



## SCOTTISH POLICE FEDERATION

Established by Act of Parliament

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Fergus Cochrane Esq.  
Clerk to the Committee  
Public Petitions Committee  
The Scottish Parliament  
EDINBURGH  
EH99 1SP

Ref: CS/NH

22 November 2010

Dear Mr Cochrane

### **Consideration of Petition PE1367**

I refer to the above and to your correspondence dated 29<sup>th</sup> October 2010 in which you invite the Scottish Police Federation (SPF) to respond to this petition. Our formal response is as follows;

- **What is your position on banning 'Mosquito' and other such devices?**

The SPF does not support the use of any device which indiscriminately targets a whole section of society. By their very design mosquito devices fall into this category. Whilst it is undoubtedly true that some young men and women (under the age of 25) are responsible for a significant proportion of reported instances of anti-social behaviour, it is equally true that the vast majority of individuals in this age group are not. Accordingly it seems perverse to rely on tool which can only assist in creating social barriers between the young and figures of authority (including the police) that may well need to rely upon the assistance of the majority to tackle the actions of the minority.

The SPF also considers that any equality impact assessment could well prevent the use of such devices in the first instance. Indeed in our (non expert) opinion we consider it not unreasonable to suggest that the use of these devices may well discriminate on the basis of age. Given our previous observations on targeting the majority for the actions of the minority we doubt their use could be considered as a proportionate means of achieving a legitimate aim.

The SPF considers it likely that legitimate questions on freedom of movement and peaceful assembly will also need to be considered by the committee.

- **Would you agree that a device which would specifically target say ethnic minorities would be discriminatory and would not be permitted? What is then the difference with this device which targets young people?**

See our response to the question above.

- **Who support their continued use and who opposes?**

The SPF is unsure of what we can usefully contribute to this question other than to reaffirm our own opposition.

- **Does this device not simply move young people on from an area? It doesn't address the underlying problem of anti-social behaviour which might exist in that area and whether that is being caused by under 25 year olds.**

The SPF believes this to be a reasonable conclusion. We offer no observation on the comment that follows the question.

- **Do you have any concerns about the use of such devices and whether they might constitute an offence of assault?**

This is ultimately a determination which can only be made by a court. The SPF does consider that continued uncertainty over this and other aspects of the legality of such devices places the police service in an invidious position if complaints of criminality are made.

Yours Sincerely



Calum Steele  
General Secretary