

2nd February 2016

Our Ref: PG06/16

Ms Catherine Fergusson
Clerk to the Committee
Public Petitions Committee
Room T3 40
The Scottish Parliament
EH99 1SP



**POLICE
SCOTLAND**

Keeping people safe

Chief Constable
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ASSISTANT CHIEF CONSTABLE
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Dear Ms Fergusson

Public Petitions Committee – Consideration of PE1593 (Police Scotland Response)

Introduction

With regard to your letter dated 13 January 2016 seeking a response from Police Scotland in relation to the recent Public Petitions Committee – Consideration of PE1593 on 12 January 2016, I would comment as follows:

Police Scotland, together with the Scottish FA, Scottish Professional Football League (SPFL), Football Safety Officers Association for Scotland (FSOAS) and British Transport Police (BTP) form part of the Police Scotland Football Working Group which commits to delivering the Strategic Objectives as follows:

- Provide a consistent, professional approach to the policing of football across Scotland;
- Provide a safe and secure environment where everyone can enjoy our national game;
- Eradicate Hate Crime and offensive behaviour from Scottish Football.

This ensures consistency with the Police Scotland Priority – 'Reducing Violence and Disorder', the Police Scotland Focus – 'Keeping People Safe' and the Scottish Government Strategic objective - 'Safer and Stronger Scotland'

Having read the Official Report from the Public Petitions Committee, whilst I respect the right of individuals' to an opinion and to freedom of speech, I have identified a number of issues with the statements made by Fans Against Criminalisation (FAC) which I believe paints an inaccurate picture of Police Scotland with regards to tackling the issues of Hate Crime, violence and disorder within football.

Due to the length and nature of the discussions at the Committee on 12 January, I do not intend to address each point in turn as part of this response. However, I would be keen to re-iterate the position of Police Scotland on a number of key recurring themes.

Police and Supporter Relationships

One particular aspect which has been voiced on a number of occasions is the relationship between the Police and supporters. Whilst I understand the frustrations of some sections of fans, the vast majority of behaviours which fans are being arrested for are behaviours which have been tested regularly in Court in recent years. It is the role of Police Scotland to enforce the legislation and, where a set circumstances result in a stated case, the subjective nature of the behaviour is, to a large extent, removed.

Police Scotland ensures regular proactive engagement with clubs and supporter groups, both at local and national levels throughout the season. This includes discussion around new and emerging behaviours which we ask are communicated directly to fans to ensure that they are fully aware of the potential for future prosecution, should such behaviour be displayed at a football match. Again, in the spirit of fairness and equality, we feel this is a reasonable and proportionate response.

Such engagement also takes place with the national team supporters groups and with other key supporters' organisations such as the Scottish Disability Supporters Association (SDSA), Supporters Direct Scotland (SDS), Scottish Football Supporters Association (SFSA) and similar bodies at a European level.

It is also worthy of note that, in an attempt to improve on relationships with younger fans and address some of the concerns raised in the Stirling University Evaluation, the Football Coordination Unit for Scotland (FoCUS) is attempting to develop initiatives which will see Police and youth offenders engage in a non confrontational context and assist schools to play a more active part in prevention.

Policing Scrutiny/Presence

The Policing of football matches in Scotland is based on an intelligence led approach. In essence, the intelligence picture is developed for each individual match which then allows for a risk assessment of the fixture to be produced and the categorisation to be decided upon. Indeed it is the dynamic nature of the intelligence picture which will ultimately determine the nature of the Policing operation to be deployed.

This, coupled with positive club-Police relationships, ensures a proportionate safety operation is put in place overall and has actually contributed to a significant reduction in the Policing of football matches in Scotland, year on year. Indeed, Police Free matches are not uncommon and where Police resources are deployed, they are significantly less than when The Act was introduced. The perception of an increased Police presence therefore is not accurate, at least not for the vast majority of football fans.

As previously mentioned 'Keeping People Safe' is the focus of Police Scotland and the overriding priority for all agencies involved in a football operation. As such, under no circumstances would Police Scotland consider diverting resources to Police offensiveness if intelligence was available that indicated the potential for violence or disorder at a football match. However, where behaviour crosses the criminal threshold and offensiveness exists then Police Scotland will always apply a proportionate response to this.

Unfortunately, whilst the vast majority of persons attending a match do so with genuine intent, there are a minority of football fans whose sole aim is to disrupt the event through violence and disorder or by use of threatening abusive or insulting behaviour.

It is these individuals, again through intelligence, we aim to deter from attending football matches or remove/arrest if their behaviour within a stadium is found to be unacceptable in terms of legislation or Ground Regulations. Scottish Government statistics for charges reported under

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The Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 ('The Act') indicate that the average age of offenders had risen from 23 to 27 and that the majority of offenders fall within the age range of between 16 and 30, when compared with 2013-2014.

Additional Themes

I would also like to briefly address the comments made in relation to dawn raids, filming of fans, searching of fans, alcohol and banners, as well as the specific comments on the Hamilton and Motherwell supporters.

Dawn Raids

Dawn Raids is not a term I am comfortable with. The decision to arrest an individual will be determined by numerous factors such as the nature of the offence, the severity and/or the potential community impact it may have. On occasion this has meant attending at an individual's address in the morning when they are likely to be home. Whilst I acknowledge that this could be disruptive for some individuals, the decision to arrest is never taken lightly and all options are considered before doing so. In that regard it is worth noting that a high proportion of arrests are facilitated by prior arrangement with the individual voluntarily attending in the evening.

Filming of Supporters

As regards the filming of supporters, Police Scotland does not carry out covert surveillance on football fans and the use of handheld or body worn cameras is overt and in line with the current guidelines. A previous dip sample of the footage captured by FoCUS Officers indicated that an average of 3 mins per game, where cameras were deployed, was filmed. This included pre, during and post-match activity.

Searching of Supporters

Searching supporters is conducted under Ground Regulations, usually by Stewards or by Police Officers when there is reasonable cause to do so. There is no arbitrary searching of individuals by Police Scotland Officers. Police Scotland has also undergone a full review of its Stop and Search policy.

Preventing alcohol being consumed at or on route to a match forms part of the strategy to keep people safe and where alcohol is detected on a supporter's bus attending at match then it will be confiscated and charges proffered where applicable. Indeed in a recent match involving a Premier League team, approximately 200 litres of alcohol was confiscated from supporter's buses on route to the stadium. It is well established that alcohol has been shown to be a contributory factor in violence and disorder and proposals around alcohol consumption formed part of the original Joint Action Group (JAG) recommendations to combat this issue.

Freedom of Speech and Political Expression

To address the point on freedom of speech and political expression, the position of Police Scotland is clear on this. Where behaviour in relation to a football match falls within the reach of criminal legislation then this will be addressed through a range of options, including prosecution and arrest. However, Police Scotland will also attempt to facilitate protest and freedom of political expression, provided it is peaceful.

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Whilst the flying of flags and banners is not an offence per se, there are circumstances which may necessitate their confiscation, either due to a contravention of Ground Regulations or because the circumstances surrounding their display amounts to criminality. For instance, the flying of a national flag is not an offence but if it has been defaced with writing showing support for a Proscribed Terrorist Organisation then this would constitute an offence. Indeed any support for a Proscribed Terrorist Organisation, regardless of the medium it is presented, would constitute an offence. In these circumstances the Police would seize the flag/banner for Court purposes. Confiscation is carried out by Stewards in accordance with Ground Regulations which are very often reproduced on the supporters' match tickets/season tickets.

It is also the case that flags and banners, which may contain certain images or messages, have the potential to incite disorder and, therefore, may be deemed to be unlawful. Unfortunately I cannot be prescriptive here as each incident would be judged on its own merits, taking into consideration all the circumstances at the time. It is important to note however that safety is the main priority at all events and the operational decision to remove a flag or banner would only be taken if it was felt necessary to do so. Ground Regulations also play a part in this and on occasion Stewards will confiscate flags if they believe that the Ground Regulations have been contravened.

Hamilton and Motherwell Supporters

Turning to the point of the Hamilton supporters arrested at a match against Motherwell in 2015. Both males aged 18 and 23 plead guilty in a court of law for offences under The Act and both received substantial fines by way of disposal.

Conclusion

I accept that fan engagement is critical to improve behaviour at football, which is one of the main functions of FoCUS. To that end, I would welcome discussions with all fan groups to provide some clarity on the above matters and balance some of the inaccuracies in the media that has been presented at the Committee.

It is vital therefore that scrutiny and momentum continues to be applied to this subject and that, regardless of the result of any Review, those who have responsibility for tackling these issues are provided with the necessary tools to do so for the benefit of the vast majority of fans who attend football matches to support their teams responsibly.

I trust the Committee will find this information of use.

Yours sincerely

Bernard Higgins
Assistant Chief Constable
Operational Support