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JUSTICE SUB-COMMITTEE ON POLICING

REMOTELY PILOTED AIRCRAFT SYSTEMS (RPAS) AND BODY WORN VIDEO (BWV)

WRITTEN SUBMISSION FROM THE SCOTTISH POLICE AUTHORITY

Introduction

The Scottish Police Authority (SPA) submits written evidence ahead of the Justice Sub-Committee's session on 18 January 2021 considering Police Scotland's use of remote piloted aircraft systems (RPAS), also commonly referred to as drones, and body worn video cameras (BWV).

The Scottish Police Authority has a duty to promote and support continuous improvement in the policing of Scotland. In an increasingly technology-driven society, it is essential that Police Scotland, in consultation with citizens, communities and stakeholders, takes advantage of the opportunities this technology offers to improve the safety and well-being of individuals and communities in Scotland.

In holding the Chief Constable to account for the policing of Scotland, the Authority considers decisions on trialling, evaluating and wider implementation of new technologies. The Authority seeks to do this with regard to the values set out in the Joint Strategy for Policing¹. These values are fairness, integrity, respect and human rights. The Authority expects any deployment of new technology within policing now, or in the future, to comply with the rights and protections of all citizens, improve safety and wellbeing and reflect these values.

Remotely Piloted Aircraft System (RPAS)

The Authority outlined in its written correspondence to the Justice Sub-Committee on 2 December 2020² that the use of RPAS by Police Scotland could add operational capacity, effectiveness and capability to Police Scotland's purpose to protect the safety and wellbeing of all citizens. The use of RPAS was considered a cost effective enhancement of the current Police Scotland Air Support Unit (ASU). RPAS could add operational value as an alternative to the current single helicopter operated for certain air support roles. This choice of deployment model would increase the reach and capability of the air support unit functions through the availability of more assets and a more cost effective option.

The Authority's oversight of Police Scotland's consideration and planned use of RPAS started in 2017. That oversight has considered the operational intention, need and benefits of the technology as well as financial implications, compliance with legal and human rights legislation and engagement with local communities.

¹ <https://www.spa.police.uk/strategy-performance/strategic-police-plan/>

²

https://www.parliament.scot/S5_JusticeSubCommitteeOnPolicing/Inquiries/20201201_SPA_Response_to_JSC_OP_on_RPAS.docx.pdf

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For reference, a timeline of our considerations and links to relevant documentation is detailed below:

Date	Meeting	Item
19 December 2017	Authority Meeting	Report on Unmanned Ariel Vehicles (now known and RPAS) ³
3 May 2018	Authority Meeting	Policing 2026 Implementation Plan ⁴
8 May 2019	Strategy, Policy and Performance Committee (PPC)	SPA Report - Deployment of RPAS ⁵ .
22 May 2019	Authority Meeting	Chief Constable Report ⁶
17 November 2020	Policing Performance Committee	Police Scotland RPAS Evaluation Report ⁷
24 November 2020	Authority Meeting	Chief Constable Report ⁸

RPAS were introduced operationally on 1 May 2019. As agreed with the SPA on 8 May 2019, a period was set to conduct an evaluation of the initial limited deployment of RPAS which would be reported back to the Authority. This evaluation by Police Scotland of RPAS deployment was considered by the Policing Performance Committee (PPC) in November 2020. Members were not satisfied with the extent of the evaluation report and were concerned by the reported wider use of RPAS within it. Martyn Evans as Chair of the Committee escalated these concerns and spoke directly with DCC Malcolm Graham. As a result, it was agreed that Police Scotland would immediately limit the use of RPAS to searching for missing persons, unless a deployment was identified as operationally critical and authorised by a Police Scotland senior officer. It was also agreed that Police Scotland would submit a revised evaluation report to the Authority's PPC in March 2021. This revised evaluation would detail the wider operational deployment over the evaluation period, and cover issues in regard to privacy, human rights and other ethical issues, a consideration of the delivery of best value and any other emergent and relevant issues. It was also agreed that the revised evaluation make clear whether the use of RPAS complies with Civil Aviation Authority guidance and regulations and with any surveillance camera code of conduct or similar.

The Authority will publish the revised evaluation and any outcome from the PPC's consideration of this in due course.

³ <https://livestream.com/spa/dundee/videos/170751628>

⁴ <https://www.spa.police.uk/spa-media/el0jcdlh/item-6-3-report-by-david-page.pdf>

⁵ <https://www.spa.police.uk/spa-media/10jergmp/rep-c-20190503-item-4-deployment-of-remote-piloted-aircraft-systems.pdf>

⁶ <https://www.spa.police.uk/spa-media/4wbj35df/rep-b-20190517-item-3-chief-constable-s-report.pdf>

⁷ <https://www.spa.police.uk/spa-media/10jergmp/rep-c-20190503-item-4-deployment-of-remote-piloted-aircraft-systems.pdf>

⁸ <https://livestream.com/spa/25nov2020/videos/213949814> (47 minutes into recording)

BODY WORN VIDEO

The use of Body Worn Video (BWV) is widespread across UK policing and the benefits of BWV to effective policing in the current limited use in Scotland have previously been positively evaluated.

The Authority notes the recommendation from Dame Elish Angiolini in her Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing, that Police Scotland should accelerate its plans to expand the use of BWV technology. As referenced within the report, Police Scotland acknowledges the potential benefits associated with the introduction of BWV, including improved officer safety due to a reduction in assaults, reducing and resolving complaints against officers and an increase in early guilty pleas, saving time and costs. The Authority also notes the importance of the necessary infrastructure across the justice system to fully achieve the benefits of being able to efficiently process the additional evidence provided by the use of BWV.

Police Scotland's Digital Data and ICT (DDICT) Strategy approved in May 2018 recognised the use of BWV as "a potential mobile solution that will be deployed by Police Scotland, with its functionality enabled by improved infrastructure services". However, the roll out of BWV, as with many elements of the DDICT Strategy, are predicated on the availability of additional financial investment in policing. It is essential that any suggestion of the rollout of BWV is considered as part of an overall capital allocation plan which also recognises the need to invest in the infrastructure to support the use and realise the benefits of this technology. As part of our financial planning for the year ahead, the Authority is working with Police Scotland to understand the prioritisation of capital expenditure for 2021/22. This process is ongoing and expected to become clearer as we move towards setting a budget for the year ahead.

Notwithstanding the financial imperatives, ahead of any further rollout of this technology, the Authority would also expect Police Scotland to address privacy and third party concerns, specifically through;

- Updated evaluation of the use of BWV by Police Scotland in the North Region
- Full internal and external stakeholder engagement
- Completion of Equality and Human Rights Impact Assessment (EqHRIA)
- Completion of a Privacy Impact Assessment (PIA)
- Completion of a Data Protection Impact Assessment (PIA)
- Completion of a revised Code of Practice
- Completion of Standard Operating Procedures and associated policies
- Completion of standardised training for camera usage and editing
- Evaluation of any wider deployment

In addition, the Authority will encourage the use of ethics panels and also reference to the Scottish Government's Independent Advisory Group on Emerging Technologies in Policing, chaired by Dr. Liz Aston, where the Authority has already highlighted BWV as an area of possible focus to explore any limitations to the current legal and ethical frameworks in place.

Scottish Police Authority
11 January 2021