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SCOTTISH POLICE
AUTHORITY

1 Pacific Quay
Glasgow
G51 1DZ
E-mail: SPAChairOffice@spa.pnn.police.uk

LETTER SENT BY E-MAIL ONLY

Convener
Justice Committee
The Scottish Parliament
Edinburgh
EH99 1SP

27 May 2021

Ref: CO/58/2021

Dear Convener

**SESSION 5: JUSTICE SUB-COMMITTEE ON POLICING LEGACY REPORT
AND REPORT ON POLICE SCOTLAND'S USE OF REMOTE PILOTED
AIRCRAFT SYSTEMS AND BODY WORN VIDEO CAMERAS**

I refer to the Justice Sub-Committee on Policing's Legacy Report¹ from Session 5 and its report on Police Scotland's use of remote piloted aircraft systems and body worn video cameras².

I would first like to record my appreciation to the members of the former Justice Sub-Committee on Policing for their consideration and reporting during the previous parliamentary session on the operation of the Police and Fire Reform (Scotland) Act 2012 as it relates to policing. The challenge and insight provided over the initial formative years have undoubtedly led to further improvements in policing practices and in the oversight provided by the Scottish Police Authority (the Authority).

This correspondence is the Authority's response to the themes raised in both reports. It highlights the work that the Authority has undertaken, or is planning to undertake, to address the issues raised.

Authority oversight

The Authority's oversight, support and scrutiny of policing is proportionate, measured and transparent. We will focus on matters of public interest or where significant risk has been identified. This oversight extends beyond the

¹ [Justice Sub-Committee on Policing Legacy Report, Session 5 | Scottish Parliament](#)

² [Police Scotland's use of remote piloted aircraft systems and body worn video cameras | Scottish Parliament](#)

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procedures set out in the Authority's Corporate Governance Framework and supporting scheme of financial delegation (the thresholds of which are in line with the Scottish Public Finance Manual and procurement best practice).

In my evidence to the Justice Sub-Committee on 15 March 2021³, I highlighted the intention of the Authority and Police Scotland to agree a joint Memorandum of Understanding (MoU) that will ensure early visibility and oversight of new and emerging strategy, policy or practice under consideration by Police Scotland. I am pleased to report that we expect this to be finalised and published in the coming weeks and will share this with the committee in due course.

The MoU will apply to all novel deployments and technologies. The Authority will focus particularly on significant equalities, human rights, privacy or ethical concerns raised, or will have a significant impact on public perceptions of, or confidence in, policing regardless of the financial implications. The intended benefit of any new and emerging strategy, policy or practice will be clearly set out by Police Scotland. Our objective is for the Authority's oversight to be part of a public-facing development process whenever appropriate rather than purely as a result of reaching a financial threshold. The agreement will provide appropriate opportunities for public discussion, local engagement and formal oversight and review. It aims to ensure that potential impacts on our rights, for example rights to safety and privacy, are considered, and that there is sufficient engagement by Police Scotland with stakeholders and the public to inform the development process.

Remotely Piloted Aircraft Systems (RPAS)

With regard to RPAS, commonly known as drones, the Authority's review of this technology has been extensive to date and will continue. Most recently, on 9 March 2021, the Authority's Policing Performance Committee⁴ considered Police Scotland's re-submitted evaluation of the use of RPAS as well as accompanying and updated Equalities and Human Rights Impact Assessment, Data Protection Impact Assessment and the Civil Aviation Authority's oversight report. The work to develop a Police Scotland Code of Practice on the use of RPAS was discussed and again welcomed. In advance of the Code of Practice being considered by the Authority's Policing Performance Committee, Police Scotland's RPAS deployments, beyond missing person investigations, must be deemed necessary and proportionate, and subject to an authorisation process by a senior officer. The Committee was also given an unambiguous commitment from Police Scotland that drones will not be used for any covert operations.

In paragraph 74 of the Sub-Committee's report on 'Police Scotland's use of remote piloted aircraft systems and body worn video cameras' and with regards to drones, it is requested that it is for *'the SPA to clarify how the terms of reference for the evaluation agreed by the SPA Board were changed and whether any processes have been changed to avoid a similar situation occurring in future.'* I can confirm that the criteria set out by the Strategy Policy and Performance Committee in May 2019⁵ were not changed from those initially agreed. The Authority's Policing Performance Committee requested the evaluation report, presented in November 2020, be resubmitted to provide detail

³ [Official Report - Parliamentary Business : Scottish Parliament](#)

⁴ [- Scottish Police Authority \(spa.police.uk\)](#)

⁵ [rep-c-20190503-item-4-deployment-of-remote-piloted-aircraft-systems.pdf \(spa.police.uk\)](#)

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on the wider operational deployment of RPAS over the evaluation period and further clarity offered on the privacy, human rights and other ethical considerations.

Body Worn Video (BWV)

The use of Body Worn Video (BWV) is widespread across UK policing. The benefits to effective policing of the current limited use in Scotland have previously been evaluated positively. The Authority and Police Scotland consider there is very good evidence of the benefits associated with the introduction of BWV. There is evidence of increased officer safety, reduced public harm, increased efficiency in the criminal justice system leading to reduced time and costs to the wider policing system.

The Authority supports the roll out of BWV to Police Scotland's armed officers in advance of the COP26 conference in November. The Authority and Police Scotland have also co-produced a Joint Strategic Statement of Commitments in relation to the use of BWV in Scotland. This statement provides a framework when considering any future or additional provision of BWV in Police Scotland. It demonstrates the potential benefits of BWV to the outcomes set out in the Joint Strategic Police Plan⁶ and states the importance of embracing new technologies whilst ensuring a strong and consistent internal and external oversight that is open to scrutiny and maintains public trust. I have attached this statement of commitment at Appendix A for information.

The Authority's Policing and Performance Committee will consider an update on BWV in relation to engagement, evaluation and business case development at its meeting on 8 June 2021.

Engagement on new and emerging technology

I welcome the Committee's recommendations regarding engagement and consultation, particularly with regards to new and emerging technology. Police Scotland should have access to the most appropriate modern equipment, optimising technological advancements to improve the safety and wellbeing of individuals and communities. There are always ethical, equalities, human rights and privacy judgments when considering change. The Authority will continue to assure itself that Police Scotland conducts appropriate and effective engagement with a range of stakeholders prior to adoption of new technologies and that public engagement, underpinned by prerequisite impact assessments, is undertaken to inform the case for change and proposed development process. The Authority will also maintain a particular focus on engagement with local police scrutiny panels.

On 13 April 2021, I chaired a joint SPA/Police Scotland engagement session with Local Authority Scrutiny Convenors on the subject of drones, BWV and Tasers. This included presentations by Police Scotland on each technology followed by questions and discussion. Scrutiny Convenors provided valuable feedback on each area and I was encouraged by the support that elected representatives had for the use of these technologies by Police Scotland in their areas. It is my intention to run similar sessions on policing matters in the future.

⁶ - [Scottish Police Authority \(spa.police.uk\)](https://www.spa.police.uk)

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In addition, the Authority is also actively engaged with the work of Dr Aston's Independent Advisory Group on New and Emerging Technologies in Policing.

Data protection

On the subject of data protection, as part of our internal audit annual plan, the Authority has committed to undertake an independent internal audit to 'assess SPA and PS compliance with data protection legislation, including information storage and retention arrangements'. This work was included in the Internal Audit Plan⁷ which was presented to and approved by the Authority at its meeting on 24 February 2021.

I trust this information is helpful and I am of course happy to discuss this further with you at any time.

Yours sincerely

A handwritten signature in black ink that reads "Martyn Evans". The signature is written in a cursive, slightly slanted style.

Martyn Evans
Chair

Enc. Appendix A: Joint Strategic Statement of Commitments in relation to Body Worn Video

APPENDIX A

⁷ [rep-b-20210204-item-7-internal-audit-annual-plan.pdf \(spa.police.uk\)](#)

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Scottish Police Authority and Police Scotland Joint Strategic Statement of Commitments in relation to Body Worn Video

Body Worn Video Current Landscape

Body Worn Video (BWV) was first used by Devon and Cornwall Police in 2006 and since then has become a widely utilised technology in policing, other public services and beyond.

BWV is currently utilised to a limited extent by Police Scotland, primarily in the North East of Scotland. The use of BWV has not been extended to all local divisions. There is compelling research evidence of the tangible benefits that can be realised from its use including that published following the [College of Policing](#) randomised control trial and other academic and practitioner studies. Furthermore, a recent review into police complaint handling conducted by Dame Elish Angiolini recommended that Police Scotland should accelerate its plans to expand the use of BWV technology.

In 2016, the National Police Chiefs Council recommended that BWV should be rolled out to Authorised Firearms Officers in England and Wales. As a result, Police Scotland now has the only armed policing unit in the UK that does not have BWV.

Whilst there is a strong research evidence and professional police experience base for the general use of BWV, and a particularly compelling case for armed officers to be equipped as a priority, there are acknowledged human rights, privacy, data and third party concerns that need to be considered and reasonable mitigating actions agreed as part of any roll out.

Therefore, this Scottish Police Authority and Police Scotland joint strategic statement of commitment provides a framework to be utilised when considering the future provision of BWV within Police Scotland.

BWV Benefits and Strategic Objectives

The widespread use of BWV has been a long-term aim of Police Scotland and has the support of the Scottish Police Authority. BWV was specifically mentioned in 'Policing 2026', Police Scotland's first long term strategy but it is recognised that, to date, plans to expand the use of BWV have been significantly impacted by financial constraints.

The refresh of the long term strategy in 2020 ('*Joint Strategy for Policing: Policing for a safe, protected and resilient Scotland*') has allowed for renewed efforts to prioritise the roll-out of BWV, which is in keeping with our intention to invest in digital technologies as we navigate an increasingly complex policing landscape.

The Joint Strategy for Policing sets out Police Scotland's long term strategic direction, and is based upon five strategic outcomes and underlying objectives;

1. Threats to public safety and wellbeing are resolved by a proactive and responsive police service
2. The needs of local communities are addressed through effective service delivery

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3. The public, communities and partners are engaged, involved and have confidence in policing
4. Our people are supported through a positive working environment, enabling them to serve the public
5. Police Scotland is sustainable, adaptable and prepared for future challenges

Within public services, BWV facilitates transparency, trust within the community and assists the wider criminal justice system with additional reliable evidence. The deployment of BWV across Police Scotland will therefore provide significant benefit to the public and Police Scotland’s officers and staff, as well as helping to achieve our long term strategic objectives. Benefits include the potential of improved officer safety (Outcome 4), reducing and resolving complaints against officers (Outcome 3) and swifter justice potentially through an increase in early guilty pleas which in turn save time and costs (Outcome 2), as expanded upon in the table below.

Potential Benefits of BWV	Links to Joint Strategy for Policing
Swifter justice through an increase in early guilty pleas, saving time and costs	<u>Outcome 2</u> “We will continue to identify and improve functionality so that our people can be effective where they are needed most.”
Greater public transparency	<u>Outcome 3</u> “Future developments in technology will require ongoing dialogue with the public about how to strike the right between privacy and protection.”
Improved officer safety due to a potential reduction in assaults	<u>Outcome 4</u> “Officer and staff safety and wellbeing are at the heart of Police Scotland’s commitments. Our people want to deliver sustained change for the better. To make that happen, the service must provide strong support to all to equip them with the skills, knowledge and technology required to police safely and effectively in a changing world. “ “Our people have been subjected to a recent rise in violent assaults whilst performing their duties. We will learn from each of these instances and ensure staff have the right training and equipment to deal safely with all incidents they attend.”
Reducing and resolving complaints against officers	<u>Outcome 3</u> “Public confidence in policing impacts how safe individuals feel. It is also a key indicator of Police Scotland’s overall performance. The communities we serve should feel confident that we will always police in

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	a way that is fully underpinned by our values of fairness, integrity, respect and human rights.”
Evidenced officer behaviour during interactions with the public	<u>Outcome 3</u> “We will listen and seek to understand the changing needs of diverse communities, bringing both professionalism and empathy to our interactions. Our standards and engagement principles will help us embed quality and consistency in our services, ensuring we manage and meet public expectations.”

The use of BWV also has implications for other national policies and strategies including:

- Scottish Government Access to Justice policy;
- Police Scotland Digital, Data and ICT Strategy;
- Police Scotland Strategic Workforce Plan 2021 -2024.

It is also acknowledged however that introduction of new and emerging technologies such as BWV must also be balanced against the police values of integrity, fairness, respect and human rights.

BWV Legitimacy, Ethics and Engagement

Legitimacy and credibility are key to the effectiveness of policing. As addressed in the *Joint Strategy for Policing*, Police Scotland must ensure the use of digital tools, such as BWV, is also ethical and proportionate and that the public are engaged and involved in shaping future services as highlighted in Outcomes 2 and 3:

Outcome 2

“Local engagement is critical. To do this meaningfully and effectively requires genuine dialogue, respect, integrity, transparency and accountability.”

“Built around inclusion and accessibility, our engagement standards and principles will be embedded across Police Scotland.”

“We will actively seek to include people with disabilities, people who need additional support and people from across society who may not traditionally engage with the police.”

“We will embed accessibility and inclusivity into our service design. Accessibility standards will be applied across our technology, processes and systems, both internally and externally.”

Outcome 3

“Future developments in technology will require ongoing dialogue with the public about how to strike the right balance between privacy and protection.”

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“We will embed ethical and privacy considerations that are integral to policing and protection into every aspect of the service.”

“New technologies and the opportunities they provide to enhance the effectiveness of policing will be implemented in consultation with our people and the public. We will ensure a strong and consistent ethical oversight that is open to scrutiny and maintains public trust.”

Therefore, while we aim to prioritise and embrace the use of new technologies, we will continually review their use to ensure proportionality and effectiveness and the roll-out of BWV will be done following engagement with the public, as well as officers and staff.

BWV Strategic Intent

Whilst adhering to the guiding principles from the Joint Strategy for Policing, it is critical that we prioritise the roll out of BWV.

Being the only UK force not to supply BWV to AP is a significant risk, and therefore there is a pressing, critical, ethical and operational imperative **to progress a targeted roll-out to armed officers before the COP26 conference.**

Based on the evidence of benefits and the recommendations from the ‘Dame Elish Angiolini Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing’, **it is our intention to accelerate the national roll out of BWV to all frontline police officers and staff up to the rank of Inspector as quickly as funding will allow.**

BWV - Joint Commitments

In achieving these aims, we will ensure a strong and consistent ethical oversight that is open to scrutiny and maintains public trust, recognising that public confidence in policing impacts how safe individuals feel, which is a key indicator of Police Scotland’s overall performance. The communities we serve should feel confident that we will always ensuring policing is conducted in a way that is fully underpinned by the values of fairness, integrity, respect and human rights. Therefore we commit to the following, when considering future use of BWV.

Engagement

The pressing operational imperative to progress a targeted roll out to armed policing before the COP26 conference means that we will be focused and concise whilst engaging with and informing the public of our intention to roll out BWV to armed policing. We will then use the information gleaned to inform the wider public engagement for the national roll out of BWV.

We will engage internally, locally, nationally, accessibly and inclusively to fully understand the context of people’s experience, public perception and demand.

Introduction and Continuous Improvement

We actively promote and support the introduction and wider roll out of Body Worn Video within Police Scotland ensuring that progress is reviewed and systems are developed which allow for continuous improvement by design.

Evaluating and Learning

We will evaluate Police Scotland’s current use of BWV to learn lessons and establish good practice, whilst also benchmarking with other law enforcement agencies and utilising national and international academic studies and data to inform our approach. We will ensure there are clear guidelines and procedures for Police Scotland officers on the use of body worn video based on best practice in other relevant police services.

Ethics, Equalities Impact and Data Privacy

We will utilise the Police Scotland Independent Ethics Advisory Panel and the Independent Advisory Group on New and Emerging Technologies in Policing to advise our intentions. To understand and mitigate against potential privacy and third-party concerns we commit to:

- Completion of an Equality and Human Rights Impact Assessment;
- Completion of a Data Protection Impact Assessment;
- Completion of a Code of Practice;
- Completion of Standard Operating Procedures and associated policies and ongoing review to ensure they remain current and fit for purpose; and
- Completion of standardised training for camera usage and editing of footage.

Providing benefits to wider criminal justice processes

We will recognise our dependencies and commit to using BWV to improve and streamline criminal justice processes to benefit the public, police and criminal justice partners. We will do this through engagement and continued support of the Digital Evidence Sharing Capability project.

Best Value

We will use our existing financial, procurement, ICT and change management governance structures to ensure best value, whilst adhering to regulations and legislation.

Measuring Progress and Assessing Performance

We commit to monitoring benefits realisation from BWV and to reporting through existing governance structures, ensuring transparency and accountability.

We also commit to using BWV to improve policing performance within a learning culture.

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