



The Scottish Parliament
Pàrlamaid na h-Alba

Justice Sub-Committee on Policing

David Crichton
Interim Chair
Scottish Police Authority

By e-mail

All correspondence c/o:
Justice Sub-Committee Clerks
Room T2.60
The Scottish Parliament
Edinburgh, EH99 1SP
Tel: 0131 348 5220
justicecommittee@parliament.scot

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Dear David,

Remotely Piloted Aircraft System (RPAS) Evaluation Report

I am writing to you regarding Police Scotland's [Remotely Piloted Aircraft System \(RPAS\) Evaluation Report](#). The report raises a number of concerns about whether the parameters of use of the RPAS go beyond what Police Scotland led the Sub-Committee and the Scottish Police Authority to believe, and also whether any evaluations of the impact of their use have been undertaken.

On 22 May 2019, the SPA Board considered a report¹ by the Strategy Performance and Policy Committee on its consideration of Police Scotland's purchase and proposed use of RPAS. The report included the following two stipulations:

“It was stressed that the RPAS would not be used for operational tasking other than searching for missing persons without further authority.

It was agreed that an evaluation covering best value, privacy, human rights and ethical assessments would be brought back to the Committee.”

The evaluation report indicates that the Policing Performance Committee agreed the following terms of reference for the evaluation: suitability of aircraft and equipment; resourcing of trained pilots; demand analysis; and operational effectiveness.

The evaluation report does not meet the commitment given to the SPA Board to evaluate ‘best value, privacy, human rights and ethical assessments’. These were requested to provide assurances to the SPA Board and the public. This is particularly important, as Police Scotland did not carry out equalities, human rights or data protection impact assessments prior to purchasing the RPAS.

Could you please confirm why the terms of reference agreed by the Policing Performance Committee did not reflect the commitments given to the SPA Board, and whether the SPA still intends to seek an evaluation of best value, privacy, human

¹ [SPA Strategy Performance and Policy Committee report to the SPA, 22 May 2019](#).

rights and ethical assessments? If so, could you please provide a timetable for this work to be completed?

The evaluation report covers the period from 1 May 2019 to 30 April 2020. It appears that Police Scotland did not meet its commitment to seek authority from the SPA prior to deploying the RPAS for operational tasking other than searching for missing persons. Could you please provide details of the SPA's monitoring, oversight and scrutiny of Police Scotland's use of RPAs during that period?

The report also indicates that the model of RPAS that Police Scotland has purchased suffer from water ingress, and that this is a suspected manufacturing fault. As a result, operations have been restricted to fair weather only. A key feature of the RPAS, identified by Police Scotland, was the ability to provide air support capability in the north of Scotland, when previously weather or terrain may have prevented or delayed this.

Could you provide details of any plans the SPA has to carry out an assessment of whether the model purchased by Police Scotland is fit for purpose, demonstrates best value, and whether a refund should be requested for the faulty RPAS? Also, could you please confirm whether the SPA intends to assess whether the purchase of additional RPAS should be prioritised above other IT requirements already identified.

The evaluation report indicates that due to the fault with the current model, Police Scotland intends to purchase a newer model. Could you please confirm whether the SPA will carry out an assessment of the identified new models to determine whether they have any additional functionalities? For example, facial recognition technology.

The report indicates that the RPAS have been deployed to a wide range of policing incidents, far beyond searching for missing persons in large areas. The deployment was also not restricted to the north of Scotland, as Police Scotland had previously informed the Sub-Committee it would be.

On 7 May 2019, ACC Mark Williams wrote to the Sub-Committee and confirmed that "Divisions in the North of Scotland manage a significant number of missing person investigations, some of which require air support as part of the search strategy, particularly given the nature and remoteness of the terrain". In respect of the third RPAS, which is based in Glasgow, ACC Williams confirmed that it "will be utilised for training, research and development".

The evaluation report states that the RPAS in Glasgow "conducted 100 tasks and flew for 82 hours". It also indicates that RPAS were used for surveillance purposes. Could you please confirm whether the SPA has access to the details of all the deployments and whether there are plans to assess where the RPAS were deployed over the last 18 months and for what purposes?

The evaluation report confirms that the three RPAS have collectively flown 426 hours. At the Policing Performance Committee last week, Robert Hayes indicated that it was his understanding that Police Scotland had agreed to carry out a case-by-case assessment of whether there needed to be a local community impact assessment before deployment.

In response to a question on the number of community impact assessments that had been completed over the period, Police Scotland indicated that there had only been

a requirement for two. Could you please confirm whether Police Scotland gave a commitment to carry out a community impact assessment prior to deployment, and if so, provide details of the SPA's oversight arrangements to ensure that this commitment was met?

The UK Information Commissioner recommends that those using RPAS for non-domestic purposes should only do so if it is necessary, proportionate and the most appropriate method to address the need identified.² Could you please provide details of the SPA's oversight of whether Police Scotland has carried out these assessments?

During the Sub-Committee's inquiry into Police Scotland's proposal to introduce the use of digital device triage systems, Police Scotland established external stakeholder and reference groups to consider the wider implications of introducing this new technology.

Following the conclusion of the inquiry, DCC Will Kerr wrote to the Sub-Committee to confirm that the input from the external reference group and the stakeholder group to specifically consider the proposed use of cyber kiosks was an "extremely worthwhile" exercise. DCC Kerr also confirmed that Police Scotland intended to introduce the use of Ethics Advisory Panels (EAPs), explaining that:

"The principal intention of EAPs is to focus on the considerations and procedures that precede decision-making rather than on the decisions themselves".

DCC Kerr explained that the panels would be supported by staff associations, internal departments including human resources, and subject experts. They would provide appropriate advice, views and guidance from a wide range of stakeholders to inform Police Scotland's decision making.

It is therefore disappointing that ethical considerations were not assessed prior to Police Scotland's decision to purchase the RPAS.

The Scottish Parliament recently agreed a Bill to establish a Scottish Biometrics Commissioner, and an ethics panel, who would have the authority to consider the introduction of new technologies in policing. It would seem more appropriate to await the appointment of the Commissioner before proceeding with the purchase of more RPAS or considering whether they should be used for wider purposes. This would enable the Commissioner to consider any new technologies prior to introduction and not retrospectively. Could you please confirm whether this is a consideration for the SPA when scrutinising proposals by Police Scotland to invest in new technology and to expand the use of existing technology?

Policing by consent is a fundamental principle which underpins policing in Scotland. It provides legitimacy and public confidence. The evaluation report states that "Feedback received from internal stakeholders and the public has been overwhelmingly positive with significant support for use of the technology". Could you please provide details of how the SPA intends to satisfy itself that there is public consent for the use of RPAS by Police Scotland in rural and urban areas and for a wide range of incidents?

² [In the picture: A data protection code of practice for surveillance cameras and personal information.](#)

A response by Wednesday 2 December would be much appreciated.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Finnie', written in a cursive style.

John Finnie MSP
Convener, Justice Sub-Committee on Policing