemp, Scottish Human Rights Commission

DCC Will Kerr, Police Scotland (until 13:10)

John Logue, Deputy Crown Agent Operational Support, COPFS

Naomi McAuliffe, Programme Director Scotland, Amnesty International

Professor Susan McVie, University of Edinburgh

ACC Gary Ritchie, Police Scotland

Brian Scott, Glasgow Disability Alliance joined 13:00

Dr Catriona Stewart, Scottish Women's Autism Network

Apologies:

Aamer Anwar, Solicitor and Human Rights campaigner

Ephraim Borowski, Chair of the National Independent Strategic Advisory Group

Dr Elizabeth Kelly, NHS Scotland and Associate Carnegie UK Trust

Diego Quiroz, Scottish Human Rights Commission

In attendance for Agenda item 2:

Fran Warren, Scottish Government Justice Analytical Services

Francesca Gualco, Scottish Government Justice Analytical Services

Secretariat support:

Jennifer Blackwood, SPA Communications

Eleanor Gaw, SPA Community Accountability

OFFICIAL

John McCroskie, SPA Director of Communications and Relationships

1. Welcome and introductions

The Chair welcomed members to the meeting. He highlighted the new Coronavirus regulations now in effect, and which had been circulated to members. The Chair has asked Scottish Government colleagues if a consolidated version can be provided.

2. International comparisons of policing approaches and responses to the Covid-19 lockdown.

The Chair welcomed Fran Warren and Francesca Gualco, Scottish Government Justice Analytical Services, to the meeting.

Fran and Francesca presented on their work, undertaken at pace to compare international policing approaches and responses to Covid-19. The work has been subject to peer review, with additional expertise drawn in from SIPR.

The 4 "E"s approach has been used in the UK, Republic of Ireland and New Zealand but with variations in enforcement, and has been held up as an example of good practice.

Internationally, the context is variable around policing style, community relations, and the extent to which technology is used to enforce lockdown. Some countries including France, Germany and the United States, have experienced some civil unrest related to fines and lockdown.

Most countries are now adopting a phased approach to easing lockdown. Some have made significantly greater use of technology than others in enforcement, including the use of drones, contact tracing apps, and telephone tracking. Some, but not all, have agreed processes in place to assess and report regularly on police use of the new powers.

Common themes internationally include -

- Concern about access to PPE, and the safety implications of arresting people
- Reports of trauma experienced by officers called to Covid-19 victims' homes
- Challenges in aligning police training with government messaging, and ensuring legislation is clearly understood
- The speed of legislation leading to potential loopholes, some mismatch between guidance and regulations, and, in some instances, gaps in police training
- Balancing public safety and human rights
- People already experiencing inequality are disproportionately impacted by Covid-19 regulations

Fran Warren referenced the second paper she had circulated, on the next phase of work to inform the medium and longer term response as lockdown eases. This will draw on international examples of policing in jurisdictions which are further

OFFICIAL

OFFICIAL

along the timeline of dealing with the pandemic, and focus on those most relevant for Scottish policing.

Identified priorities include -

- The potential crime and disorder implications of a severe recession and the resources available to manage this
- Identifying the role of the police in the second phase of lockdown
- Clarifying when emergency powers and temporary limitations of rights will be phased out
- How best to protect the victims of other crimes during lockdown, e.g. domestic violence
- New opportunities for crime emerging from the pandemic

Francesca indicated that, in terms of human rights and public scrutiny of police response to Covid-19, it may be worth looking further at processes in the Republic of Ireland and New Zealand.

The Chair thanked Fran and Francesca for their contribution. He referenced a pending legal challenge to policing of the lockdown in England, and the changes already made to take account of the needs of those with autism and hidden disabilities. It is not yet clear what, if any, policing's role may be on "track, test, and isolate", or quarantine.

Members discussed the presentation. It was noted that local context places some limitations on what can be drawn from international comparisons, as there are significant variations in the culture, role and purpose of policing internationally.

IAG members were invited to highlight priorities for future consideration. Suggestions included:

- Comparing police services' public communications, to consider how they have helped public understanding and influenced behaviours
- The impact of weather and time of year in relation to compliance among various groups, including children and young people
- Any evidence of how to maintain public confidence as challenges shift, and if public disorder becomes an issue
- Consider the scope to strengthen police and public health partnerships in response to Covid-19
- Take advice from Police Scotland on what are their greatest challenges as we move out of lockdown, to identify any transferable learning at speed

Action: F. Gualco to confirm with IAG members the organisation which is leading on monitoring policing of coronavirus in New Zealand.

Action: Justice Analytical Services to liaise with Police Scotland on their assessment of key challenges in coming out of lockdown

Action: IAG members to provide any additional feedback or areas for research to Justice Analytical Services (Secretariat will circulate contact details).

OFFICIAL

OFFICIAL

3. Note of the previous meeting and matters arising

D.Quiroz and M. Galli will confirm to members whether the human rights implications for children and young people and adults will be integrated within a single document, or will remain separate.

4. Citizen Space Portal update

S.McVie thanked members for their feedback which has been incorporated into the revised text. Census data categories will also be reinstated, and an additional question added on the date of people's interaction with policing so as to understand that context, given changes in restrictions.

Susan will undertake these revisions, to go live as early as possible. The Chair and members thanked Susan and Jennifer for work on the portal text and questions.

The Chair highlighted that public feedback is already being received through other channels, although none as yet has been looking for a specific response. Feedback will continue to be shared with members, and by email, while the volume remains manageable.

Actions:

S.McVie will update text with census data and an additional question on the date of any interaction with policing.

J.Blackwood will engage with Citizen Space staff to get the revisions made on the portal, and will confirm to members when it goes live.

IAG Members: will promote the portal through their networks and via social media when the portal is launched.

5. Data and Evidence

S. McVie shared the revised text for police officer interviews following discussions at the OpTICAL Group. These will be piloted in Edinburgh week beginning 1st June, with interviews will be conducted by HMICS staff. ACC Ritchie confirmed that Police Scotland support this process, and are appreciative of the input and feedback from members on this piece of work.

IAG members queried how the impact on officer health and well-being is being assessed and understood. While this is out of scope of the IAG terms of reference, HMICS are confident that any significant concerns will emerge in their discussions with police officers.

Police Scotland's Strategy and Insight team are leading a separate piece of work on officer health and wellbeing related to Covid-19. This is a priority area of work for Police Scotland, and will also be supported by the work of Dr Liz Aston, SIPR.

Staff and officer wellbeing is considered and publicly reported on in some detail at the SPA Resources Committee.

6. Easing lockdown restrictions and implications for policing

Members welcomed early sight of Police Scotland's updated guidance for staff. ACC Ritchie confirmed that if policing has a role to play in "track, test, trace" processes, then additional guidance will be prepared.

Comments included a request to consider the scope for even greater clarity on the distinction between guidance and regulation.

OFFICIAL

OFFICIAL

ACC Ritchie indicated that additional guidance for officers had been issued last week on interacting with children and young people, informed by Police Scotland discussions with CYPCS who had provided much valued input.

Action: Members agreed that it would be helpful to engage with Scottish Youth Parliament members to gather their views.

The timing and scope of this engagement is to be clarified.

Action: Police Scotland will continue to share additional guidance updates for officers and staff with the IAG.

Action: The response to easing of lockdown will be considered further at the IAG meeting 1st June 2020.

7. AOCB

FPN data. S. McVie confirmed that she now has FPN data and coding information. It was noted that providing this has been a significant piece of work for Police Scotland, including manual checks. FPN data also includes the date of issue, so there may be scope to link this data with any change in regulations or guidance.

ACC Ritchie confirmed that officers have been briefed on issues around alcohol dependency and enforcement.

8. Date of next meeting

Monday 1st June. 2 pm start time noted.

Professor Roger Halliday, the Scottish Government's Chief Statistician, will attend.

OFFICIAL