

Justice Sub-Committee on Policing

Police Body Worn Video

Written submission from Police Scotland

I am writing to provide you with the relevant information relating to Body Worn Video (BWV) to assist with the discussion during the evidence session of the Justice Sub-Committee on Thursday 15 June 2017.

I am pleased to provide the following update.

Background

Prior to the inception of Police Scotland, the use of Body Worn Video (BWV) had been piloted in legacy Grampian and Strathclyde Police Forces during 2010/2011. Grampian initially trialled 39 BWV's across Aberdeen with Strathclyde trialling 38 BWV's within Renfrewshire.

In 2013, Grampian went on to purchase and deploy 330 BWV's across the North East of Scotland.

This stock enabled every on duty uniformed officer access to BWV at their discretion owing to it not being a mandatory requirement.

Strathclyde did not extend its formal pilot although a further 50 BWV's were purchased for use in small scale initiatives.

The current Police Scotland dispersal is 330 BWV's which continue to be deployed in Aberdeen ('A' Division) and 49 which are used by officers as part of the Football Coordination Unit Scotland (FoCUS).

The BWV's are utilised by police officers overtly during the course of their duties and are clearly marked as CCTV cameras.

Reviews/Identified Benefits

Following the initial pilot that was undertaken in Grampian, a review was conducted with the main benefits identified as follows:

- 95% of cases reported, where BWV formed part of the evidence, resulted in an early guilty plea;
- As a result of these early pleas, 63 police officers and 32 civilian witnesses were not required to attend court as witnesses;
- In over 2,500 BWV deployments there were only 5 complaints about police action, all of which were quickly found to be unsubstantiated;
- No police officer was physically assaulted whilst wearing a BWV.

In the specific community areas where BWV's were deployed over a consistent period of time, there were recorded reductions in violent crime and antisocial behaviour, when compared to the same periods the previous year.

A community consultation was undertaken through the medium of 'Aberdeen City Voice 21', a publication for the citizens' panel which was circulated to 1000 households across Aberdeen. The responses provided that:

- 76% of people supported the use of BWV cameras, 7% did not support;
- 57% said they believed the use of BWV would make their community safer. 0.1% stated it would make their community less safe;
- 37% said the use of the BWV would make them feel safer. Less than 1% said the use of BWV would make them feel less safe.

In July 2011, an external evaluation was commissioned by the Scottish Government's Community Safety Unit, through the appointment of ODS Consulting. This report replicated the benefits that were identified above.

Following the deployment in 2013 of 330 BWV's across 'A' Division, a further evaluation was undertaken in conjunction with COPFS. Over the 14 month period of 1 April 2013 to 30 June 2014, the following benefits were identified:

- Where there was BWV footage as part of the evidence, 91% of the cases resulted in an early guilty plea. 51% of the pleas were submitted at first calling which negated the need for full statements and further COPFS work. (The national rate for guilty pleas prior to the trial was 40%, with 31.3% at first calling);
- This equated to 697 police officers not being abstracted from operational duties to attend court;
- This also resulted in 453 civilian witnesses, a number being victims of crime, not being required to attend court and undergo the potentially traumatic experience of giving evidence;
- No complaint made against a police officer where there was BWV evidence was substantiated. In addition the vast majority were quickly identified as having no substance, negating the need for a protracted investigation;
- Only a limited number of police officers were physically assaulted whilst wearing a BWV. A high number expressed their opinion that had they not been wearing a BWV, the initial level of aggression they were subjected to would have escalated to physical violence against them;
- BWV encouraged police officers to be more professional and supported that our interaction with members of the community was being carried out with integrity, fairness and respect.

The benefits highlighted also compounded in positive benefits for the wider Criminal Justice System.

Additionally, the Police Federation have and continue to be strong supporters of BWV and see it as offering significant benefits and increased safety for their members.

Numerous operational, welfare and anecdotal benefits have also been highlighted by police officers in 'A' Division who have used the BWV during their tour of duty.

Organisational Benefits

It is widely accepted following a number of reviews of BWV and other academic research that the benefits are:

- Improved evidence capture;
- Improved quality of evidence presented at all incidents;
- Increased early guilty pleas and admissions, resulting in fewer abstractions for operational officers;
- Increased proportion of incidents which end in a criminal justice outcome;
- Improved response and support to vulnerable people, particularly victims of domestic violence;
- Increased personal safety, confidence and protection felt by all officers;
- Improved transparency and legitimacy of all police interactions with the public;
- Increased trust and public confidence in the police;
- Improved victim service and satisfaction;
- Increased number of incidents de-escalated by use of BWV;
- Reduced bureaucracy in criminal justice processes;
- Reduced number of complaints against officers.

If BWV was available for all operational officers across Police Scotland it is anticipated that the technology would see similar benefits as outlined above in addition to potential savings in the criminal justice process including officer hours and overtime costs.

Civil Liberties

As the current use of the BWV's are utilised across 'A' Division in an overt deployment and clearly marked as CCTV cameras in operation, there have been no privacy issues raised.

In 2014, the College of Policing produced a guidance document in which it outlines the legal framework under which police forces in England and Wales should operate BWV. It also provides consistency in operating procedures and information management process for the practical use of BWV.

It details 7 principles regarding the use of BWV's as follows:

Principle 1 - The use of BWV, by the police, is lawful. Common law provides the police with the authority to use BWV in the lawful execution of their duties, for the purpose of the prevention and detection of crime;

Principle 2 - Data will be processed and managed in line with the code of practice on the Management of Police Information, APP (Authorised Professional Practice) on Information Management and the principles of the Data Protection Act 1998. Data retention, review and disposal must be in line with relevant legislation and current guidance. Forces must be able to ensure the integrity of data throughout the process and have due regard for the Surveillance Camera Code of Practice;

Principle 3 - The normal use of BWV will be overt. Chief Officers must ensure that the capabilities of BWV equipment are clear to the public. This includes its ability to capture audio as well as visual imagery. BWV may be used in covert policing, subject to the relevant authorities;

Principle 4 - The operational use of BWV must be proportionate, legitimate and necessary. Compliance with the Human Rights Act 1998 (HRA), Data Protection Act 1998 (DPA) and Surveillance Camera code of practice will ensure the use of BWV is always proportionate, legitimate and necessary. Continuous, non-specific recording is not permitted;

Principle 5 - Use of BWV will be incident specific. Officers will use common sense and sound judgement when using BWV, in support of the principles of best evidence. Officers are required to justify their use of BWV. There should be a tendency towards capturing audio/visual evidence when deciding whether to record;

Principle 6 - BWV does not replace conventional forms of evidence gathering such as written statements and Police and Criminal Evidence Act 1984 (PACE) interviews, it supports them. Officers will continue to follow current practices for achieving best evidence;

Principle 7 - Forces will consult locally with their communities on the use of BWV. Engagement will be proportionate to the local level of impact, which will be influenced by a Force's decision to deploy BWV. Forces should carry out consultation to show due regard for the Public Sector Equality Duty and the Surveillance Camera Code of Practice. Consultation is also required for completing a privacy impact assessment and to comply with fair processing regulations in accordance with the DPA.

It should be noted that Police Scotland currently comply with all 7 principles.

In addition, the following main legal requirements were fully considered during the pilot and subsequent 'A' Division roll out;

- Data Protection Act 1998;
- The Human Rights Act 1998, (Articles 6 & 8, of main relevance);
- Freedom of Information (Scotland) Act 2002; and
- Regulation of Investigatory Powers (Scotland) Act 2000.

(As the use of Body Worn Video is only used overtly involving devices clearly marked with the word 'CCTV' thereon, the latter does not apply).

In January 2016, the London Policing Ethics Panel, chaired by Lord Carlile, CBE, QC, considered the Metropolitan Police Service (MPS) proposal for a wide scale roll out of BWV, in respect of the impact on public confidence. This was an independent panel consisting of five key individuals in respect of law, human rights, CPS and civil liberties.

Without rehearsing all of the detail of their findings it is worth noting that BWV was identified by the panel as having the potential to improve public trust in police conduct and to aid the detection and prosecution of crime.

ICT Structure

The current set up in 'A' Division is that the BWV's sit and charge in docking stations, which are located in all of the main police offices. The BWV's are allocated on a pool basis to ensure that there are sufficient units for all on duty officers.

The footage is automatically downloaded when the BWV is docked which is then stored on a standalone hard drive, which are connected to the docking stations. Each hard drive system has two built in backup drives.

The docking stations and hard drives are connected to an office based desktop computer with a built in DVD writer. These computers are used to assign the BWV's and facilitate the download of any evidential footage captured to DVD.

All evidential footage is thereafter submitted as a production to COPFS under the same process as all other CCTV evidence. This ensures that all disclosure protocols in respect of BWV primary evidence are met.

Since inception there have been no issues in respect of any breach of disclosure protocols or footage being corrupted or lost thus preventing the submission as evidence. There is also a robust electronic security process and signature throughout the whole BWV set up, which is fully encrypted.

Over the past 7 years, covering the period of the original trial and the roll out across A Division, there have only been very minor issues with the BWV camera.

These have been in respect of broken attachment clips, which were a trial clip being tested during initial deployment. These were quickly replaced with strengthened attachments with no detrimental impact on use.

There has recently been an issue with the battery life of the BWV, due to their age. This has been resolved through a refresh programme of work where all the BWV's are being replaced with new units.

2026/Mobility Programme

Policing 2026 is a collaborative and strategic programme of work established in 2016 by the Scottish Police Authority (SPA) and Police Scotland. The work is focused on establishing our long term strategy for policing in Scotland, to meet emerging needs and projected demands over the next decade.

It sets out how Police Scotland will build a flexible and adaptable workforce to address new and changing demands and to improve outcomes for people, communities and places.

Six strategic objectives have been identified one of which relates to investing in our use of information and technology.

In delivering this we will introduce technology to enable workforce efficiency and operational effectiveness, using analytics, better quality data and wider sources to improve decision making.

Mobility is a fundamental part of this objective and is key to providing police officers with the ability to remotely query and capture operational data and information i.e. not at a fixed desktop in police station or office.

It will have a significant impact on operational policing; it will maximise the amount of time that officers spend in communities, reducing the need for officers to spend time in police stations.

The objectives of the Mobility Programme are to maximise officer visibility, strengthen operational and partner decision-making through improved data access and sharing and build public confidence through improved transparency and legitimacy. This initiative is closely aligned to core operational policing systems.

An initial scoping exercise is underway with BWV being considered as part of this.

Members of the programme team have recently visited the Metropolitan Police Service (MPS) and Police Service of Northern Ireland (PSNI) where they met with members of their respective project teams.

This was designed to capture the operational and strategic aspects of BWV given their recent rollout.

Both Forces shared their experiences of their roll out with similar organisational benefits of those seen by Police Scotland.

They also identified the following priority areas to ensure its ethical and effective use:

- Procurement - Develop a framework to allow market testing/engagement;
- Public consultation – To allow communities and partners to provide a view on BWV with the information being gathered and understood to then allow meaningful feedback;
- Information sharing - Protocols to be established with partners and organisations;
- Data hosting/storage – ICT infrastructure to be put in place to ensure that data is stored and transmitted securely. The MPS have invested in cloud based technology which is cost-effective and carbon neutral. PSNI have no digital provision so are required to physically transfer footage to a disc and submit as evidence in the prescribed manner which is the current arrangement for Police Scotland.

In terms of data hosting/storage it was highlighted that PSNI were not in a position to adopt an electronic/cloud based sharing system as the Public Prosecution Service for Northern Ireland (PPS) did not have a compatible provision to receive/share the files electronically.

It is therefore crucial that there is early engagement with COPFS and agreement is reached to jointly prioritise areas of common development work. This approach will

ensure that there is optimal delivery on a solution which streamlines the holding of digital evidence.

The visits also provided an opportunity to identify the ongoing workstreams in terms of their wider mobility programme, including the Emergency Services Mobile Communications Programme (ESMCP). This will replace services provided by Airwave with a new national mobile communications service.

I trust this information proves useful.

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8 June 2017