

Meeting	SPA Policing Performance
Date	8 June 2021
Location	Video Conference
Title of Paper	Digital Triage Device (Cyber Kiosk Update)
Presented By	ACC Pat Campbell, Organised Crime, CT and Intel
Recommendation to Members	For Discussion
Appendix Attached	<p>Yes</p> <p>Appendix 'A' Cyber Kiosks Capturing Performance Data</p> <p>Appendix 'B' Cybercrime Kiosk Public Commitment MI</p>

PURPOSE

The purpose of this paper is to provide members with an overview of findings and recommendations from both the Cyber Kiosk Post Implementation Review (PIR) and the formal external debrief session facilitated by Police Scotland with members of the Cyber Kiosk External Reference Group.

Circulation of this report addresses an outstanding Policing Performance Committee action and concludes the closure activities of the Cyber Kiosk project.

The paper and appendices also addresses an action in respect of the data on recovery / return of devices).

Members are invited to discuss the contents of this report.

1. BACKGROUND

Following the successful roll out of the 'Enhanced Consent' process in January 2020 and completion of the Cyber Kiosk deployment in August 2020, the project moved to closure phase, handing over day to day management of Cyber Kiosks to the digital forensics and local policing as 'business as usual' (BAU). The closure activities were threefold but were somewhat delayed as a result of the impact COVID had on Police Scotland resources at the peak of the pandemic.

- **End Project Report (EPR)** – Standard project governance activity completed by the Project Manager. The EPR is an opportunity for the Project Manager to collate and share lessons learned from the internal project team and reflect on the overall project from initiation to closure. The Cyber Kiosk EPR was accepted at the Portfolio Management Group in April 2021.
- **Post Implementation Review (PIR)** - A formal project review led by the Portfolio Assurance Review Team. The PIR is more in depth than the EPR and is conducted once a project is 'live' or operational and there has been sufficient time to measure or realise benefits. The PIR for Cyber Kiosks is complete with the report due to be presented by the review team lead at the Police Scotland Change Board in June 2021.
- **External Debrief** – Not part of standard project governance, however this activity was deemed to be an integral part of the lessons learned process for this project as the External Reference Group (ERG) contributed significantly, generating lots of discussion and debate along the way. The debrief report is now complete and will be circulated to the ERG in due course.

2. FURTHER DETAIL ON THE REPORT TOPIC

2.1 External Debrief

The Scottish Multi Scottish Multi-Agency Resilience Training and Exercise Unit (SMARTEU) facilitated the session via Microsoft Teams on 12th November 2020 with key partners and stakeholders who had contributed to the discussions around the wider concerns associated with Cyber Kiosks and helped shape project outcomes.

The debrief report was finalised in February 2021, later than anticipated as a result of COVID restrictions and the ability for SMARTEU to obtain initial feedback from stakeholders and thereafter the facilitation of the 'face to face' meeting.

As captured in the initial proposal, the overall aim of the activity was to:

Examine Police Scotland's introduction of Digital Triage Devices with particular emphasis on the wider policing, legal and ethical issues identified and encountered which might reasonably be anticipated to be relevant to any future introduction and implementation of technologies, including where there may be perceived risk of collateral intrusion to personal data.

A number of themes were explored during the session including:

- Pre-Project Pilot
- Police use of technology
- Policy, Human Rights Implications and Ethical Issues
- Consent, Consultation and Stakeholder Engagement
- Political, Public and Media Challenges

Extracts from the debrief report are outlined below.

2.2 Pre Project Pilot

Prior to formalising Cyber Kiosks as a project of change, there was a business led pilot which did not have the required documented parameters and lacked governance and assurance. It was acknowledged by those present that the early considerations within Police Scotland were internally focused on ensuring Police Officers were able to use the devices and be confident in their use. Any similar and future project trials should be fully documented and analysed with benefits highlighted in advance, prior to commencing procurement or launching awareness campaigns.

As the ERG grew and feedback was provided by the group and public engagement, this was used to reassess focus which ultimately led to the development of the Enhanced Consent process.

2.3 Police Use of Technology

The level of engagement in this area was positive. The attitude and engagement from Police Scotland and their ability to listen was very welcoming and made engagement worthwhile.

The group looked for figures from the Kiosks as to their use and if they were making a difference. At the point of the debrief session, the project team explained it would not have been realistic to publish figures during implementation however made the commitment to publish the Management Information (MI) around the use of Kiosks following a bedding in period. The MI report was presented to the Policing Performance Committee in February 2021. Participants advised that they were impressed with the level of engagement from Police Scotland in this area once the group had been established.

Much of the comment during the session highlighted the challenges associated with policing moving into a digital environment and the balance of enhancing law enforcements capability to investigate and gather evidence against a backdrop of people's growing dependence and recording of their private lives on digital media.

2.4 Policy, Human Rights Implications and Ethical Issues

Nothing was specifically raised under those themes, however discussions in other areas such as 'Consent and Consultation' naturally led to discussions around Human Rights and Ethics with both areas being actively considered.

2.5 Consent, Consultation and Stakeholder Engagement

There was lengthy discussion on 'Consent' and achieving 'informed consent' at a time when a victim/witness is facing turmoil or crisis. Sometimes simplifying language can help but there is still need to explain thoroughly, otherwise "consent isn't informed". It was said that reviewing the public facing documents from a victim/witness perspective than as an accused person was helpful.

During consultation, the form that the police would hand over or read to the victim/witness was discussed and recognised how vast and intense the language was. Members of some of the communities that the reference group represent could not fully take in. It was felt that the group made a combined good effort at correcting and informing the proposed leaflet. They helped find middle ground

between all the different community groups who were championing their own group's needs.

The engagement events were said to have been well organised and well attended. It was very clear what the targets were. At times discussions could get quite complicated discussions and at times and got a bit 'bogged down' on the legal basis. It is important to have clear information for people who are faced with that choice. It was reiterated that the main concern for many, particularly victims, is getting that device back quickly, which was a key objective of the project.

Once engagement was undertaken there was belief that Police Scotland went 'above and beyond' in how widely and thoroughly they engaged, and indeed used the feedback provided to them.

Police Scotland acknowledge that the engagement did not start early enough and so potentially having started earlier, might have reached that iteration or evolving to external partners or stakeholders chairing meetings sooner. It is clearly something in practice to be considered for the future.

2.6 Political, Public and Media Challenges

It was apparent how much scrutiny Police Scotland was under at the time of the rollout of the Cyber Kiosks and it was articulated that there was appreciation of the efforts taken to tackle some of the misinformation that was in the public domain. The ERG welcomed the practical demonstration of how a Kiosks works and the parameters for information that are applied and how this follows through to the criminal justice system.

Scotland's differing attitude to some forces in England and Wales was positively commented upon, particularly in relation to data retention. For future communication around the Kiosks the simplicity of language and the thinking about audiences is important.

The project team took the opportunity to enforce key risks of speculative enquiries, looking at a device because it happens to be available. Technology demonstrations are great but understanding policing in practice is important. In Scotland there is no speculative searching of devices, it does not happen because each search is authorised through the same process on every occasion and must be justified, necessary, proportionate and legal.

Even where informed consent is present, the default position is not that examination will take place. The digital forensic processes still adhere to necessity, proportionality and justification for looking at any device.

2.7 Post Implementation Review (PIR)

Post Implementation Review (PIR) is a formal review of a project and part of Police Scotland's project assurance framework. It is used to answer the question, did we achieve what we set out to do in business terms and if not, what should be done? As well as analysing and assessing a range of documentation associated with the project, the review team interviewed key stakeholders of the project, including end users to gain a full dimensional view of the project. The PIR commenced in April 2021 with the summary report circulated to the Cyber Capabilities Programme team for review and acceptance in May 2021 prior to submission to Change Board in June 2021.

The review team noted a series of points of good practice and positive outcomes:

- The project achieved more than it originally set out to deliver. In addition to the rollout of x41 Kiosks, the project also delivered the rollout of the Enhanced Consent Capture process. Credit should be given to the project team and stakeholders both internal and external for their exemplary teamwork in overcoming the many obstacles faced in relation to scrutiny, the initial absence of governance and the challenges introducing new technology.
- Positive outcomes from both internal and External Reference Groups including ethics panels resulted in no further judicial challenges in relation to the use of Kiosks.

2.8 PIR Key Findings

Similar to the External Debrief, key themes were explored as part of the PIR including:

- Governance
- Teamwork
- External Consultation

Extracts have been taken from the PIR review and are outlined below.

2.9 Governance

The review team heard that throughout the duration of the Kiosks project lifecycle, the governance associated within the Transformation Portfolio has matured significantly. The lack of governance at the outset resulted in many key challenges and obstacles that required to be addressed before the project could progress. It is understood that had a Business Case, Equality, Human Rights Impact Assessment (EQHRIA) and a Data Protection Impact Assessment (DPIA) been completed in advance, the project would have had a greater understanding and would have been more fully equipped to address the challenges that subsequently ensued.

The procurement exercise was carried out by Operational Policing, however the required consultation did not commence until after the purchase of the Kiosks. This is now something that would be managed within the Transformation Portfolio and forms part of project governance guidelines.

2.10 Teamwork

The review team heard from a number of stakeholders that teamwork within the project was robust and indeed a critical success factor to the rollout of the Kiosks. The review team noted that working relationships between the external stakeholders and the project team was challenging to begin with. This was due to a number of misconceptions surrounding the proposed use of Kiosks. The team worked hard to build confidence and relationships, improving rapport between the internal and external focus groups over time, which did not come without its challenges. The internal working relationships of the project with departments such as Communications, Training, Information Management and on a Divisional basis between Single Points of Contact (SPOCs) and key users was consistently collaborative.

The strength of these relationships was tested on numerous occasions in the protracted consultation that subsequently resulted in a delay in the rollout of Kiosks. The review team also heard that the exemplary teamwork involved in delivery of both the original and subsequent refresher training workshops was well executed and it was noted that there was consistent positive rapport between those involved.

2.11 External Consultation

The review team heard consistently that external consultation was a key aspect of the delivery of the project, from initiation through to completion. The review team also noted that failure to consult with a wide range of external stakeholders and reference groups from the outset led to a lengthy engagement and debate process including an investigation into the use of Kiosks by the Justice Sub Committee. During this time a wide range of concerned bodies were heard on issues relating to introduction of Kiosks and a total of five evidence sessions were held. This lack of consultation resulted in a lengthy delay in the rollout of Kiosks. These key learnings relating to police use of technology and data, and the key requirement for consultation have been captured in the Lessons Learned exercise undertaken by the project team and documented within the EPR.

The review team finds that within the wider policing community there is no defined framework to share 'lessons learned' at a higher level with a recommendation for a Lessons Learned Framework to be developed and adopted by the wider policing community. It is understood that this is an area that is currently being reviewed by the Risk, Assurance and Inspection Team. This recommendation has been captured within the PIR report which is currently going through internal PMO governance prior to final presentation at Change Board in June 2021.

2.12 Conclusion and Recommendations

By completing both internal and external debrief sessions, this has allowed the Cyber Capabilities Programme (CCP) to identify key lessons and reflect on issues encountered throughout the project including the Pre-Project Pilot which was the catalyst to scrutiny from the ERG, Media and Scottish Government.

Following a review of the individual Debrief and PIR reports, it is evident that participants from both sides identify and share similar thoughts on the initial failings and successes of the project and Police Scotland's ability to collaboratively work with internal stakeholders and the ERG to alleviate concerns from the public.

Recommendations from both sides have been collated and distributed the relevant areas to respond and/or progress.

Recommendation 1 – Police Scotland should consider a review of the enhanced consent capture form and the Digital Device Consent Public Information Leaflet, as well as any other relevant documents, with a selection of those victims and witnesses who have experienced the process. There is support from some organisations who advocate for vulnerable people to help facilitate this

Police Scotland Project Team Response: There is active and ongoing consideration in regards to this subject and recommendation. The current processes within Police Scotland in respect of 'informed consent' were formulated after extensive consultation with Crown Office and Procurator Fiscal Service, Information Commissioners Office and External Reference Groups, the members of which represented the victims and witnesses referred to in this recommendation.

At the current time the UK Government is considering new legislation in the form of the Police, Crime, Sentencing and Courts Bill. Contained within this bill shall be legislation which, for the first time, provides a framework for the occasions whereby a victim or witness voluntarily provides their device and agrees to the extraction of information.

An accompanying Code of Practice for this legislation is also currently being developed and reviewed with consideration of the practical implications of the use of the legislation by police Forces across the UK. As a consequence of the aforementioned and with consideration of the recommendation within the report, it is prudent for Police Scotland to carry out a review of their 'informed consent' process at the point whereby the Police, Crime, Sentencing and Courts Bill receives Royal Assent and the accompanying Code of Practice has been finalised.

Recommendation 2 – For future similar projects where there will be External Reference, Stakeholder Groups or similar, Police Scotland should make early consideration of whether those groups should be chaired by external partners or stakeholders

Police Scotland Project Team Response: There is active and ongoing consideration in regards to this subject and recommendation.

Recommendation 3 - In addition to the Lessons Learned process adopted by the Portfolio Management Office (PMO), it is recommended that a Lessons Learned Framework is established to share Lessons Learned at a higher level within the wider policing community and form part of standard Governance.

Police Scotland Project Team Response: It is understood that this is an area that is currently being reviewed by the Risk, Assurance and Inspection Team. This recommendation has been captured within the PIR report which is currently going through internal governance prior to final presentation at Change Board in June 2021.

Recommendation 4 - Consideration should be given to the potential introduction of a roadshow throughout the Divisions to increase and maintain the usage of Kiosks going forward.

Police Scotland Project Team Response: Recommendation has been accepted, comms and spotlight sessions are to be scheduled across the Divisions in the near future.

Recommendation 5 - A solution should be sought to enable reporting on the timescales of seizure and subsequent return of devices to a victim or witness.

Police Scotland Project Team Response: There is active and ongoing consideration in regards to this subject and recommendation.

3. FINANCIAL IMPLICATIONS

There are no financial implications with the report.

4. PERSONNEL IMPLICATIONS

There are no personnel implications with the report.

5. LEGAL IMPLICATIONS

There are no legal implications with the report.

6. REPUTATIONAL IMPLICATIONS

There are potential reputational implications associated with Police Scotland's use of Cyber Kiosks however the lessons learned from

this project along with the robust governance and oversight established at the inception of the Kiosks project under the Transformation Portfolio ensures that this risk is mitigated where possible.

The impending introduction of a new Case Management System for Digital Forensics, will ensure that the oversight of the use of Kiosks is maintained and further fortified which the increased capabilities of the new system will provide.

7. SOCIAL IMPLICATIONS

The steps which were taken by Police Scotland to pro-actively engage with Stakeholders through the External Reference Group and consultation during the project roll out have been positively commented on by stakeholders resulting in the intention within Police Scotland to adopt a process that will ensure that future technologies engage with relevant stakeholders at the earliest opportunities to appropriately convey the intention and potential implications around the introduction of future technologies or increased capability in respect of Cyber Kiosks.

8. COMMUNITY IMPACT

It is anticipated that the publication of Management Information (MI) in respect of the use of Kiosks will provide a reassurance for our communities that Kiosks are of continued and increasing benefit, whilst the governance commitment made during the consultation and engagement phase of the introduction of Kiosks is being adhered to by Police Scotland moving forward.

9. EQUALITIES IMPLICATIONS

An Equalities Human Rights Impact Assessment (EQHRIA) has been completed in addition with the Data Protection Impact Assessment (DPIA) however it was recognised that those assessments should have been completed much earlier in the process. Completion of such documents is now part of the formal investment governance process e.g. at business case stage.

10. ENVIRONMENT IMPLICATIONS

There are no environmental implications with the report.

RECOMMENDATIONS

Members are invited to discuss the contents of this report.

Meeting	SPA Policing Performance
Date	8 June 2021
Location	Video Conference
Title of Paper	Cyber Kiosks – Capturing Performance Data
Presented By	ACC Pat Campbell, Organised Crime, CT and Intel
Recommendation to Members	For Discussion
Appendix Attached:	

PURPOSE

The purpose of this briefing paper is to provide the Scottish Police Authority (SPA) Policing Performance Committee with an update regarding Cyber Kiosks and the Management Information (MI).

Members are invited to discuss the contents of the report.

1. BACKGROUND

- 1.1 Also known as a 'Digital Triage Device', a Cyber Kiosk is a desktop computer with software to enable specially trained police officers to view data stored on a mobile phone or tablet, which relates to a police investigation or incident. If, after examination, no evidence is found, the device may be returned to the owner. The introduction of the use of Cyber Kiosks across Police Scotland was subject to significant scrutiny, the roll out of which, was completed in August 2020.
- 1.2 Cyber Kiosks provide a triage capability, allowing the contents of a digital device to be assessed quickly to establish if it contains evidence. This allows lines of enquiry to be progressed at a much earlier stage, and potentially allows devices to be returned to their owner where no material of evidential value is recovered.
- 1.3 A total of 41 Cyber Kiosks were installed during a phased rollout which commenced in January 2020 with Forth Valley (C) and Fife (P) Divisions and concluded in August 2020 with Highland and Islands (N), North East (A) and Tayside (D) Divisions.
- 1.4 Since the conclusion of the rollout, governance and oversight of Cyber Kiosks within Police Scotland has been managed by SCD Cybercrime Digital Forensics, who have provided support in relation to maintenance, software updates and the circulation of advice and guidance bulletins to police officers and staff across Scotland.

2. PUBLIC COMMITMENT

- 2.1 A commitment was made publicly that MI would be extracted from the Cybercrime Case Management System (CMS) on a monthly basis. The information will be drawn directly and automatically from the system and thereafter formulated to provide MI in an easy-to-read format and will report on:
 - CRIME GROUP/TYPE
 - REASON / PURPOSE OF EXAMINATION
 - REGION / UNIT / DIVISION / KIOSK
 - STATUS OF OWNER
 - DEVICE TYPE
 - POWER OF SEIZURE
 - DECLINED FORMS

Police Scotland remain committed to demonstrating transparency in relation to the use of Cyber Kiosks, and as such are producing monthly management information detailing how many Cyber Kiosk examinations have been progressed in the previous month. Figures

for April 2021 have been included as an attachment to illustrate how this data is currently presented.

2.2 Cyber Kiosk – Negative Examinations

Since 20 January 2020 a total of **1311** Cybercrime Examination Request Forms (ERFs) have been progressed using the 41 Cyber Kiosks located within Police Scotland premises across Scotland, accounting for the digital forensic triage of over **2000** devices.¹

As of 1 April 2021, **404** of these ERFs have been recorded as **'Negative'** meaning that no devices examined were found to contain material of evidential significance to the crime or incident under investigation. This equates to **649** devices which were thereafter potentially suitable for return to the owner as they have been assessed as not containing any evidential material.

In addition, a number of Cyber Kiosk ERFs have been marked as **'Positive'** for one or more devices examined, however include other devices eliminated following triage. This will **increase** the figure of 649 detailed above, however, as these enquiries remain ongoing, exact figures are not available.

2.3 Cyber Kiosk - Return of Devices

It is important to note that the decision to return an item to the owner or next of kin can be influenced by a number of factors other than the presence of digital evidence, such as where devices are submitted for DNA / Fingerprint examination or where a criminal investigation remains ongoing.

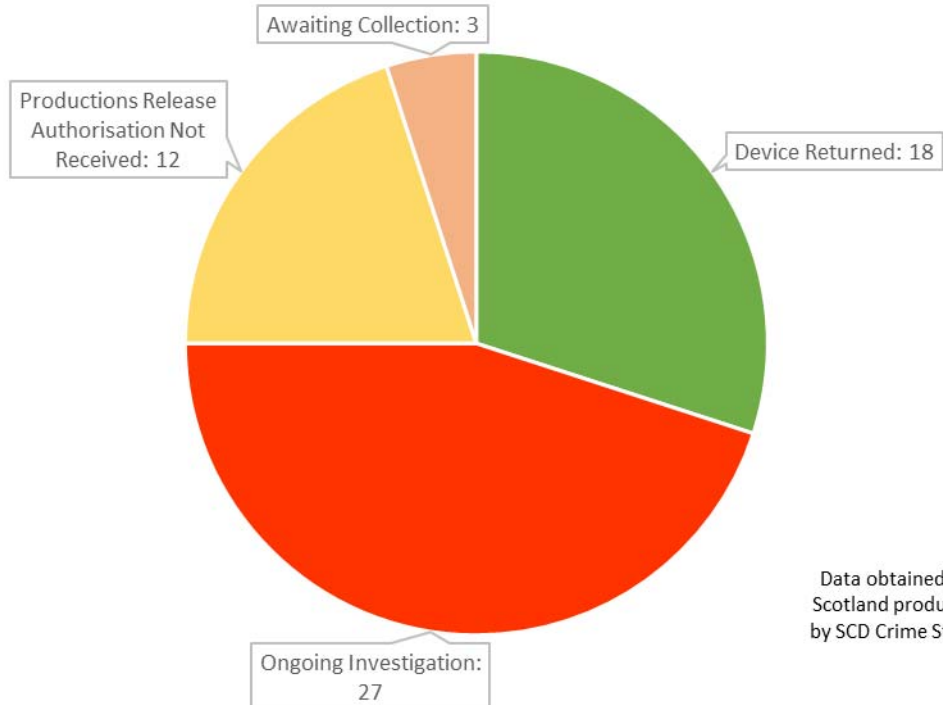
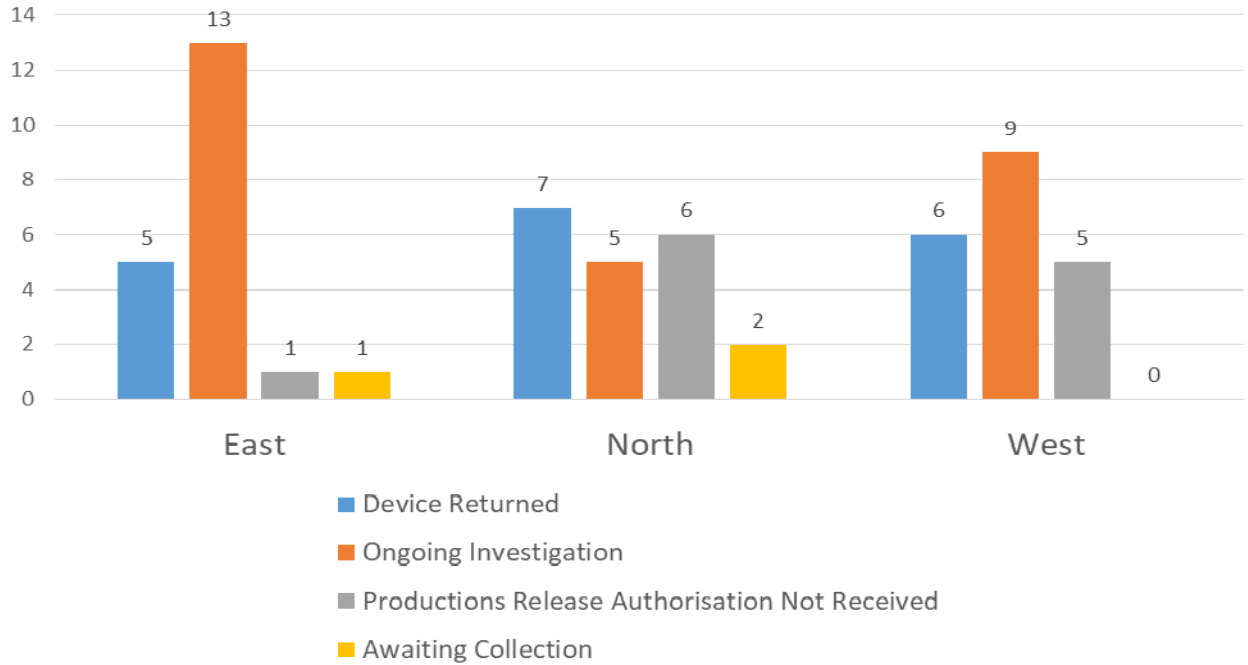
In circumstances where a report has been submitted to the Procurator Fiscal concerning an investigation, for example a resolved case or a death investigation, devices can only be returned to the owner upon COPFS issuing a 'Productions Release Authorisation' confirming that criminal proceedings have been concluded.

In May 2021 a 'dip-sample' was conducted in relation to devices which had been recorded as **'Negative'** to establish the number which had been returned to the owner or next of kin due to there being no requirement for Police Scotland to retain the device.

¹ Data obtained from the Cybercrime Case Management System 0700 hours 1st April 2021.
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Twenty devices were identified from each of the North, East and West regions of Police Scotland and local production stores thereafter contacted to ascertain the current status of each device. The charts below detail the results of this dip-sample:



Data obtained from Police Scotland production stores by SCD Crime Strategy 12th May 2021

Status of Owner	Number of Devices	Number Returned	Percentage of devices returned following negative examination
Complainer	2	2	100%
Deceased	22	4	18%
Missing Person	1	0	0%
Not Officially Accused	16	5	31%
Officially Accused	4	0	0%
Witness	5	4	80%
Not Specified on ERF	10	3	30%

Status of Owner	Percentage of devices returned following negative examination
Complainer or Witness	86%

The above data is from the dip sample of 60 devices that were researched to establish if they had been returned. From this dip sample, 86% of devices that were submitted for kiosk triage were then returned to the complainer or witness after a negative examination.

A key observation to note is that, in many cases, a victim or witness of crime will only have their device seized for examination when it is known to contain material of evidential significance – for example video or photographic evidence of a crime or the presence of communications data such as text or social media messages. As per Police Scotland policy, devices which are known to contain evidential material are not suitable for Cyber Kiosk triage and the Reporting Officer is required to submit a 'full' examination request. As a direct consequence of this, a significant number of Cyber Kiosk triage examinations do not relate to victims or witnesses, hence the relatively low representation in the dip-sample.

2.4 Cyber Kiosk 2 Program

The Cyber Kiosk 2 Program, whilst essential to the ongoing support and maintenance of Cyber Kiosks within Scotland and facilitating the synchronous remote download of management information, will not provide any additional capability in relation to whether or not a

device has been returned to the owner as this information is not recorded on the Cyber Kiosk and cannot easily be added due to the myriad of reasons why a device may be retained. Changes have been made to the Cybercrime Case Management System to allow additional information regarding negative devices, and guidance circulated to all Cyber Kiosk operators regarding the importance of recording this information correctly. In future we will be able to provide additional detail regarding the number of devices which have been triaged as negative, even when the overall case is positive.

As a number of live investigations still concern the 'old' production management systems used in legacy force areas, automated queries cannot currently be made to provide details regarding whether or not a device has been returned to the owner, and as such each production store must be contacted individually and asked to check their local records. Once Police Scotland have fully transitioned all Divisions to the COS National Productions application enquiries can be made regarding the option of conducting regular audits based upon the, now uniform, production number recorded on the Cybercrime ERF to identify which device have been returned.

2.5 Challenges

Due to the often complex nature of investigations supported by Cybercrime Digital Forensics, it is not always possible for the result of a device examination, i.e. positive or negative, to be established at the time of examination. In many cases the extracted data is provided to the enquiry team for review, due to their specialist knowledge of the circumstances, and at present there is no direct feedback loop to Digital Forensics regarding devices which are found to be negative. As such, it has not been possible for Cybercrime Digital Forensics to maintain a local record of which devices have been returned to their owner following examination, with this information held within separate Productions Management Systems.

The dip sample detailed above was a 'manual' process, and to replicate this for a time period pre Cyber Kiosk would be a significant undertaking and require staff to be abstracted from their daily role progressing examinations to manually review crime reports, productions records and associated reports to COPFS.

As additional systems within Police Scotland are harmonised under the Digitally Enabled Policing Programme (DEPP), the opportunities for automated feedback between Crime Recording, Productions Management and Cybercrime Case Management systems will be

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significantly enhanced and this is an area being explored by Cybercrime to enhance our ability to provide statistical information regarding the return of devices.

Despite the challenges experienced during the Covid-19 global pandemic, Cybercrime Investigations and Digital Forensics (CIDF) continue to receive an increasing number of Examination Request Forms (ERFs) for the analysis of digital devices seized in relation to ongoing investigations. In recent years the overall number of devices examined by CIDF has remained relatively constant, however during 2020 there was an increase of approximately 47% in productions submitted for examination by the Digital Forensic hubs when compared to 2019.

When compared against an increase of staffing of 7% since 2016 in Digital Forensics capability, this leaves considerable risks and gaps in being able to effectively manage the demand and backlogs without additional resources.

2.6 Conclusion

The Cyber Kiosk rollout has provided a facility for the digital significance of devices to be ascertained far more quickly than were they to be examined within a Digital Forensic Hub, allowing Senior Investigating Officers and Enquiry Teams to make informed decisions as to whether or not it is legal, necessary, proportionate and justified to retain the device.

As Scotland begins to emerge from the COVID-19 pandemic, it is assessed that the number of devices returned to their owners following Cyber Kiosk triage will increase as business as usual is re-established within the Criminal Justice System as a whole.

3. FINANCIAL IMPLICATIONS

3.1 There are considerations moving forward in respect of the evolution of Kiosks however these are dependent on increasing the capacity in respect of Kiosk use across the force and would be limited to the purchase of additional Kiosks and an associated training cost in respect of ensuring a sufficiency of trained operators to the number of Kiosks. At the current time there is no imminent intention to purchase additional Kiosks.

3.2 The current cost of a Cyber Kiosk is £9040.35 + VAT
The current cost of training a Cyber Kiosk operator is £380.00 + VAT.

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4. PERSONNEL IMPLICATIONS

- 4.1 As Kiosks continue to embed themselves across the force with associated benefits in respect of equity of access to assess the evidential value of mobile digital devices, the requirement for sufficiently trained Kiosk operators will continue to be assessed on an on-going basis.
- 4.2 At the time of implementation of the Kiosks the policy was implemented that Kiosk operators would be viewed as a Police Scotland Force resource, regardless of department or geographical location.
- 4.3 This has enabled, as far as possible, assurance that when a Kiosk operator is required to be identified there is robust procedures in place to quickly ascertain the availability of an officer in proximity to the requirement subsequently ensuring that the examination can take place as timeously as possible.

5. LEGAL IMPLICATIONS

- 5.1 The legal basis for the use of Kiosks was subject of scrutiny during development of the project with extensive consultation on this matter with Police Scotland Legal Services, ICO, COPFS and the members of the External Reference Groups.
- 5.2 As a consequence of the aforementioned at the current time the governance in respect of the legal basis used for Kiosks remains unchanged however, is subject to continued review as new legislation within the UK is considered in conjunction with any recommendations in respect of the anticipated ICO report on the examination of mobile devices in Scotland.

6. REPUTATIONAL IMPLICATIONS

- 6.1 There are potential reputational implications associated with Police Scotland's use of Cyber Kiosks however the robust governance and oversight established at the inception of the roll out of Kiosks ensures that this risk is mitigated wherever possible.
- 6.2 The impending introduction of a new Case Management System for Digital Forensics, encompassing Kiosks, will ensure that the oversight of the use of Kiosks is maintained and further fortified which the increased capabilities of the new system will provide.

7. SOCIAL IMPLICATIONS

- 7.1 The steps which were taken by Police Scotland to pro-actively engage with Stakeholders through External Reference Groups and consultation during the project roll out have been positively commented on by Stakeholders resulting in the intention within Police Scotland to adopt this process to ensure that future technologies engage with relevant Stakeholders at the earliest opportunities to appropriately convey the intention and potential implications around the introduction of future technologies or increased capability in respect of Cyber Kiosks.

8. COMMUNITY IMPACT

- 8.1 It is anticipated that the publication of the Management Information in respect of the use of Kiosks will provide a reassurance for our communities that Kiosks are of continued and increasing benefit, whilst the governance commitment made during the consultation and engagement phase of the introduction of Kiosks is being adhered to by Police Scotland moving forward.

9. EQUALITIES IMPLICATIONS

- 9.1 There are no Equalities implications.

10. ENVIRONMENT IMPLICATIONS

- 10.1 There are no Environment implications.

RECOMMENDATIONS

Members are invited to discuss information contained in this report.

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Cyber Kiosk Management Information

Public Document

April 2021

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Introduction

Cyber Kiosks

Also known as a 'Digital Triage Device', a Cyber Kiosk is a desktop computer specifically designed to view data stored on a digital device in a targeted and focused way. Cyber Kiosks are operated by Kiosk Operators who are responsible for carrying out the 'triaging' of devices. Kiosk Operators can set parameters e.g. restricting searches to a date/time range, searching only text messages/photographs. If, after examination, no evidence is found, the device may be returned to the owner. There are 41 Cyber Kiosks located in Police Scotland buildings across Scotland.

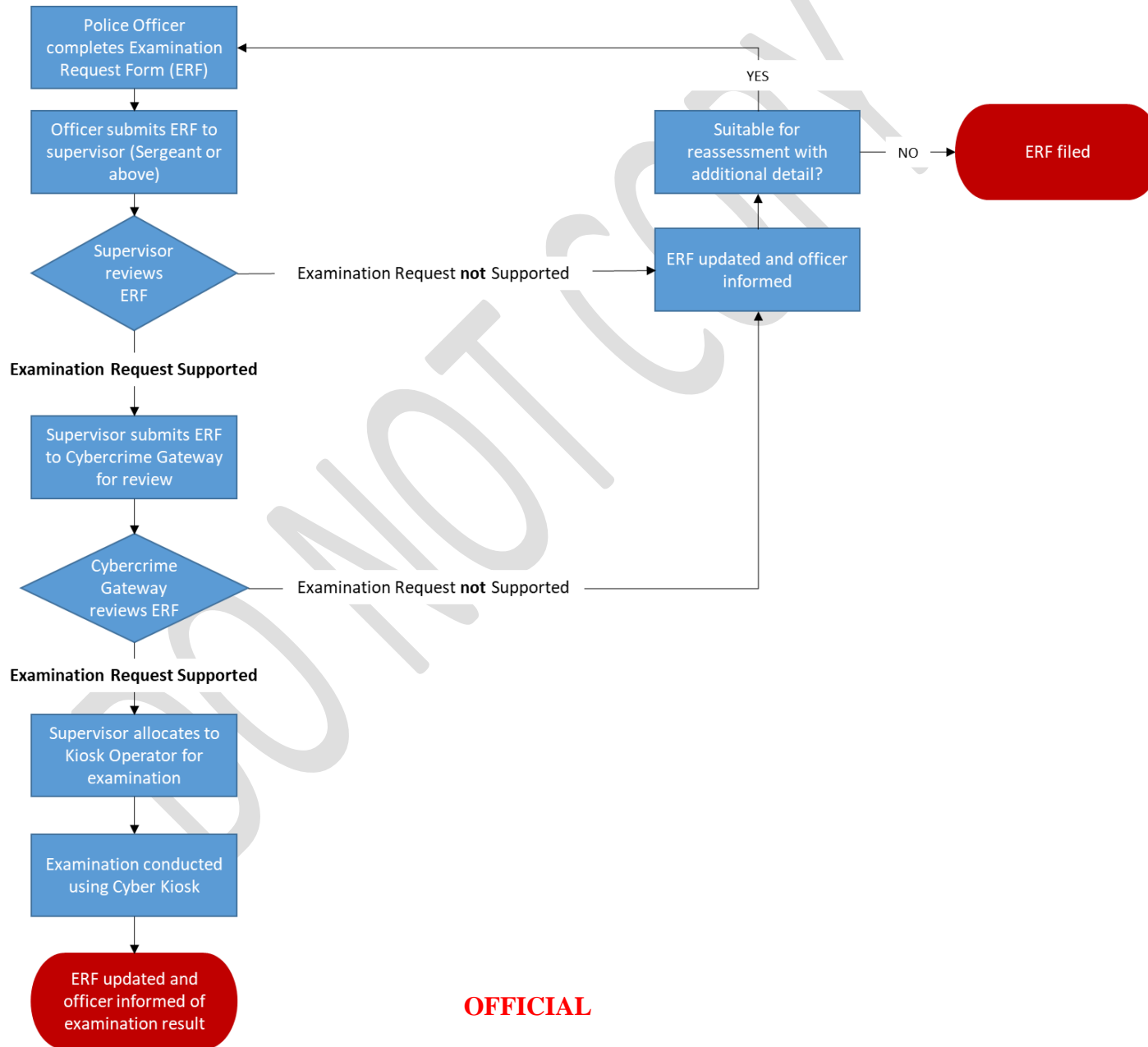
Cyber Kiosk Public Commitment

Police Scotland has made a public commitment to publish data relating to the use of Cyber Kiosks. This data is referred to as Management Information (MI) and is taken on a monthly basis from the Cybercrime Case Management System (CMS); a system used by Police Scotland to record all requests for digital device examination, document the required approval process and to record the number and type of devices examined. This information is recorded on an Examination Request Form (ERF).

The Cybercrime Case Management System (CMS) records information entered by the Investigating Officer at the time of initial submission. Management Information from the CMS is accurate at the time of retrieval however may not reflect any operational developments or administrative amendments which occur following submission, for example the status of a Subject changing as an enquiry develops.

The following flow diagram details the submission and approval process for all digital device examinations:

Examination Request Form (ERF) Process Map



Cyber Kiosk Management Information

Police Scotland undertake to each calendar month collate and present in a clear and precise manner the number of Kiosk examinations which have taken place. As an ERF can contain more than one device for examination, both the total number of ERFs and the number of devices examined will be presented. Information from the Cybercrime Case Management System (CMS) will be collated at the start of the calendar month and is accurate as of the specific time and date of retrieval.

In addition to the overall numbers, the following will also be reported on:

- Status of Owner – whether the device owner is a Complainer, Deceased, Missing Person, Not Officially Accused, Officially Accused or a Witness.
- Power of Seizure – the authority under which Police have taken possession of the device; Common Law, under Warrant, Statutory or Voluntary (consent).
- Reason for Device Examination – criminal investigation, death enquiry, instructed by Procurator Fiscal, missing person or National Security.
- Declined Forms – the number of examination requests declined by either Supervisory officer or the Cybercrime Gateway. Forms can be declined for many reasons, including the test of necessity and proportionality not having been met, but more commonly this is for administrative reasons such as the form containing insufficient detail or being incorrectly completed. In many cases amendments will be made and the form re-submitted.
- Region / Division / Kiosk – breakdown of kiosk location by territorial Division and region; East, North or West.
- Device Type – the type of device; phone, tablet or SIM card.
- Crime Group & Crime Type – Crime Group is the overarching crime category and the Crime Types are sub-categories of the Group. For example, 'Crimes of Dishonesty' is a Crime Group with the sub-categories – the Crime Types – including Theft, Fraud and Housebreaking.

For ease of reference, the Management Information has been laid out in six tables, grouped as follows:

Table 1 – Status of Owner / Power of Seizure – National Totals

Table 2 – Status of Owner / Reason for Device Examination – National Totals

Table 3 – Cyber Kiosk Examination Requests – East Region

Table 4 – Cyber Kiosk Examination Requests – North Region

Table 5 – Cyber Kiosk Examination Requests – West Region

Table 6 – Cyber Kiosk Examinations – Crime Group & Crime Type – National Totals

Table 1 - Status of Owner / Power of Seizure – National Totals – April 2021

Status of Owner	Power of Seizure									
	Common Law		Under Warrant		Statutory		Voluntary (Consent)		Missing Data	
	ERFs	Devices	ERFs	Devices	ERFs	Devices	ERFs	Devices	ERFs	Devices
Complainer	1	1	-	-	-	-	11	12	-	-
Deceased	71	95	-	-	4	4	1	2	-	-
Missing Person	-	-	-	-	1	1	-	-	-	-
Not Officially Accused	41	49	38	84	19	38	2	2	-	-
Officially Accused	5	7	6	19	1	1	-	-	-	-
Witness	5	5	-	-	1	2	5	6	-	-
Unidentified	10	14	10	28	6	14	-	-	-	-

The above information is accurate as extracted from the Cybercrime Case Management Systems (CMS) on 3rd May 2021 and may be subject to change due to operational or investigative developments

Table 2 - Status of Owner / Reason for Device Examination – National Totals – April 2021

		Reason for device examination											
Status of Owner		Criminal Investigation		Death Enquiry		Instructed by Procurator Fiscal		Missing Person		National Security		Missing Data	
		ERFs	Devices	ERFs	Devices	ERFs	Devices	ERFs	Devices	ERFs	Devices	ERFs	Devices
	Complainer	12	13	-	-	-	-	-	-	-	-	-	-
	Deceased	4	4	71	96	-	-	-	-	-	-	1	1
	Missing Person	-	-	-	-	-	-	1	1	-	-	-	-
	Not Officially Accused	92	167	2	2	-	-	-	-	-	-	2	4
	Officially Accused	10	22	-	-	1	4	-	-	-	-	1	1
	Witness	7	8	2	4	-	-	-	-	-	-	1	1
	Unidentified	20	44	5	11	-	-	1	1	-	-	-	-

The above information is accurate as extracted from the Cybercrime Case Management Systems (CMS) on 3rd May 2021 and may be subject to change due to operational or investigative developments

Table 3 - Cyber Kiosk Examination Requests – East Region – April 2021

Division	Declined by Supervisor		Declined by Gateway		Kiosk Location ¹	Completed		Device Type - Completed Tasks			
	ERFs	Devices	ERFs	Devices		ERFs	Devices	Mobile Phones	Tablets	SIM Cards	Missing Data
C	2	2	7	10	Larbert	1	2	2	-	-	-
					Stirling	12	25	25	-	-	-
E	2	2	23	46	Gayfield	15	29	28	1	-	-
					Fettes	1	1	1	-	-	-
					Corstorphine	5	10	10	-	-	-
					Craigmillar	-	-	-	-	-	-
J	2	8	12	18	Livingston	8	19	16	1	2	-
					Dalkeith	5	10	10	-	-	-
					Galashiels	-	-	-	-	-	-
P	-	-	12	24	Glenrothes	5	6	5	-	1	-
					Dunfermline	2	3	3	-	-	-
SCD (E) ²	-	-	1	10	No Data	-	-	-	-	-	-

¹ The Cyber Kiosk locations displayed are correct for this Reporting Period.

² Specialist Crime Division (SCD) do not have dedicated Kiosks and therefore utilise Cyber Kiosks based within territorial Divisions as required.

The above information is accurate as extracted from the Cybercrime Case Management Systems (CMS) on 3rd May 2021 and may be subject to change due to operational or investigative developments

Table 4 - Cyber Kiosk Examination Requests – North Region – April 2021

Division	Declined by Supervisor		Declined by Gateway		Kiosk Location ³	Completed		Device Type - Completed Tasks			
	ERFs	Devices	ERFs	Devices		ERFs	Devices	Mobile Phones	Tablets	SIM Cards	Missing Data
A	8	14	26	65	Kittybrewster	1	1	1	-	-	-
					Queen Street	10	13	12	1	-	-
					Elgin	4	12	8	4	-	-
					Fraserburgh	5	7	6	1	-	-
					Bucksburn	1	1	1	-	-	-
D	-	-	9	14	Dundee HQ	6	9	9	-	-	-
					Dundee Downfield	-	-	-	-	-	-
					Perth	2	4	4	-	-	-
					Arbroath	2	3	2	-	1	-
N	1	1	9	14	Fort William	-	-	-	-	-	-
					Inverness	6	21	20	1	-	-
					Alness	-	-	-	-	-	-
					Wick	4	5	5	-	-	-
SCD (N) ⁴	-	-	-	-	-	-	-	-	-	-	
					No Data	1	1	1	-	-	-

³ The Cyber Kiosk locations displayed are correct for this Reporting Period.

⁴ Specialist Crime Division (SCD) do not have dedicated Kiosks and therefore utilise Cyber Kiosks based within territorial Divisions as required.

The above information is accurate as extracted from the Cybercrime Case Management Systems (CMS) on 3rd May 2021 and may be subject to change due to operational or investigative developments

Table 5 – Cyber Kiosk Examination Requests – West Region – April 2021

Division	Declined by Supervisor		Declined by Gateway		Kiosk Location ⁵	Completed		Device Type – Completed Tasks			
	ERFs	Devices	ERFs	Devices		ERFs	Devices	Mobile Phones	Tablets	SIM Cards	Missing Data
G	2	2	28	61	Glasgow – Shettleston	12	20	20	-	-	-
					Glasgow Stewart St.	5	7	7	-	-	-
					Glasgow Helen St.	37	57	51	5	1	-
K	4	9	12	18	Paisley	9	14	14	-	-	-
					Greenock	7	8	8	-	-	-
L	1	1	7	13	Dumbarton	4	5	5	-	-	-
					Clydebank	6	12	10	-	2	-
Q	2	4	11	14	East Kilbride	4	8	4	-	4	-
					Motherwell	6	8	7	1	-	-
					Hamilton	2	2	2	-	-	-
					Coatbridge	5	8	8	-	-	-
U	-	-	7	13	Ayr	1	1	1	-	-	-
					Kilmarnock	2	2	2	-	-	-
					Saltcoats	2	11	11	-	-	-
V	2	10	14	32	Dumfries	13	24	21	-	3	-
					Stranraer	3	9	9	-	-	-
SCD (W) ⁶	-	-	1	1		-	-	-	-	-	-
					No Data	4	6	6	-	-	-

⁵ The Cyber Kiosk locations displayed are correct for this Reporting Period.

⁶ Specialist Crime Division (SCD) do not have dedicated Kiosks and therefore utilise Cyber Kiosks based within territorial Divisions as required.

The above information is accurate as extracted from the Cybercrime Case Management Systems (CMS) on 3rd May 2021 and may be subject to change due to operational or investigative developments

Table 6 - Cyber Kiosk Examinations – Crime Group & Crime Type – National Totals – April 2021

Crime Group	ERFs	Devices	Crime Type	ERFs	Devices
GROUP 1: NON SEXUAL CRIMES OF VIOLENCE	14	23	Murder	-	-
			Attempted Murder	4	4
			Culpable Homicide	1	1
			Serious Assault	4	9
			Robbery	2	5
			Threats and Extortion	1	1
			Miscellaneous	2	3
GROUP 2: SEXUAL CRIMES	36	53	Rape	15	21
			Attempted Rape	-	-
			Sexual assault	3	11
			Public Indecency	1	1
			Voyeurism	1	1
			Brothel Keeping / Prostitution	1	1
			Indecent Images of Children (IIOC)	-	-
			Extreme Pornography	-	-
			Grooming of Children	2	3
			Sextortion	1	1
Communication Offences	12	14			
GROUP 3: CRIMES OF DISHONESTY	10	33	Housebreaking / Opening Lockfast Places	4	17
			Theft	4	13
			Fraud	2	3

The above information is accurate as extracted from the Cybercrime Case Management Systems (CMS) on 3rd May 2021 and may be subject to change due to operational or investigative developments

Cyber Kiosk Examinations – Crime Group & Crime Type – National Totals – April 2021 (cont.)

Crime Group	ERFs	Devices	Crime Type	ERFs	Devices
GROUP 4: FIRE-RAISING, MALICIOUS MISCHIEF etc.	6	13	Fireraising	3	7
			Vandalism	1	2
			Computer Misuse Act	1	1
			Culpable and reckless conduct	1	3
GROUP 5: OTHER (PRO-ACTIVITY) CRIMES	76	151	Human Trafficking	-	-
			Offensive Weapons	1	1
			Drug Supply	68	137
			Serious & Organised Crime	6	12
GROUP 6: MISCELLANEOUS OFFENCES	11	17	Bail / Licence / SOPO Offences	3	3
			Assault	-	-
			Breach of the Peace	-	-
			Threatening & Abusive Behaviour	6	6
			Stalking	2	8
			Hate Crime	-	-
			Wildlife offences	-	-
GROUP 7: OFFENCES RELATING TO MOTOR VEHICLES	2	3	Fatal RTC	2	3
			Road Traffic	-	-
GROUP 8: AREAS OUTWITH THE CONTROL STRATEGY	63	91	National Security	-	-
			Missing Persons	1	1
			Death - Unexplained	2	4
			Death - Suspected Drugs	61	87
			Fatal Accident	-	-
			Anti Corruption	-	-

The above information is accurate as extracted from the Cybercrime Case Management Systems (CMS) on 3rd May 2021 and may be subject to change due to operational or investigative developments

Police Scotland remain committed to ensuring that Cyber Kiosks are used legally and proportionately to support victims and witnesses of crime and to bring offenders to justice. All examination requests are subject to a robust two-stage assessment and approval process, with an initial assessment made by an officer of at least the rank of Sergeant and the second by specialist officers and staff within the Cybercrime business area. Each assessment considers the legality, necessity, proportionality and justification of the examination request, and examination cannot proceed until the request has been approved at both stages.

The integration of Cyber Kiosks into Police Scotland presented unique opportunities to engage with stakeholders in critical partner agencies including the Crown Office and Procurator Fiscal Service (COPFS), Scottish Institute for Police Research (SIPR), Privacy International, Scottish Human Rights, Information Commissioners Office (ICO) and victim and witness advocacy groups and organisations who represent some of the most vulnerable members of our communities.

The creation of the Cyber Kiosk Stakeholders Group and the Cyber Kiosk External Reference Group allowed Police Scotland to gain a comprehensive understanding of the key concerns which existed in relation to the use of Cyber Kiosks and to develop revised processes in partnership with members. The lessons learned during public engagement events enhanced a number of existing processes, including how and when informed consent for digital examination is requested and recorded from victims and witnesses of crime, and detailed information regarding this is now published on the Police Scotland website.

Police Scotland will continue to publish this information on a monthly basis.