



OFFICIAL REPORT
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Justice Sub-Committee on Policing

Monday 18 January 2021

Session 5



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CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	1
REMOTELY PILOTED AIRCRAFT SYSTEMS AND BODY-WORN VIDEO CAMERAS	2

JUSTICE SUB-COMMITTEE ON POLICING

1st Meeting 2021, Session 5

CONVENER

*John Finnie (Highlands and Islands) (Green)

DEPUTY CONVENER

*Margaret Mitchell (Central Scotland) (Con)

COMMITTEE MEMBERS

*Rhoda Grant (Highlands and Islands) (Lab)

*Fulton MacGregor (Coatbridge and Chryston) (SNP)

*Rona Mackay (Strathkelvin and Bearsden) (SNP)

*Liam McArthur (Orkney Islands) (LD)

*Shona Robison (Dundee City East) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Chief Superintendent Matthew Richards (Police Scotland)

Barry Sillers (Scottish Police Authority)

Assistant Chief Constable Mark Williams (Police Scotland)

CLERK TO THE COMMITTEE

Diane Barr

LOCATION

Virtual Meeting

Scottish Parliament

Justice Sub-Committee on Policing

Monday 18 January 2021

[The Convener opened the meeting at 11:00]

Decision on Taking Business in Private

The Convener (John Finnie): Madainn mhath, a h-uile duine, agus fàilte. Good morning, everyone, and welcome to the Justice Sub-Committee on Policing's first meeting of 2021. We have received no apologies.

Agenda item 1 is to make a decision on whether to take in private item 3, which is to review the evidence that we hear today. Do we agree to take item 3 in private? If members disagree, indicate that to me by waving or use the chat box.

We agree to that. Thank you very much.

Remotely Piloted Aircraft Systems and Body-worn Video Cameras

11:00

The Convener: Our main item of business is an evidence session on Police Scotland's use of remotely piloted aircraft systems, which are more commonly known as drones, and its use of body-worn video cameras. I refer members to paper 1, which is a note by the clerk, and paper 2, which is a private paper.

I welcome our witnesses. They are, from Police Scotland, Assistant Chief Constable Mark Williams from operational support, and Chief Superintendent Matthew Richards, from the digitally enabled policing project. From the Scottish Police Authority is Barry Sillers, who is the deputy chief executive for strategy and performance. I thank the witnesses and all those who have provided the sub-committee with written evidence, which is, as always, very helpful.

Before we move to questions, I remind members to say who their question is for, and I remind all attendees to wait just a moment before speaking, in order that their microphone can be activated.

I have the first couple of questions, and will be followed by Shona Robison. My first question is for Mark Williams. Your written evidence says, with regard to the acquisition and use of emerging technologies, that a number of assessments have been undertaken in relation to data protection and privacy, and equality impacts. Could you outline the assessments that have taken place in relation to drones and body-worn cameras?

Assistant Chief Constable Mark Williams (Police Scotland): I am happy to do so. You mentioned the two specific assessments that took place on receipt of the drones; they have been reviewed and updated annually since then. There was an equality and human rights impact assessment and a data protection impact assessment. Both were in place prior to operational deployment of the drones, and are due to be updated in February and March this year, respectively, after a 12-month timeframe. Both assessments are in place and are actively reviewed and updated based on any relevant changes.

The Convener: Can you comment on that, Mr Sillers?

Barry Sillers (Scottish Police Authority): Certainly. I confirm that when the SPA's strategy, policy and performance committee considered use of RPAS at its meeting in May 2019, we were

given sight of a privacy impact assessment, an EQHRIA and a data protection impact assessment. They formed part of the committee's deliberations on use of RPAS, back in May.

I note correspondence between the sub-committee and the authority, in which two of those assessments, which were current at the time, were shared. I think that that was in June 2019. As part of the current arrangement, when we reconsider RPAS and the revised evaluation in March 2021, the two updates that ACC Williams mentioned will come back to the committee.

The SPA was given sight of the assessments prior to the discussion in 2019, and we have been assured that the revisions will come back to the authority in 2021.

The Convener: I note that Mark Williams said that assessments “were in place prior to operational deployment”, but were all the assessments of drones and BWV undertaken before acquisition of the technologies? If not, why not?

Assistant Chief Constable Williams: The assessments were, for a number of important reasons, carried out concurrently and on receipt of the final product. First, we did not feel that the detail that came from the manufacturer on many of the technical aspects of the drones was sufficient for us to import it comprehensively into a DPIA or an EQHRIA. We wanted to see, understand and utilise the equipment first, so that we could incorporate its likely use in the assessments. Therefore, the assessments were carried out prior to operational deployment, but not prior to purchase and receipt of the equipment.

There was concurrency to that work, and it was always important that it was undertaken. There was no intention that drones would be deployed prior to that work being finished, but there was a need to see how the technology would be utilised and applied in the Police Scotland context, and there was a need to ensure that that was built in accurately in the two assessments. That required that the work be done concurrently and not before the drones were in our possession.

The Convener: Surely you assess the capability of product A, B or C for its intended use before you acquire it—at considerable expense to the public purse—rather than after its acquisition, which is completely back to front, is it not? That takes us back to where we were with the cyberkiosks, which also involved considerable expenditure and the adoption of a similar approach.

Assistant Chief Constable Williams: I reassure you again that an EQHRIA and a DPIA are in place, and were in place prior to operational use of the technologies.

The technology and supply of drones changed very rapidly. The technology was changing as we went through the procurement process with the budget that we had. I absolutely acknowledge and accept your concern about the assessments not being carried out prior to purchase. We had a very good idea of how we would utilise the drones, but it felt appropriate and proportionate to ensure that we understood better the detail of the technology and its specifications, so that we could articulate that in the two very important assessment documents, as part of the procurement process.

The assessments ran concurrently. They were not done one after the other, which is relevant in the circumstances.

The Convener: I am not sure that I am reassured. My colleagues have a number of questions.

Shona Robison (Dundee City East) (SNP): Good morning. What level of stakeholder engagement was there in drawing up the assessments? Were any significant concerns raised prior to acquisition of drones and body-worn video cameras? If so, what were they and how were they addressed?

Assistant Chief Constable Williams: We carried out a significant period of research in the three or four years prior to procurement of drones. That was in order to understand and benchmark drone use elsewhere in the United Kingdom, particularly in England and Wales, and to consider what we would have to do, and which stakeholders we would be required to work with, in order to enable safe and effective deployment of the drones. Much of that research was technical, including work with the Civil Aviation Authority, and much of it was about governance and oversight—for example, to ensure that the SPA was aware of our intentions through appropriate reporting to various committees prior to procurement.

Once we took delivery of the drones, we communicated with a significant number of stakeholders, from local authorities to scrutiny chairs, as part of the process of notification of the drones' arrival and our intended use of them. I stress again that the drones are still going through a period of evaluation. They are a new and emerging technology that we wanted to utilise and of whose utility we wanted a better idea. When we intimated our intention to utilise the technology, we did that in a very public way—through the media and social media, by writing to a number of stakeholders, by traditional press launches and so on—to ensure that there was a wide appreciation of the kit that we had acquired and how it would be used, predominantly.

Shona Robison: Were any significant concerns raised by any of the stakeholders whom you consulted?

Assistant Chief Constable Williams: A number of concerns were raised in relation to, for example, article 8 of the European convention on human rights, on the right to privacy. We were careful to ensure that we considered those concerns in our equality and human rights impact assessment, and that we built in the relevant acknowledgement of that issue and the appropriate mitigation to ensure proportionality, justification and accountability for their deployment, should the drones be used. There are a number of elements of article 8, as incorporated in the Human Rights Act 1998, that allow us to protect public safety, national security and so on—I will not go into all those elements now—but we absolutely made sure that the concerns were articulated and recorded.

Of course, with each and every deployment of the drones, a site survey will be carried out that will include consideration of sensitivities, relevant legislation, concerns about intrusion and other considerations to do with safety in a wider sense. We make sure that all concerns and issues are considered and addressed prior to deployment.

Shona Robison: Thank you for that. Looking ahead, what further assessments will need to be made as such technologies develop and their use increases? Do you envisage early engagement with the Scottish biometrics commissioner, once that commissioner has been appointed, to discuss those matters?

Assistant Chief Constable Williams: Absolutely. The force absolutely recognises that new and emerging technologies, of which drones are one, represent a developmental area that requires clear governance, oversight and reassurance. The biometrics commissioner will undoubtedly be an important link for the force across a host of areas. The force has just established its first biometrics committee, which is chaired by Deputy Chief Constable Malcolm Graham. Our work will tie into that and, more widely, into the work of the commissioner, in due course.

We had the opportunity to use our independent ethics advisory panel on 12 January this year. As the sub-committee knows, our relationship with that panel is relatively new—it started in autumn last year, after drones were first deployed. The involvement of the panel was very helpful. A lot of very positive, constructive and meaningful feedback came out of the process, which we are now considering and will build into the evaluation that we will provide to the Scottish Police Authority in March.

We absolutely acknowledge and appreciate the need for reassurance, clarity, governance and oversight of the elements of emerging technologies that must be considered. We understand that the use of such technologies must not just fall within the bounds of the legislation; equally, it must fall into the public confidence and legitimacy that we enjoy. We will undertake to ensure that that is the case. I know that DCC Graham and his board will link into that very directly.

Shona Robison: I invite Matthew Richards to respond.

Chief Superintendent Matthew Richards (Police Scotland): The ACC has articulated the stakeholder assessment with regard to RPAS. From my perspective, it is important to note that the force does not have a national BWV solution at this time. There have been pockets of small initiatives, the largest being in what was Grampian Police's area, where there are 250 officers. That initiative included extensive stakeholder engagement prior to its launch in 2010, as well as prolonged public consultation. It has had two evaluations. In 2011 it was evaluated by the force, and in 2012 it received a practical assessment from Her Majesty's Inspectorate of Constabulary in Scotland. Both evaluations showed the initiative to have been a success.

11:15

In advance of a national solution for Police Scotland, we would absolutely ensure broad stakeholder assessments and engagement as well as public consultation. As the ACC mentioned in relation to RPAS, an ethics panel will be convened for BWV. That is booked in over the next few months. Appropriate equality, human rights and data protection impact assessments will be in place.

Shona Robison: Thank you; that was most helpful.

Barry Sillers: On the more general point about the eminently good practice of local engagement, I refer to the SPA's written submission. At the start of her questions Shona Robison mentioned a way forward; on the last page of our submission we have tried to outline a better and more comprehensive way of dealing with emerging new technologies. In collaboration with Police Scotland and other partners, the SPA is trying to develop a more protocolised and flexible but firm framework, within which we, as a policing system, can assess emerging new technologies. On that last page, we have detailed the value within that framework of

"Full internal and external stakeholder engagement",

by which we imply local communities and authorities.

I note with interest that two local authorities took the time to make submissions today. Such submissions will be part of the overall suite of opinion, evidence and research for a wide-ranging perspective that allows us—as ACC Williams said—to judge the balance between ECHR article 2 provisions on protection and safety of citizens and article 8 provisions on the right to privacy.

There has been an interesting submission to the sub-committee from the Scottish Institute for Policing Research. Even on the technologies that we are talking about today, there is no coherent view in academia, so we would like to take that forward into more general consideration. The public submissions for today's session are not coherent and show the broad range of views.

The SPA needs to encourage Police Scotland to take the widest possible range of views in justifying its decisions. As ACC Williams said, a human rights approach is a very good framework within which to do that. Although it is not bespoke to that issue, the excellent submission from the Scottish Human Rights Commission is a very good piece of writing that shows how we can strike the balance between articles 2 and 8, while also bringing into play things such as proportionality and being able to justify our decisions, by making them explainable to the public and ensuring that they are for legitimate and legal purposes.

Shona Robison's initial question was about what we need to do going forward. We need to learn the lessons. Certainly, the SPA's initial approach would be collection of wider evidence and views to help us and Police Scotland to make judgment calls on use of new technologies.

Shona Robison: You anticipated my final question, which was going to be on the SPA's recommendation for an evaluation of the use of body-worn cameras. You have said that external stakeholders will be included in that—is that the gist of what you said?

Barry Sillers: Certainly. The quality of the evaluation increases the more different people you engage with—for instance, the Scottish Institute for Policing Research submission indicated that it was very enthusiastic about making a contribution, so academia would certainly have a part to play. Body-worn video has been in use in the northern region of Scotland for a considerable time, so there must be a strong local opinion there based on the experience of officers. As you say, the gist of what we in the SPA are saying is that we should recognise that almost decade's worth of local opinion and experience, particularly that of partners in the justice system, and use those lessons. The evaluation that we want to see on

body-worn video would take all those different voices and make a proportionate and judged recommendation to the authority on whether we should move forward with a body-worn video solution.

Rona Mackay (Strathkelvin and Bearsden) (SNP): I would like to ask generally about the new technologies that are being bought and will be implemented. There are many claims made about the benefits of those technologies, but there are also claims that there is not enough evidence and not enough research has been done. I hear what you have said about assessments and ECHR impacts and so on, which is fine, but can you outline how you will evaluate the effectiveness of any new technology? How will that be done in practice? Will it be evaluated in terms of how much easier it is for police to make arrests? I want to know about the practical side of how you will make an evaluation before you commit to more new technology.

Assistant Chief Constable Williams: I will say a couple of things; I will mention body-worn video here as well, because practical examples can be given of how to evaluate and measure the effectiveness of that technology, but I am sure that Chief Superintendent Richards will have more to add.

I was involved at the start of the consideration of body-worn video a number of years ago—*[Inaudible.]*—progress at any great pace. A lot of work was done to evaluate its use in the north-east and some practical and appropriate measures were used, such as the number of assaults on officers; the level of police complaints, how they were closed off and whether the body-worn video helped with the timeline for those; and the number of early guilty pleas in the criminal justice system as a result of footage recorded by body-worn video. Those were some very practical measures whose benefits were easy to articulate and very powerful.

Drones are less straightforward in many ways; there are quite easy measures around efficiency because drones are part of our air support unit and they are a build-on and an asset that can be used instead of the police helicopter. The raw economics are that drones are clearly better value for the public purse, because they are far cheaper on an hour-by-hour basis, but they cannot do as much as a helicopter in many other ways. For example, they have a shorter flight time and cannot carry passengers—those are the obvious examples.

However, we are considering other ways to measure the effectiveness of drones, which include going through every incident that they have been deployed to and looking at the success and utility of that deployment—for example, for the

purposes of photographing a serious crime scene or a road junction where there has been a fatal accident—and whether that has enabled the inquiry officers and the senior investigating officers to proceed through their reporting channels more effectively and with greater ease. Some less tangible work will take place with drones; that work is on-going, and part of the evaluation back to the Scottish Police Authority will capture that.

Rona Mackay: Thank you. As no one else wants to come in with an opinion on that, my questions are finished, convener.

The Convener: Thank you. Our next series of questions is from Fulton MacGregor.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Good morning. Witnesses will be aware that the sub-committee was recently—*[Inaudible.]*—that Police Scotland had a sound legal basis for the use of cyber kiosks. Can witnesses outline the legislative basis on which drones and body-worn videos depend? Can they also comment on whether standard operating procedures or codes of practice are in place for the use of drones and body-worn video cameras? If so, can they detail their parameters? I suggest that the order for answers should be ACC Williams, Chief Superintendent Richards and then Mr Sillers.

Assistant Chief Constable Williams: I think that I picked up all that, although the sound broke slightly. I am happy to cover the codes of practice and the legislation that underpins drones. The use of drones is closely legislated for and governed by the Civil Aviation Authority. There is legislation for the wider public, in relation to licensing, ownership and registration, but for organisations such as Police Scotland—which need commercial and law enforcement use—there are additional hurdles to overcome. We have worked closely with the CAA to ensure that we comply with all appropriate air navigation legislation, provide appropriate training for those who utilise the drones and ensure that drones are utilised and understood in a way that is within the parameters that the CAA sets for ensuring the safety of all air traffic, in which drones are included. That detail is available; we have produced an extensive safety manual and we submit a yearly update to the CAA for those purposes.

Of course, on an individual basis, when we operate the drone, it has to be done within the legislative framework. However, at this point, I will stress a couple of important points. First, the drone has never been used in a covert nature. It is a very overt piece of kit that is used by officers in uniform who stand very close to and within line of sight of it; the drone makes a noise and the officers stand by a large four-by-four marked police vehicle. How it is utilised and deployed is

taken into consideration through the EQHRIA and the DPIA, which I already mentioned, to ensure that the deployment is appropriate, proportionate and justified. That has to be covered on each occasion through a site survey that we carry out and by the police incident officer who is in charge of the incident inquiry or missing persons investigation. All that wrapped together might give you a flavour of some of the legislation that underpins the drone's use. If you have additional questions, I am happy to take them; otherwise, I am happy to hand over to Chief Superintendent Richards to cover body-worn video.

Fulton MacGregor: Thank you for that comprehensive answer. Do the other witnesses want to add anything to that?

Chief Superintendent Richards: I will come in now with regard to body-worn video, if that is in order. Along the lines of the points that the ACC raised, articles 2, 6 and 8 of the ECHR will be complied with if the force implements a body-worn solution, which is the chief constable's clear wish, given our unsustainable position of not having body-worn video when the rest of the UK does.

In addition to that, body-worn video is an overt technology so, at this stage, it would not be incumbent on us to consider the Regulation of Investigatory Powers (Scotland) Act 2000. It would not be used for covert deployment. Should a programme commence, standard operating procedures would be in place. There are operating orders for the legacy Grampian police initiative, which has now become a programme and is still running with 250 officers up there.

Most importantly and with regard to digital ethics, there are standard operating procedures and guidance is available in the public domain on how the force retains data and uses images. Again, we will comply with that, and the force values of fairness, integrity and respect will be at the centre of everything that we do.

11:30

Barry Sillers: Part of the revised evaluation of remotely piloted aircraft systems that the authorities asked for in March included the Civil Aviation Authority audit that is mentioned in Police Scotland's evidence. By looking at the CAA audit, we can be assured, as we were previously, that all the legal aspects pertaining to aviation have been dealt with. You will see in our written submission that part of that request has been for Police Scotland to further consider image retention and use. The submission mentions a new code of conduct for the use of surveillance cameras, similar to the one that governs the use of closed-circuit television. The request from March covers both those aspects: the legality covered by the

CAA audit and the more general considerations about using imaging capability in policing.

Fulton MacGregor: The circumstances in which drones can be used have changed since they were first acquired. Have the necessary impact assessments kept up to speed with those developments? For example, what level of engagement is carried out with stakeholders when drones are to be used to assist in policing any events that involve the public? ACC Williams touched on that in his earlier answers.

Assistant Chief Constable Williams: Every time we deploy drones, we carry out direct engagement with the public and with the communities that will be affected. We do that as best we can and proportionately.

I can give the example of Troon beach. It is important that residents living near where we might use the drone are aware of our activities. The day before its deployment last year, we spent the day knocking on doors, leafleting the public and making them aware that we intended to operate the drone and for what purpose and how.

We advertise our intention to use the drones on social media and in person by using uniformed police officers. We do that in any way that we can. That would apply to a missing persons search or to any other drone activity that is required.

There have been occasions when the drone has been deployed for photographic purposes at a crime scene. That is a sterile area that is protected by police officers; there is no public entry or egress. We might photograph such an area on behalf of the Crown Office and Procurator Fiscal Service or for the senior investigating officer in a major incident team. That sort of drone use is happening in a sterile environment where engagement with the public is less critical but still important, so we might still make people in the immediate vicinity aware of our intentions and purposes.

I emphasise again that any deployments are carried out by officers in high-visibility uniforms, next to appropriate police vehicles and displaying appropriate signage. Those are not covert operations. They are public, wherever they take place.

Fulton MacGregor: It is useful to make a distinction between the use of drones in areas that the public does not have access to and their use in areas where members of the public are present. It seems obvious now, but it is not something that I had thought about before asking these questions.

Barry Sillers: The authority recognises the efforts that Police Scotland has gone to on local engagement with communities and sectors since prior to the deployment of RPAS. However, a

possible learning point that we can take from the submission from Inverclyde Council is that a formal communication to the local authority may be helpful as part of that local engagement. Inverclyde has expressed concern that that was not part of the communication schedule. That would be an easy enhancement for Police Scotland colleagues to make to the current arrangement and it would build trust in the local authority as well as the local community.

Chief Superintendent Richards: I have a couple of points with regard to body-worn video. The challenges that are involved are slightly different from those mentioned by the ACC with regard to RPAS. It is routine to inform the public when we are using body-worn video. A camera is not turned on unless the member of public is made aware by the police officer. That will continue to be the policy wherever possible, should we have a national roll-out. As has already been mentioned, when we are ready to roll out body-worn video, we will do some extensive consultation, not only with the public but with scrutiny boards and the elected members who represent the public. The need is greatest for our armed policing officers, as we are the only force in the United Kingdom that does not have armed officers with cameras. We will look to engage with appropriate stakeholders and interest groups in advance of that option being made available to our armed policing staff, which is the chief's wish in the future.

The Convener: I have a question for Mr Sillers, who alluded to some of the evidence that the committee has received. We received evidence from the Law Society of Scotland recommending that

"Strict regulation of the deployment of"

drones

"is necessary and a regime similar to"

the Regulation of Investigatory Powers (Scotland) Act 2000

"should be in place."

We heard assurances from the ACC about the appropriateness, proportionality and justification for their use. Would the Scottish Police Authority be supportive of strict regulation of the deployment?

Barry Sillers: Again, it is about balance. My recommendation to members of the authority would be not to have a regulatory framework that is so strict that it impinges on the operational independence of the chief constable. The current arrangement—I am talking specifically about RPAS—was discussed between Mr Martyn Evans and DCC Malcolm Graham and it allows proportionate and discriminating decision making

on an operational basis, as described in the correspondence.

One of the things that we must maintain is that what is operationally critical should be decided by the senior officer. That would be within a regulatory framework. The committee will obviously discuss the matter further in March, but we should, where we can, provide regulatory frameworks that are sufficient to promote public confidence without “fettering”—the word that was used by HMICS—the operational independence of the chief constable. We trust that the decision making would be bound by and aligned to the values of fairness, integrity and respect that we have agreed with Police Scotland and, most importantly, with human rights. As both Chief Superintendent Richards and ACC Williams have said, the balance between article 2 and article 8 should be an operational decision by the chief constable and his delegated officers, which is the arrangement that is currently in place.

I think that the arrangements that are currently in place are fairly proportionate in that they allow the police to get on and do the job, respectful of the balance between the two human rights.

Assistant Chief Constable Williams: I echo Mr Sillers’s comments. There is definitely a need to move to, for example, a code of practice that is better understood and is available to the public to instil confidence in the use of drones and the parameters within which that use lies. I think that there is sufficient legislation out there at the moment to ensure that the use is lawful and proportionate and can be justified. However, on reflection, there would be a benefit from a code of practice that enables a wider understanding of the parameters, the spirit and the tone in which drones are used, which is very important for public confidence and trust.

Shona Robison: We have already touched on what I want to ask about. I go back to the use of drones. Further to what has been said already, will you provide a brief overview of the benefits that drones bring to policing? How many drones have been acquired by Police Scotland? How many of them have been used in operational policing? Will you set out the purposes for which they have been used to date? Earlier, you referred to missing person activities and crime scene photographs. It would be helpful to hear further examples of the breadth of the use of drones in police work. Could ACC Williams start on those questions?

Assistant Chief Constable Williams: We have three drones: two are based in the north, and one is based in the west, at our air support heliport in Glasgow. They have all been used in an operational context at some point.

I will give some figures from May 2019 through to November last year. The drones were deployed in a number of scenarios. For example, they were deployed for missing person searches on 59 occasions and for major incidents, such as murders or significant events in which there was a request for support, on seven occasions. They were deployed on a number of occasions to take photographs of crime scenes or vehicle accident locations.

In addition, there were deployments to try to prevent rural crime. For example, on one particular occasion a number of stakeholders were involved when technical equipment was being stolen from a particularly large wind farm. We deployed uniformed officers to patrol, as well as flight time for the drones. That had a significant, positive impact in terms of crime prevention and was very well received by those members of the public who lived in the rural area and, of course, by the landowners and others who were involved in the request for drone use.

Drones have been used for quite a wide variety of issues, but that use has been very overt and has supported crime prevention or public safety, or the investigation of serious crime, when there has been a request from a senior investigating officer or the Crown Office and Procurator Fiscal Service.

We are, clearly, still evaluating the utility and helpfulness of drones. As I said earlier, the helicopter is our other air asset. We use it a lot, but it is very expensive, and it is not always able to transit across the country, because of the weather and other such factors. Drones offer us a tactical option other than the helicopter, to do, in effect, what the helicopter does. For example, if we are looking for a missing person, drones can support the search of coastlines and other more inaccessible areas where it might be more dangerous or risky to deploy emergency responders. The topographic capabilities allow us to get an overview. We could get that overview using a helicopter, but that would be expensive and using a drone for that purpose is far more efficient and effective, as well as being better value for the taxpayer and the organisation. The drones have utility that, although not as flexible, sustainable and enduring as that of the helicopter, which is a more resilient piece of kit, is hugely beneficial to front-line officers, service delivery and in protecting the public.

11:45

Shona Robison: Do you want to increase the number of drones? Three seems quite limited in relation to all those activities. Do you want to expand capacity?

Assistant Chief Constable Williams: At this stage there is no intention to purchase more drones. We are still in the evaluation stage. We are using drones, but we are still reassuring ourselves that they do what we want them to do. The technology changes very quickly. It is important that we work in the national context of Police Scotland and UK policing to benchmark and work with other agencies to ensure that what we are using and what is available is fit for purpose. That is all built in to the on-going evaluation.

I would not suggest that we might not purchase more in due course or that we might not seek to use drones more than we do currently. However, there are no immediate plans to do that and we are working with the equipment that we currently own.

Rona Mackay: My question was on how to ensure legitimacy and the justifiable and proportionate use of drones, but that has already been answered. I have one further question for ACC Williams. You talked about the incident at Troon and how you informed residents of your plans. What do you do in a situation where people object? Are there criteria for not using drones, depending on the number of objections? What would you do if more than one person said that they were not happy? I know that the question is a bit hypothetical.

Assistant Chief Constable Williams: We do not have any criteria per se. However, that is an important point. On the occasions that we have deployed drones and have engaged directly with members of the public, there has been huge support. In those scenarios, we have not had any negative feedback from those members of the public who we have spoken to directly and we have had no complaints since the deployment of the drones, which was some time ago. However, if there were objections, it would be important to consider those and put them into context. We would then apply the judgment that is imposed on us by article 8 of the ECHR to ascertain whether, in the opinion of the police officer in charge, their use was justifiable and proportionate in the circumstances. That could change depending on the nature of the complaint, the point being made and the context.

We would never ignore such a concern; we may take it into account and not fly, or we may justify our flight based on whether it is proportional to the situation we are dealing with and depending on the nature of the complaint that was made. It would be up to the incident officer to articulate, account for and audit that.

Rona Mackay: That is helpful, thank you.

Liam McArthur (Orkney Islands) (LD): ACC Williams, my question is probably for you, because

you have covered quite a bit of this ground, but other witnesses can come in if they wish to do so. You talked about engagement at public events, which is of necessity an ad hoc process, and you talked about consultation with stakeholders on the developing use of the technology. What further consultation is anticipated? Will it be ad hoc or will there be a more structured, on-going process?

Assistant Chief Constable Williams: On reflection over recent months and having revisited the wider consultation and reassurance issue, it is fair to say that we need to consider how we can go forward with a more structured, regular process.

Last week's independent advisory group meeting was hugely beneficial for us. It was our first chance to float with that group a number of issues and concepts to do with drones, and the formal feedback on how we should take things forward was very helpful. A number of suggestions and recommendations were made.

After the evaluation goes to the SPA in March, it is important that we create a structure of regular updates and feedback to the authority on how the use of drones has developed and how drones have been deployed operationally across the country. That is information that we have and which I expect us to offer—Mr Sillers might have thoughts about that, but such an approach seems to me to be highly appropriate and justifiable.

I am in no doubt that we need to articulate and evidence the purpose of drones and how they are used. That takes me back to the point about a code of practice being a positive development, because it will give the public confidence about the legitimacy of our intentions around the deployment of drones—the style, tone and parameters in that regard. All that is relevant and needs to happen in the months ahead. That is certainly our direction of travel.

Liam McArthur: That is helpful. I gather from what you are saying that there is an expectation in the SPA and Police Scotland that more consultation will happen in advance of changes in how technology is deployed, as opposed to the two things running concurrently, as you described earlier.

Assistant Chief Constable Williams: It is important that that happens if the technology changes and drones are to be deployed differently or different equipment is to be used. For example, at the moment the drones are not able to link the images into our control rooms, as the helicopter equipment can do—images that are taken from the helicopters can be broadcast to our control rooms so that controllers and others can see them. We are going through a procurement process with the intention of putting that in place for drones. It makes sense; it would give drones

far greater utility and they could be used in a more effective way to protect the public. We need to ensure that we communicate, articulate and explain that kind of development to the authority and, in due course, to the wider public through some sort of code.

Such communication needs to happen in advance, but there is also a concurrent element in relation to how we update people on what is happening in the here and now with the existing technology.

Liam McArthur: Do you want to add anything, Mr Sillers?

Barry Sillers: I want to emphasise ACC Williams's points about the process not being finished and the need to promote the principle of continuous improvement and learning in relation to policing and police communication with stakeholders. It is useful to have this debate and it will be useful for our committee to have the debate in March. Some of the submissions indicate an interest in and enthusiasm for the area, and those voices can add much value.

The Scottish Institute for Policing Research said that there is a paucity of academic research on the use of remotely piloted aircraft systems. Police Scotland's evolutionary approach includes on-going evaluation, which might lend itself to having an academic element. Members have alluded to the biometrics commissioner. Bearing in mind the area that we are operating in, once appointed, the commissioner will obviously have educated, professional and perhaps strong views, which can be fed into the on-going learning.

From the authority's point of view, this is an iterative process. It is good to hear the ACC say that the approach will continue to evolve and that any future decision making will be informed by a far wider view, given the introduction of things such as the Scottish Government's independent advisory group on new and emerging technologies in policing. Although the remit of that group is to look at the frameworks for ethical and legislative oversight of new technology, that group could test those frameworks using the tool of a specific examination of things such as RPAS and body-worn video cameras.

From an authority point of view, I welcome that wider perspective and the wider listening to voices and gathering of evidence as we develop our knowledge of the operation of RPAS in Scotland.

Liam McArthur: ACC Williams, you talked about downlinking—I am not sure whether that is the same as uploading. Questions have been raised about the retention of the data and information that is captured by drones. Will you clarify what the policy is on the retention of information? What happens when there is a risk of

collateral intrusion at public events, for example? What reassurance can you give members of the public that any data or information that does not need to be retained will be dealt with appropriately and with urgency?

Assistant Chief Constable Williams: Obviously, Police Scotland has a robust data retention policy, which is governed in a number of ways, and we adhere to that. It includes, for example, the retention of photographic images. If, in a murder inquiry, we take a photograph of a location or locus, that image would be passed to the senior investigating officer and would not be held in the air support unit. It would then potentially be submitted as a production or evidence through the Crown Office and Procurator Fiscal Service channels to be used in any justice process that follows thereafter. The retention period for an image is up to 12 years for serious crimes and up to six years for less serious crimes, after which it is destroyed. Therefore, there is already clarity on the retention of images, for example.

In each and every deployment, consideration is given to the human rights articles that the member referred to, and collateral intrusion is very much part of that. As I said, the drones do not have a downlink ability; they have what is in effect a small SD card, so that a limited number of images or photographs can be stored should that be required, such as in a murder inquiry. That is then followed through with our existing data retention policy.

We always take into account collateral intrusion, and we always balance it with the article 8 requirement. There are only a certain number of lawful exemptions that allow us to use the drones where there may be collateral intrusion. Public safety is one, along with national security and prevention of disorder and crime. Of course, each and every deployment is assessed across those various elements to ensure that it is proportionate, justifiable and appropriate in the circumstances. I re-emphasise that a drone has never been deployed covertly or used as a surveillance platform for covert surveillance in any way, shape or form. There is overt deployment in which we do everything that we can to minimise collateral intrusion by advertising the fact that the drone is in the air. It is important to make the point that our approach does not undermine that in any way, shape or form.

Liam McArthur: As the sub-committee has observed during previous evidence sessions, the fact that data such as photographs can be retained for three years or six years does not necessarily mean that it should be kept for anything like that long. Data should be disposed of safely and as quickly as possible.

The written evidence from Police Scotland talks about drones accumulating 129 hours of flying time since May 2019, yet the evaluation report that was submitted to the SPA's policing performance committee in November last year states that drones have completed 426 hours of flying time since being delivered to Police Scotland. Can you reconcile those two rather different figures? What is the actual figure for flying time for the drones?

12:00

Assistant Chief Constable Williams: I cannot do that immediately. I was unaware of that difference. The figure that I have is the lower one that you articulated. I will take that away and am happy to come back with clarification. It might be that one is related to overt operational deployment, while the other includes non-operational deployment for practice, training and so on, but I will need to clarify that. I am happy to come back to the sub-committee to do so.

Liam McArthur: That would be helpful; I would appreciate it.

The Convener: ACC Williams, before we move on to questions on body-worn video cameras, I want to touch on a few things relating to evidence that we have received and that you might be aware of. The evaluation of the use of drones states:

"Feedback received from internal stakeholders and the public has been overwhelmingly positive with significant support for use of the technology".

Will you elaborate on the evidence to support that claim and say whether it includes support for activities beyond searching for missing and vulnerable people?

Assistant Chief Constable Williams: Yes, I believe that it does. The evidence from internal stakeholders includes evidence from divisional commanders across Scotland. When we commenced the assessment of drones and their potential purchase, procurement and use, we did a lot of work with the divisions to find out how the drones might be employed and what views local divisional police officers had of their utility. That feedback was positive. Drones were seen as having a number of potential uses and we have gone on to explore some of those since the drones were delivered. There is more specific feedback of that nature, and we would be happy to articulate that in more detail to the sub-committee.

The internal feedback that we received was similar to that which we received publicly from Her Majesty's Inspectorate of Constabulary in Scotland. All the feedback has indicated that drones have a broad utility; the need to embrace emerging technology; the efficiency, effectiveness and benefits that come with them, as opposed to

the helicopter; and the potential for them to operate in a wider geographical area than the helicopter, of which there is only one. That all adds up to very positive feedback.

The Convener: As you will know, that positivity does not extend to the Scottish Police Federation, which

"remains of the view that a properly evidenced position for the purchase of RPAS was never made."

The federation goes on to say that the purchase was "rushed in to" in order to spend reform funding. It also highlights issues, which are in the public domain, about limitations on deployment because of the weather and whether the devices are sufficiently weatherproof. Will you comment on those important issues that have been raised with the sub-committee?

Assistant Chief Constable Williams: First, the technology is emerging. It is developmental and it was never purchased on the assumption that it would be everything to everybody—far from it. It was purchased in a way and at a time when we knew that it would offer some utility and that we would have to deploy the drones operationally and evaluate the technology thereafter.

I believe that there has been benefit and utility. The drones have offered some huge benefits to front-line operational policing and, for example, to the families of missing persons when the drones have been used to assist in the search for their loved ones.

I saw the SPF's feedback on reform funding being spent, but I cannot comment on that and would have to go back to check the financial position some years ago, when that was first put in place. I am not, however, aware that that is the case; nor do I agree with the SPF's position that this is a public relations stunt—it is anything but that. As I said, drones have been used in a number of areas, including to improve the professionalism of major inquiries, to reassure the public in significant areas of disorder and to search for 59 or 60 missing people. That has enabled us to provide a level of service to the public that is an enhancement of what otherwise might have been available. I think that there is utility in and benefit from the provision of drones.

The Convener: On the question whether the purchase was "rushed", if you had further information about the timing in relation to budgets, that would be helpful.

On reflection, is the extent of the equipment's waterproofness a factor that would be considered in any future purchase? Was it an error of judgment to purchase equipment with that significant fault?

Assistant Chief Constable Williams: Clearly, the equipment would not have been purchased had we known that—it was never part of the manufacturer's offering at the time that that was the case. I highlight that that has since been remedied, and the manufacturer has made a number of improvements to the device to enable it to fly in more inclement weather.

We in Police Scotland were fortunate that we had no mechanical failures as a result of the equipment's weatherproofing. That was not the case elsewhere—some forces in England and Wales suffered equipment failures. As a result of that, we took a risk averse approach and made a decision not to fly the drones in inclement weather until we could be assured of their airworthiness. The situation has been remedied and the drones are flying safely. Although that was a concerning issue, we dealt with it sensibly, and the matter has now been resolved.

The Convener: Before moving on, I have one final question to ask regarding the term “covert surveillance”. Police Scotland's submission states:

“Police Scotland does not use”

drones

“to conduct covert surveillance”

and

“every effort is made to make the public aware of the activity.”

Drones are less visible than a helicopter and people can be unaware that they are being filmed. Also, the public's consent is not gained when doing so. What do you mean by “covert surveillance”? The Law Society of Scotland in its submission questions the meaning of covert and whether drones might be used as a “fishing exercise”. What is your response to those concerns?

Assistant Chief Constable Williams: First, I robustly rebut any “fishing exercise” analogy or that drones have in any way, shape or form been used for such matters since their operational deployment.

RIPSA defines covert surveillance in a detailed way. It is surveillance that is intended to be carried out without the subject knowing. That is not something that we have employed the drones to do, nor is it anything that we intend to employ the drones to do.

I would be happy to provide a demonstration of the drones, so that you can see their size; the noise that they make, which is not insignificant; the fact that they more routinely fly at a relatively low level—up to a couple of hundred metres; and that they do not fly in a way that is removed from the

incident with which they are dealing, as may be the case with helicopters, for example.

As I have said before, the drones are deployed in line of sight of officers in full uniform, which, like the vehicles in which they travel, is high-visibility. In addition, we advertise and articulate the deployment of the drones in advance of that happening.

Although we always take into account collateral intrusion and proportionality in using drones, I am confident that there are no concerns around that covert element of surveillance, or that there is any confusion over their deployment in that spirit.

The Convener: Okay, thank you very much indeed for that.

Body-worn cameras are the subject of our next series of questions, the first of which will be asked by Margaret Mitchell, the deputy convener.

Margaret Mitchell (Central Scotland) (Con): Good afternoon—it is now the afternoon.

We know from evidence that we have received that it has been Police Scotland's desire to roll out the use of body-worn cameras nationally since 2017. We also know that body-worn cameras and video footage from them were used prior to the creation of a single police force by Grampian Police and Strathclyde Police during 2010-11, and that there has since been another 14-month pilot in A division in the north-east.

Some of my colleagues have touched on the evaluation that was carried out and the benefits of the use of body-worn cameras that were identified. I have a question for each of you in turn, starting with Mr Williams. You mentioned a reduction in assaults, and better relations with the public, but I want to home in on the rural aspects, on which the Scottish partnership against rural crime has provided evidence, and the court implications of the ability of a body-worn camera to act as an independent witness. I would also like to hear about any other benefits of the use of body-worn cameras that have been identified since 2010 that you think should be noted.

Assistant Chief Constable Williams: I will run through a few points, including the issues that you focused on. As one of the digital policing leads, Chief Superintendent Richards might well be able to provide some additional detail.

Your point about good evidence is a good place to start. Should body-worn video be used, that is still undertaken within the bounds of the evidential rules of Scotland. Rightly, there is no short cutting the criminal justice process in Scotland as a result of the use of body-worn video. What it offers is best evidence of the incident and of the engagement that took place in the situation that presented itself, whatever form that took. I stress

that that gives a far higher level of accountability—a level of accountability that has credibility and is underpinned by integrity—of officers in a public setting. That is hugely important for trust and confidence and, therefore, for legitimacy. Body-worn video enables officers to be confident in their engagement with the public; equally, it enables the public to be confident that their engagement with officers is being recorded, which offers protection to them and to the officers concerned.

You mentioned a reduction in the number of police assaults, which is a hugely important benefit to focus on. Equally, where body-worn video has been used, it has resulted in a reduction in vexatious complaints and in the time taken to resolve complaints in cases in which such evidence can be used to substantiate, or otherwise, the complaints.

The criminal justice elements that you mentioned are very important, too. The number of early guilty pleas that were made in the north-east as a result of the submission of body-worn video evidence was significant, and that clearly has huge benefits for the efficiency and effectiveness of the wider justice system in terms of cost, public time and money, and the time that officers spend at court when they could otherwise be engaged in front-line operational duties. All those are enormous benefits that can be measured, and that was done for the Aberdeen pilot in particular.

Body-worn video is also hugely important in providing protection to officers who deal with rural crime. We know that officers in our more rural areas often work alone or with other agencies that support them directly. Therefore, the use of body-worn video as a way of providing further evidence is enormously positive. Although officers will often pair up with special constables or agents of bodies with other jurisdictions, such as local authorities, the Scottish Environment Protection Agency or the Maritime and Coastguard Agency, the evidence from their body-worn video provides another layer of accountability and confidence for the work that they carry out in partnership.

All those things are positive. I hope that I have not stolen Chief Superintendent Richards's thunder by mentioning them, but he might have some additional thoughts.

Margaret Mitchell: That is helpful. The point about court appearances and an early plea is particularly apt now, when there is such a backlog of cases. Anything that can help with that must be positive.

Mr Richards, I want to ask you about the claims of a lack of evidence for the use of body-worn video. Having looked at the submissions that we have, it seems to me that there is a wealth of evidence going back to 2010-11, then to A

division's 14-month pilot and then on to more recent times. How much of that evidence has been captured and how much is being used? I will ask Mr Sillars about that in a separate question.

12:15

Chief Superintendent Richards: In A division—that is, Aberdeen and Aberdeenshire—250 officers used body-worn video. The original assessment of that, as the ACC alluded to, was that the key benefits related in particular to public confidence—feedback was that it increased. There was also some crime reduction, and complaints against the police and about body-worn video were minimal. Officer assaults also dropped. There is a horrendous increase in such assaults at the moment, which the chief constable has pledged to address. Body-worn video will clearly be an option to help him do so. There was stakeholder feedback at the time, through community safety partnerships, as well as staff feedback, as reflected in the submission from the SPF. That was in addition to Grampian Police's evaluation and HMICS's independent evaluation of the Grampian experience of body-worn video. All that feedback echoed the findings.

It is important to add that the introduction of an armed policing solution to body-worn video—there is an absence of body-worn video in Police Scotland's armed policing unit—clearly answers not only the needs of the officers on the street but also the recommendations from Dame Elish Angiolini's report into complaint handling. She made the assessment that Police Scotland should accelerate the implementation of body-worn video to the armed policing unit. We are also the only force that does not adhere to the National Police Chiefs Council's guidance in regard to armed policing.

We will conduct another evaluation of the experience in Grampian. That has been commissioned already and will start in combination with not only the legacy Grampian division, but also the key stakeholders there, such as staff, staff associations and local partners.

You are correct in the assessment that there has been an appetite to proceed with body-worn video since the advent of Police Scotland. It is a critical priority for the chief constable and his management team. The challenge that remains is funding. There is a significant gap in our year-on-year available capital for that. We currently use that funding to keep the fleet and estate ticking over, but there is definitely an appetite for us to address the absence of body-worn video in partnership with the SPA and other key stakeholders.

Margaret Mitchell: It would be helpful to know if the legacy force evidence has been captured. There might have been technological difficulties in doing that. However, the legacy force had very good evidence: 95 per cent of cases involving evidence from body-worn cameras resulted in an early plea, and so on. Has that been captured and is it still able to be used? It was from 2010 and 2011, when the police forces were Grampian and Strathclyde. The figure that I read out came from Grampian.

Chief Superintendent Richards: We have started that process in regard to Grampian's evidence and we believe that systems are in place to ensure that we can look back retrospectively. I cannot speak about the period when Grampian ran as an individual force, but we have evidence from complaint handling and so forth. We have looked at that quite closely and have identified only one complaint during the past four years in regard to body-worn video.

Strathclyde's use of BWV was predominantly by the football co-ordination unit for Scotland, or FoCUS, as it was called. We have started an information trawl through the system to try and establish exactly what metrics we can use and to ensure that it has the validity that we expect it to have. We believe that we can get the data and that the information management systems are in place that allow us to pull that, if not in its entirety, then enough to give us a sound evidence base and evaluation.

Margaret Mitchell: What cognisance has the SPA taken of the evidence, which seems to be there, going back a number of years?

Barry Sillers: The SPA recognises from the submissions that have been made to the sub-committee today that a wealth of evidence, opinion and information—both quantitative and qualitative—is available. That is why the strong, first and most important bullet point on the last page of our written submission is our request for an updated evaluation of Police Scotland's use of body-worn video cameras, predominantly in the north region but also, as you have alluded to, considering experiences from elsewhere.

We recognise, as you have, that the initial evaluation is approaching a decade old and that a wealth of new information will be available, including from officers who have used the technology themselves, who will have opinions on its effects on their safety. There is also feedback from the justice system in the north region, where Police Scotland has made efforts to input that information into the justice system.

A wealth of academic research is now available, which we would like to see reflected in the new evaluation. If local opinion has not been tested

since 2011, it needs to be updated so that we have a 2021 position. I think that Chief Superintendent Richards has just committed to do that and has reported that it is already in place. If that is the case, it is good to hear that the first point on the list that articulates the SPA's interest is already in motion.

Margaret Mitchell: How many police officers currently have access to body-worn video cameras? Are there any negatives in the feedback from new officers, staff associations and so on, or is the feedback overwhelmingly positive?

The Association of Scottish Police Superintendents said that the national roll-out of body-worn video cameras might have been held back because the need to use it in more specific and perhaps more pressurised situations, such as policing football or the identification of hate crime, has been conflated with the need to use it for routine, everyday policing. There seems to be an overwhelmingly positive case for its roll-out, according to Dame Elish Angiolini, and there is up-to-date evidence from various sources, including the Scottish partnership against rural crime, that it would be a good thing.

Is that conflation a problem? If so, could there be an incremental roll-out for routine policing, after which there could be consideration of issues around armed policing and policing of specific incidents or events, such as football matches or special public events?

Chief Superintendent Richards: To answer the first part of the question, currently circa 60 officers across small local initiatives—in the K division in the Paisley area in particular, and in FoCUS—have body cameras. The other 250 officers are in A division, which is the legacy Grampian area.

The feedback from all officers in local policing is absolutely positive—we have not had any negative feedback at all. As I said, in the largest of those areas, which is the legacy Grampian area, we could find only one complaint from the public in the past four years.

On the conflation, the challenge for the force is that the biggest risk from not having body-worn video cameras is in armed policing. We are the only force in the United Kingdom that has armed officers being deployed daily without cameras. There is a specialist firearms unit, which is interoperable within the UK, and our officers are disadvantaged when they go south of the border to do training or to be deployed, because they are the only staff without body-worn video cameras to record their activities and thereby be supported in giving evidence and in protection terms.

Feedback from staff is wholly positive, as it is so far from the public. However, the evaluation of the

10-year period that A division—previously Grampian—have had the system will be captured, and we will be doing staff surveys and events to ensure that that qualitative evidence is properly gleaned. As a force, we absolutely believe that a national option—for all police officers and staff in front-line roles—for body-worn video cameras is an imperative. It will take approximately 24 to 27 months to achieve that. A large period of that, as you will appreciate, will be public consultation, a strategy for which we have already developed. We would like to think that that consultation will be more targeted and concise on armed policing, with appropriate stakeholder interaction and engagement, and that we will be able to get an option out for armed policing as soon as possible over the next six to nine months. In particular, we want that in place before the United Nations climate change conference in November, when UK colleagues from armed policing units will come up from England and Wales as mutual aid. Those colleagues will have body-worn video cameras, and, again, we would not want Police Scotland officers to continue to be disadvantaged in that regard.

Margaret Mitchell: Mr Sillers, will you comment on the idea of an incremental introduction, to stop the conflation of the more contentious issues of capturing some evidence on body-worn cameras with what seem to be the overwhelmingly positive aspects, albeit with the necessary checks and balances in place, of routinely capturing everyday policing?

Barry Sillers: There has not been any evaluation of that kind of prioritisation as the authority has not received any firm, tangible proposal from Police Scotland.

I will talk about capital moneys. As I said, the authority and Police Scotland have not fully discussed such prioritisation—that is due to happen in February. My insight—this is just my personal information—is that as part of that prioritisation, reflecting the critical and prioritised risk with armed policing in particular, Police Scotland might propose an armed policing solution for body-worn video cameras, which would be a much smaller capital outlay than that associated with a full roll-out for all front-line officers. As Margaret Mitchell's question alluded to, there is an opportunity to do that in an incremental or phased way. That has not been discussed in detail with the authority.

The other thing that plays into the debate on capital cost, affordability and budgeting is—

Margaret Mitchell: I will stop you there, because I do not want to encroach on my colleagues' specific funding questions. You answered my question—thank you.

Perhaps Mr Richards could answer my final question. Is there concern about officers using their judgment to decide when to begin and end recording? If there is, how could that be addressed to assure public confidence? Will you comment briefly on the idea of the conflation of the necessity of using body-worn cameras for routine policing with the need to use them for more contentious events? Actually, that question is for Mr Williams, as I have already heard from Mr Richards.

12:30

Assistant Chief Constable Williams: Will you repeat that question, please? My apologies.

Margaret Mitchell: It was about the concern about police officers using their judgment to decide when to begin and end recording, and how you can restore public confidence. I also wanted to ask you about the conflation that the Association of Scottish Police Superintendents spoke about. It thought that the use of body-worn cameras at more contentious events detracted from their overwhelming benefits for everyday policing, which were mentioned in the most recent report from Dame Elish Angiolini.

Assistant Chief Constable Williams: I will start with the final point, if I may. There probably has been a conflation in some of the reporting and in the media in relation to the use of body-worn video cameras in, for example, football settings and the challenges that officers face in gathering evidence and targeting sectarian behaviour. That has undoubtedly influenced some of the thoughts and views on body-worn video cameras. It is very important to separate those things out and to focus on the evidence that is available from the routine deployment and everyday use of body-worn video cameras. That is, of course, when the vast majority of our engagement with the public takes place. That engagement takes place in a whole host of different situations, incidents and occasions. That is relevant, and I think that we can separate out those things.

I go back to your point about public confidence in the use of body-worn cameras and switching them on or off. I will ask Matthew Richards to come back on what the latest technology offers on that. Armed policing is perhaps the highest-risk area for body-worn video use in protecting the accountability of officers on decision making and judgments. Many of the systems that are employed—of course, we have to evaluate what is best for us—operate on the basis that the camera comes on as soon as the weapon is unholstered. That is automatic. The technology drives the recording to ensure that, in such a situation, the risks and threats are fully recorded, as members would expect.

There is also a need for officers to articulate, warn and speak to the public when they put on their video. There need to be protocols, parameters and a code of practice, and training needs to be rolled out to ensure that things are done in an appropriate and proportionate way on each and every occasion. Some of the most advanced systems these days may well do that automatically; others require a touch of the camera before it operates, for example.

Maybe Matthew Richards has a more up-to-date position on that than I do, given his involvement with the digital policing environment. However, I am very confident that, whatever solution we end up with, it will be one that puts confidence, trust and legitimacy at its heart.

Chief Superintendent Richards: The assistant chief constable is absolutely correct. Various systems can be deployed and used, and how the camera turns on depends on the system that is invested in.

It is our intention—this is currently the case in the legacy Grampian area—to have a camera system that is activated by the officer after a prior warning, where possible, to the member of the public who is involved in the filming that the officer will commence filming. Obviously, that is not always possible in some spontaneous incidents.

On officers' decision making on the ground, there will be substantial and extensive training and a consistent approach. The assistant chief constable alluded to that. As was mentioned earlier, appropriate standard operating procedures will also be in place. However, when police officers are out on the ground, they always conduct dynamic risk assessments by dint of the nature of policing, and everything that they do is based on the national decision-making model, which underpins all assessments by officers and police staff when they are faced with situations and scenarios that they deal with on a day-to-day basis.

I am quite confident that our staff will apply the same rigour and professionalism to the use of body-worn video as they do to the use of firearms, tasers, batons, cuffs, PAVA spray and all the other systems available to them to keep themselves and the public safe.

Margaret Mitchell: That concludes my questions, convener.

The Convener: Rhoda Grant has been waiting patiently to ask her questions.

Rhoda Grant (Highlands and Islands) (Lab): I have questions on funding for Barry Sillers. We have heard that body-worn video will be rolled out within 27 months. What will that cost nationally? Has the funding been found for that?

Barry Sillers: As I suggested, at this point, the funding has not been allocated. In the prioritisation discussion between Police Scotland and the Scottish Police Authority, the list of priority capital asks has not been firmed up yet. The Scottish Government budget setting process follows that. Those things have to happen before I can say categorically that funding is in place for the full roll-out of body-worn cameras.

As I started to say earlier, depending on what the capital allocation looks like, there are various options for funding that Police Scotland, through the SPA, can consider. First, and at least cost, we could introduce body-worn cameras only for armed policing. Secondly, and at very much greater capital cost, we could introduce body-worn cameras for all front-line officers. As I was about to say, we have considered the outline business case for the digital data evidence sharing capability, which is the infrastructure that several submissions have noted and is mentioned in Dame Elish Angiolini's report. That infrastructure would have to be in place for a widescale roll-out. That programme has not been sent to the authority yet for full economic costing.

Various unknowns require to be confirmed, most of which are around the capital allocation, before I can give the committee a firm statement on what would be available and when it would be available. Police Scotland colleagues have described in general terms the preparatory work for such equipment, should the funding become available and were Police Scotland and the Scottish Police Authority to give it a high enough prioritisation in the capital allocation process. That process has not yet been completed.

I am sorry that I cannot give a definitive answer just now, but I hope that that information gives the sub-committee a sense of the moving parts that the authority and Police Scotland will need to consider.

The Convener: I am sorry to interrupt, but Chief Superintendent Richards has some figures that might be helpful.

Chief Superintendent Richards: The initial synopsis shows that, if the chief decided to lead on the body-worn video option, and if our aim is to equip our armed police officers—540-odd officers—in the first year it would cost us approximately £500,000 and there would also be revenue costs associated with that. There are 17,324 officers in Police Scotland, so the sub-committee will appreciate that a wider national roll-out would be significantly more costly, although it would be money well spent, and we would need the revenue to keep it going in following years.

Rhoda Grant: Just for information, what is the annual cost of running the cameras that you already have?

Chief Superintendent Richards: I do not have those figures to hand, but I could make them available to the sub-committee in due course. They will be part of the overall review that we have carried out.

Rhoda Grant: That would be useful.

What will happen if the money is not made available by the Government or the Scottish Police Authority?

I think that the timeframe that Mark Williams gave was 27 months. It therefore seems to me that there is a commitment in that respect. If so, where will that funding come from? Will it have an impact on current police budgets and, indeed, police numbers?

Chief Superintendent Richards: There is no funding in place, but I believe that that will be one of the discussions that will take place with the SPA board on Friday that the chief constable will attend. There is an appetite to roll out body-worn video, particularly for armed policing, with a shorter period than 27 months for those units. The one challenge for us continues to be the funding. My perception is that the funding would not affect police numbers as we would be looking for capital reform funding in the first instance.

Rhoda Grant: Okay. Is it possible—*[Inaudible]*—update on that when it happens?

Chief Superintendent Richards: Sorry, but you broke up there. Can you repeat that?

Rhoda Grant: Can we get an update on the outcome of those discussions, as that would be helpful for the sub-committee?

Chief Superintendent Richards: I am certain that that would be possible through the SPA and the chief constable's office. I will take that request back with me.

Rhoda Grant: I have a couple of short questions for Mark Williams regarding the consultation. You said that the public had been broadly supportive. Has anyone raised significant concerns? You also talked about lone working. I know that there were concerns about more police officers working alone, with some safety concerns attached to that. What protocols are people thinking about for the roll-out?

Assistant Chief Constable Williams: You are right that there has been broad support when drones have been deployed in the vicinity of incidents. The feedback has been very positive indeed. However, as the convener and the sub-committee will know, in their feedback on your consultation, a number of organisations raised

questions, queries and concerns. It is important that we digest those questions, that the work with the SPA addresses them and that the drones operate in a way that answers them.

Rhoda Grant: Sorry, but I was talking about body-worn video rather than drones.

Assistant Chief Constable Williams: My apologies.

We will do a lot of consultation in the months ahead around the use of body-worn video, as part of the project planning process that Chief Superintendent Richards referred to. In a similar vein to my answer on drones, we will respond to the consultation feedback and use the independent ethics advisory panel and other such stakeholders to gain an appreciation of the concerns and issues and consider how to address them in a way that will reassure people.

It is important to point out that the purpose of body-worn video is not to enable lone working by police officers—far from it. Indeed, our operational models for the deployment of police officers is based on their personal security, the national security threat level and other such matters. Body-worn video should not be confused with forcing officers to be put in any more danger—far from it. It is about protecting officers, and our existing deployment strategies and policies will stand.

Rhoda Grant: Thank you.

The Convener: We are coming to the conclusion of our meeting, but I have a couple of quick questions for Assistant Chief Constable Williams. You said that you will have regard to the information that we have received. The Law Society of Scotland highlighted the academic research that has been done in respect of the football co-ordination unit, but noted that there has been no evaluation of the operation of the cameras in that unit. Will you take that on board?

Assistant Chief Constable Williams: I reiterate that that football unit no longer exists and that the cameras are no longer used in that spirit.

12:45

The Convener: Okay. Thank you. There are lessons to be learned there, perhaps.

I assume that the protections regarding the acquisition, retention and deletion of data from body-worn video cameras are not unlike those that apply to drone footage. I ask you to clarify a couple of points.

There is clearly a balance between the retention of data that is not required and the retention of data that may be of assistance to the defence. What is the timeframe in that regard? We do not want unnecessary information to be retained, but if

there is an opportunity to assist the court, it is important that it is taken.

Assistant Chief Constable Williams: That is a relevant point. The retention of images and records will be more complex for body-worn cameras than for drones. Use of body-worn cameras is being rolled out more widely and the public will come into contact with them in many situations.

The retention of data and the safeguards around that, including legislation and the policies that underpin its use, are important and must be well understood and articulated.

We have the benefit of being able to look at how other UK forces operate body-worn video. They use a number of different applications and software support mechanisms to retain evidence safely and securely in a way that means that it can be shared and disclosed, as appropriate, with the prosecution and the defence. We will seek to learn lessons from the exposure to the technology that other organisations, including police forces, have had.

I will ask Matt Richards to speak about the detail and about any software or digital frameworks that might be put in place.

The Convener: Time is not on our side. Could you include that in your written response? The sub-committee would be interested in that.

Assistant Chief Constable Williams: I am happy to do that.

The Convener: I know that you want to clarify an earlier point.

Assistant Chief Constable Williams: Liam McArthur asked about the discrepancy in flying hours. There was mention of 426 hours and of a smaller number. Those numbers are based on timeframes. The smaller number covered the evaluation period from May 2019 to November 2020. The higher number is the total flying time since we took possession of the drones and includes all our user acceptance and training time. That explains why there are more hours than in the shorter evaluation period.

The Convener: Thank you for that clarification.

That completes our questions and concludes the evidence session and the public part of the meeting. I thank all three witnesses for their comprehensive engagement with the sub-committee.

The sub-committee's next meeting will be on Monday 15 February, when we will take evidence from the Cabinet Secretary for Justice on the Scottish Government's response to Dame Elish Angiolini's final report on police complaints handling. In the meantime, any further scrutiny

issues will be dealt with through correspondence, which will be published on our web page.

12:48

Meeting continued in private until 13:02.

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