



OFFICIAL REPORT
AITHISG OIFIGEIL

Justice Sub-Committee on Policing

Thursday 15 June 2017

Session 5



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Pàrlamaid na h-Alba

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JUSTICE SUB-COMMITTEE ON POLICING
12th Meeting 2017, Session 5

CONVENER

*Mary Fee (West Scotland) (Lab)

DEPUTY CONVENER

*Margaret Mitchell (Central Scotland) (Con)

COMMITTEE MEMBERS

*John Finnie (Highlands and Islands) (Green)
*Rona Mackay (Strathkelvin and Bearsden) (SNP)
*Ben Macpherson (Edinburgh Northern and Leith) (SNP)
*Liam McArthur (Orkney Islands) (LD)
Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Superintendent Andrew Allan (Association of Scottish Police Superintendents)
Calum Steele (Scottish Police Federation)
Superintendent Nick Topping (Police Scotland)
Assistant Chief Constable Mark Williams (Police Scotland)

CLERK TO THE COMMITTEE

Diane Barr

LOCATION

Committee Room 2

Scottish Parliament

Justice Sub-Committee on Policing

Thursday 15 June 2017

[The Convener opened the meeting at 13:00]

Decision on Taking Business in Private

The Convener (Mary Fee): Good afternoon everyone, and welcome to the 12th meeting in 2017 of the Justice Sub-Committee on Policing. Apologies have been received from Stewart Stevenson.

Our first item is a decision on whether to take in private item 3, which is consideration of our forward work programme. Do we agree to take item 3 in private?

Members indicated agreement.

The Convener: I will suspend the meeting for a brief time for a demonstration of body-worn cameras. We will reconvene in approximately five minutes.

13:00

Meeting suspended.

13:05

On resuming—

Body-worn Video

The Convener: Item 2 is an evidence session on the use of body-worn video cameras by police officers.

I welcome Calum Steele from the Scottish Police Federation; Superintendent Andrew Allan from the Association of Scottish Police Superintendents; and Superintendent Nick Topping and Assistant Chief Constable Mark Williams from Police Scotland.

I thank the witnesses for providing the committee with written evidence and Police Scotland for demonstrating how the body-worn video cameras are used.

We will move straight to questions. I refer members to paper 1, which is a note by the clerk, and paper 2, which is a private paper.

I will start by asking our witnesses to outline in general terms the benefits and drawbacks of a force-wide use of body-worn video cameras. I note from the submissions that we have received that the public are generally supportive and feel safer, and there is the issue of the saving of time during the court process. In the Justice Committee inquiry, we heard a lot about churn and the costs of police spending time in court. The submissions show that body-worn video cameras often result in earlier guilty pleas. Will the witnesses explain the benefits in general terms and say whether there are any drawbacks?

Assistant Chief Constable Mark Williams (Police Scotland): Perhaps I could set the scene. I am sure that my colleagues will add detail in due course.

You summarised some of the benefits, and we have certainly seen some of them in Aberdeen. In the criminal justice process, there have been benefits in terms of officer time at court. The early guilty pleas that you mentioned are a noteworthy element of the benefits.

It is important to stretch the benefits further and take them outwith the policing context. Body-worn video cameras can offer police officers more of an opportunity to be out and about doing their job in communities as opposed to being at court. It also means that fewer victims have to go to court to give evidence, which can be a traumatic experience. There are therefore potential benefits to the victims of crime.

In the wider area of the taxpayer and the money that the criminal justice process takes to run, less court time is good. This is a more efficient and effective way of operating. Indications from our work in Aberdeen are positive.

There are some other positive elements to bring out. Officer safety, which the convener reflected on, is important. The evidence from Aberdeen appears to suggest that officers are less likely to be physically assaulted while they are wearing body-worn video cameras. Equally, there is an issue around best evidence and using body-worn video cameras as another layer of evidence to add to the evidence that officers are still required to present when presenting any case.

All those things are important. If we add in the reduction in the number of substantiated complaints against officers, a number of noteworthy benefits appear to play out when we use body-worn cameras.

On the disbenefits, problems or hurdles, Superintendent Topping has articulated some of the teething problems that we had in getting the cameras to the right spec and build quality. That was a minor issue, but we had to address it, and it has now been addressed.

Of course, if we were to roll out the system nationally, there would be the wider issues of information and communication technology infrastructure for the organisation and the digital ability of the justice system as a whole to cope with the evidence that is produced. It will take investment, time and collaboration to move forward in those areas, and that will have to be considered and thought through carefully as part of the process.

In general terms, those are some of the benefits and challenges that we face.

The Convener: I suppose that there would need to be quite substantial investment if the cameras were rolled out force wide, but you would have to balance that against the savings in police and court time and the benefits of recording evidence that you can be absolutely sure is 100 per cent accurate. You have to perform a balancing act.

Assistant Chief Constable Williams: Absolutely. If roll-out was proposed, there would be a full public consultation on the civil liberties element. That of course happened locally in Aberdeen and the north-east, but it would have to be undertaken more widely. We would also have to look at the costs and benefits and get as much assurance as possible that it would pay dividends, not just financially but in terms of trust and confidence of the public, efficiency in the criminal justice system and the quality of the evidence that is provided. All that would have to be taken into account. I dare say that we would want to measure not just pounds, shillings and pence, but other things such as public trust and confidence.

The Convener: Mr Topping, do you want to comment?

Superintendent Nick Topping (Police Scotland): Yes. I can give some context by giving information on the trials. After the system went mainstream across A division, which is in the north-east of Scotland, I did a review of cases submitted over a 13-month period to the Crown Office and Procurator Fiscal Service where body-worn video formed part of the evidence. I identified that 91 per cent of the cases resulted in an early guilty plea, whereas the national average is about 40 per cent. Another important aspect is that 51 per cent were dealt with at first calling. That means that there was less requirement for police officers to submit paperwork relating to full statements, so there was a time saving there. The national average in that regard is 31 per cent.

Another important issue is that 697 officers were not required to attend court to give evidence, which would normally be their full duty. From a wellbeing point of view, that means that officers were not having days off cancelled or shifts changed to attend court. Just as important, it means that those officers were left working in the local community. Also, 453 civilian witnesses were not required to attend court. Attending court can be a fairly traumatic experience for somebody who has not been through the process before. For a number of people, it might have meant taking time off work.

Because officers' wellbeing is an important aspect, I reviewed our crime file system to highlight the number of officers who were assaulted while wearing body-worn video. The figure was roughly 5 per cent. I have also had anecdotal evidence from officers, who have told me that, given the level of aggression that they faced, they are confident that the situation would have gone to physical violence had it not been for the presence of the body-worn video camera. That is an important aspect for me. I first introduced the system when I was an area commander, and it is about putting officers in the community where they can best provide a level of service, which is what officers want to do.

I have not had a police complaint substantiated where the interaction has been caught on body-worn video. That highlights that a number of complaints that unfortunately are made about the police have no foundation, as the body-worn video clearly shows. There is a professional aspect, because the system shows that our interactions with the public are carried out with integrity, fairness and respect. It is a protection for the public and a form of protection for officers, and there is clearly a wellbeing aspect.

For me, body-worn video has clearly been a positive piece of equipment for the officers in A division. We have 330 body-worn video cameras that are used on a pool basis. That is enough for

every on-duty officer across the north-east to have access to body-worn video. We encourage the use of the equipment purely by highlighting the benefits: that officers are less likely to be assaulted, less likely to have to go to court and give evidence and less likely to be complained about. Body-worn video is very important for the officers, the division and Police Scotland.

The Convener: Mr Allan, is there anything that you would like to add?

13:15

Superintendent Andrew Allan (Association of Scottish Police Superintendents): I have heard about the benefits and would agree with what my colleagues have said. The infrastructure has been discussed and it is important to see that infrastructure in the context of the wide proliferation of devices in public. When you travel home tonight, if you look at cyclists, taxis and buses, you will notice that many of them already have camera systems in place. The justice system needs to move forward with the technology that the public are using on a daily basis. The justice digital strategy is on-going, as is the development of improved infrastructure between ourselves and the justice partners, so the benefits are substantive and the infrastructure improvements are absolutely necessary.

The Convener: Mr Steele, is there anything that you want to add?

Calum Steele (Scottish Police Federation): In fairness to those who have already spoken, I would agree with everything that has been said, and that is not something that I say often in this forum. The benefits and advantages of body-worn video are well understood by not only police officers but the wider service. The question is not so much whether there are benefits or disbenefits, but whether there are benefits that we can afford and whether those benefits should be a priority at this particular moment in time. That is a more fundamental question, given the financial realities that are faced by the police service in Scotland, and indeed some of the pressures that are as yet unknown in terms of the capability of other organisations in the justice sector.

When we look at any element of policing in isolation, it risks giving a false narrative as to the reality of cost benefits. For example, we do not, as far as I can see, undertake a holistic economic assessment of justice in the way that we do in other areas of public life, such as the health service, where we have health economists undertaking huge, complex examinations of a variety of specific issues. Although it is undoubtedly true—not least because of the experiences that police officers themselves

report—that there have been savings in a variety of different fora, we do not know absolutely whether those savings would have been greater if the investment had been put into another area of policing to deliver the same results.

The benefits for individual officers, in terms of their confidence and how they record information, must not be underplayed. However, although our organisation is currently looking at a £200 million overspend over this session of Parliament, according to Audit Scotland, and is already facing a huge budget hole this financial year—I do not want to get into that—we know from experiences in the rest of the world that once you start along the body-worn camera path you will never get off it. Whether that is a good thing or a bad thing is an entirely academic discussion, but the reality is that once you start on that path you are engaging in a series of activities that will cost money thereafter, in revenue terms on an annual basis and in capital terms on a periodic basis. Thus far, in the entire conversation, debate and discussion about body-worn video, no one is talking about those on-going revenue costs.

At this time, a very small number of officers in the north-east of Scotland and a very small part of the justice system have been exposed to the evidence issues of body-worn video. However, if and/or when it becomes the norm, the justice system and those involved in it, including defence agents, will adapt to the fact that they are dealing with new technologies, and the expectations and demands that will be placed on those systems will increase based on the requirements for drawing evidence.

My concern is not about whether it is desirable, but whether it is practical at this point to pursue the greater use of that technology, because of the wider realities that the service faces.

The Convener: That is very helpful. Before I move on, I wonder whether Assistant Chief Constable Williams can give us any information on whether an evaluation has been done on the use of video cameras by the football co-ordination unit.

Assistant Chief Constable Williams: There has not been a specific evaluation of the cameras in the football co-ordination unit for Scotland, or FoCUS, as it is known. The benefits that we would perceive from those cameras are similar to those that we perceive in Aberdeen. Of course, they are used in a narrower field, predominantly for policing football. As you have already articulated, there are only a small number of them—about 49 or 50 cameras in total.

We consider that they have a use. They are a further way of gathering evidence of crowd behaviour and so on at football matches, which can be presented as evidence to the Crown.

However, we have not undertaken the level of evaluation that has been carried out by A division and independent evaluators of the work in the north-east.

Of course, if we were to move forward with a wider roll-out of body-worn video, we would have to consider carefully all the areas in which we might use it. In the north-east, predominantly it will be used by front-line police officers in community and response policing. However, there are other elements of specialist policing in which body-worn video has a purposeful use, such as for our armed officers. At national level, there are recommendations that armed police officers should be equipped with body-worn video as soon as is reasonably practicable. More typically, a helmet camera would be used, because of the sensitivities of the environment in which they work and the need to protect both them and the public.

A bigger piece of work would have to be done, including all the evaluation, prior to rolling out body-worn video. How the cameras would be used would undoubtedly be picked up as part of the scoping work and in the process of consulting and developing the business case—identifying the benefits and disbenefits and, ultimately, producing a full business case, were it to get to that stage.

It is important to place body-worn video in the wider context of the draft policing 2026 strategy, mobility and technology—some of the themes that Calum Steele was rightly picking up on. Next week, on 22 June, the 10-year draft policing 2026 strategy will go to the Scottish Police Authority board. If it is signed off, we will move to a three-year implementation plan for some of the developments that we foresee taking place over the next few years. At the heart of that work is trying to achieve an organisation that is sustainable operationally and financially. We recognise the financial challenges that we face and the planning in that regard is very much about trying to deliver sustainability.

There is specific reference to technology in the plan and a reference to body-worn video in the consultation, but it is a small part of the technology that we can potentially bring to front-line officers. Of course, there will be costs associated with that.

Calum Steele said that once we are on the path of using body-worn video we will have to sustain its use going forward. His point is accurate and must be considered. Indeed, the use of body-worn video must be costed over the next three years and beyond as we make best use of the finances that we have to ensure that we have an organisation that is financially sustainable.

We foresee technology being a key enabler of the creation of capacity for police officers to better serve the justice system and provide a better

service to the public. There will be costs associated with that, but any business case or consultation will have to consider those elements and prove the benefit of using a technology, wherever possible.

As we progress with mobility—mobile devices that officers can use to access data and information that allows them to remain away from a police station and be out and about in our communities—we must start investing in our infrastructure to take advantage of the available technology, including body-worn video, laptops, tablets, mobile devices and telematics, because the advantages for the officers can translate directly into service delivery for the public. We need to keep up with the technology; we cannot afford, financially or in service delivery terms, to stand still.

As I said, Calum Steele is right in saying that the sustainability issue needs to be carefully considered, which we will do. Indeed, the issue is very much touched on in the draft policing 2026 strategy and the work that will go on over the next three years.

The Convener: Before I bring in members to ask a couple of supplementaries, I want to ask about the use of body-worn cameras in the sphere of football. If it is a one-to-one situation, the officer can explain to the person who has been stopped that they are wearing a camera and that they are about to start recording. However, if body-worn cameras were to be used in the context of a football match for crowd control or to view a crowd, there would be a serious issue about explaining to any number of people that they would be recorded. Data retention certainly comes to mind as an issue. I know that other members will raise that as a topic, so I threw it out there. When it is raised, perhaps you could respond to my point.

Assistant Chief Constable Williams: All our data is retained, managed and dealt with under legislation, which means that any data that is not used as evidence is deleted and destroyed within the fixed period of time.

Closed-circuit television, which is what body-worn video is, runs throughout the stands at football matches. Body-worn video is no different. If it becomes an issue for an individual or if it is to be used as evidence, as Nick Topping suggested, it is good practice—although not a legislative requirement—to articulate the fact that the individual's conversation with the police officer is being video recorded. However, when you go to a football match or walk down the high street in the capital or elsewhere, you are on CCTV. There is no specific warning for every individual, but there is signage and warnings, for example at the entrances and exits at sporting stadia.

The Convener: I will take a couple of supplementaries from Ben Macpherson and John Finnie. Mr Macpherson can move on to his substantive point after that.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): My question is on the same theme that Mary Fee pursued in her question. Do these devices have any capacity or potential to be used in slow-time inquiries? Furthermore, is there any evidence of a deterrent effect on crime when communities are aware that these devices are being deployed?

Superintendent Topping: I can give you a specific example of one such inquiry. There was a robbery at a newsagent's in Aberdeen, in which the assailant had his face covered but was wearing distinctive clothing. As part of the wider inquiry, CCTV footage was harvested from public-space CCTV and body-worn video, and the body-worn video captured the individual's involvement in a completely different incident, wearing the same distinctive clothing but with the face unmarked. Importantly, that led to detection and the individual being reported for the robbery at the newsagent's.

I am sorry—what was your second question again?

Ben Macpherson: It was on the capacity and potential of these devices to have a deterrent effect in communities where people are aware that they are being deployed.

Superintendent Topping: In the first survey and review that we did of the 2011 pilot, which targeted specific areas for a three-month period, we drew some statistics and compared them with figures for the same period in a previous year. We had to be very careful, because we are talking about the use of 39 cameras over a three-month period, but a reduction in antisocial behaviour and violent crime was shown.

It is like anything: the knowledge that there is CCTV in an area will act as a deterrent in itself. That brings us back to assaults on police officers. The use of these devices acts as a clear deterrent because people know that their interaction will be captured. There is some small anecdotal evidence of a reduction in crime. As we know, crime is continuing to fall, and there has been no wider-scale or specific drill-down into the effect of the wider use of the devices, because it is at officers' discretion across the north-east of Scotland, so such a survey would be quite difficult to carry out. However, our review of that short, three-month period in certain communities in Aberdeen and in Aberdeen city centre itself highlighted a reduction in crime.

John Finnie (Highlands and Islands) (Green): I have a question about your written submission,

Mr Steele. In it and earlier in the evidence session, you recognised the benefits associated with this measure. To my mind, it represents a substantive change in the workplace and in your submission, you say with regard to the 2026 strategy:

“the SPF is not sighted on this work or aware of any ... issues under consideration.”

I find that very alarming. Will you expand on that comment?

Calum Steele: It is important to put this in context. The then Grampian joint branch board of the Scottish Police Federation was heavily involved in the consultation around the pilot and in the wider and more substantive roll-out of the Grampian project and, through its offices, offered support and raised a number of issues that the then Grampian Police gave consideration to.

The letter from the committee clerk made it clear that the request for evidence was in response to scoping work that the Police Service of Scotland was undertaking in respect of body-worn cameras as part of the 2026 strategy. What I said in one of the first sentences of our response was that we are not aware of what that scoping work is. We know that this is mentioned as one of the many elements of the 2026 strategy but, beyond that, we have had no communication with the service about this particular issue.

10:30

John Finnie: You will know why I used the phrase, “substantive change in the workplace”. There is a legislative requirement: you are obliged to consult the workforce on any substantive change in the workplace. Will you comment on that, Mr Williams?

Assistant Chief Constable Williams: Absolutely; I give an absolute commitment that, should we consider introducing body-worn video, that would be done.

To go back to the point that you and Calum Steele both raised, this initiative sits as a small part of a far bigger piece of work, which is the 2026 strategy, and the Scottish Police Federation, the ASPS and others have been widely consulted in relation to everything that is in that draft 10-year policing strategy. I certainly hope that I am being accurate when I state that that is the case.

As I said, it is important to place issues in context. The 10-year strategy is a 10-year strategy. Within that, there is a three-year implementation plan for what specifically we will do over the next three years to deliver our aims and move us in the direction of achieving the 10-year plan. That will be consulted on over the summer, assuming that it is approved and signed

off by the Scottish Police Authority on 22 June. Within that, there will be—

John Finnie: Can I stop you there? Obviously, it is better to have the earliest possible participation to ensure buy-in, which is the phrase that is often used nowadays. If something is going to be signed off next week, should there not have been engagement in respect of that with the staff associations and trade unions?

Assistant Chief Constable Williams: That engagement has happened; it has been on-going for a number of months.

John Finnie: I see Mr Steele smiling. I do not know whether that is because of wind or because he takes a contrary view. Do you agree with the point that Mark Williams has made, Mr Steele?

Calum Steele: The Scottish Police Federation was invited to comment on the wider 2026 strategy, along with every member of the public, and it provided a submission at that level. The specific issue of body-worn cameras was not featured, other than in a general mention in the strategy. It might be a case of angels dancing on the head of a pin, but we have not had a discussion of body-worn video cameras.

Assistant Chief Constable Williams: The issue here might be more to do with the definition of “scoping”. At this stage, we have no dedicated staff doing anything in relation to body-worn video, apart from the provision that exists in the north-east of Scotland. We are building a team that will work through the next three years to introduce mobility in the wider sense. Before we even get to thinking about bits of camera equipment that will be on the front of police officers, we need to get our ICT infrastructure and our core operating policing systems in hand and in place. That is a substantial piece of work that will require substantial investment. That investment is being planned and will start to be made this year. Once that has developed, we will be in a position to consider what equipment, such as body-worn video, we might be able to make best use of in the future, with an infrastructure that will sustain and support it. That is not the case at the moment, other than in the very localised area of the north-east of Scotland. We are not nearly at the point of considering purchasing body-worn video en masse. We are in a position in which we are preparing the organisation for the next 10 years and the next three years. Right now, we need to get our ICT infrastructure up and running so that it is solid and reliable and will allow us to take advantage of technology in the future. Once we have done that, we will start the consultation internally and externally about what the actual hardware might look like.

John Finnie: That is very reassuring. We do not need to rake over the coals of i6, but clearly there is no point in having another dimension to policing if there is not the necessary support back at base.

The cynic in me would say that any sort of automation can be seen as an opportunity by cynical managers and accountants. In that context, can you say whether it is better to have two police officers without body-worn cameras or one police officer with a body-worn camera?

Assistant Chief Constable Williams: We are in a position in which we need to have an operationally and financially sustainable police service. That is very much what we are trying to do. Body-worn video is not an alternative to police officers; it is an asset that police officers can use. It is about protecting them and the public and ensuring that we have the best evidence with which to pursue criminals. We would take account of and have to articulate clearly the costs and benefits, but police officers require technology in order to do the job as effectively as possible. Body-worn video is one potential element of that but not the only one.

First and foremost, as Mr Finnie has pointed out already, we need to give them solid, day in, day out computing and infrastructure that allows them to do their job. Then we can look to the future to see what we build onto that and how we can improve it further by way of a digital strategy that is not just for the police service but for our criminal justice partners as well.

John Finnie: I have two very quick questions. Will officer safety be paramount, regardless of whether body-worn cameras are provided or not?

Assistant Chief Constable Williams: Of course—officer safety is paramount.

John Finnie: Much has been made of the reduced level of complaints against officers. Where complaints have been made and the officers have been wearing body-worn cameras, the complaints have been able to be rebutted.

Assistant Chief Constable Williams: Yes, that is correct.

John Finnie: Has there been a consequential increase in the number of prosecutions for false accusations of crimes against police officers? That would certainly be another way of deterring complaints.

Superintendent Topping: There has not been. Because the use of body-worn video has been localised in the north-east of Scotland, statistics on what has happened have not been pulled from the professional standards division. My understanding is that the organisation has not taken anybody forward for false accusation or wasting police time. In the cases that I have seen, the people thought

that they had cause to complain but investigation of the incidents and the body-worn video showed that the complaints had no substance. So, there have not been prosecutions so far, Mr Finnie, but that might be looked at in future as we go on.

Assistant Chief Constable Williams: I am aware from forces elsewhere in the United Kingdom that some interesting statistics present themselves when body-worn video is used. Calum Steele might have a view on this, but it has often been seen that a higher number of charges of police assault are levelled because there is evidence and officers trust that evidence and know that they can use it to support the charge, whereas sometimes—and I do not support this—officers do not pursue a charge against a person who has been abusive or physically violent because they do not feel that they will have the support of evidence to see the charge through. Body-worn video offers something more in that sense. It might not present as a reduction in police assaults, but it might allow us to better evidence the incidents that take place. Therefore, actually, the figures might get thrown in the other direction—that has been seen elsewhere. It is not something to be scared of, though; it is something to welcome.

John Finnie: Many thanks indeed.

The Convener: Rona Mackay has a supplementary. Is it very brief?

Rona Mackay (Strathkelvin and Bearsden) (SNP): No.

The Convener: Alright. Just for clarity, was the ASPS consulted on the use of video cameras?

Superintendent Allan: As Mr Williams has described, in agreement with Calum Steele, the 2026 programme has been well consulted on. The superintendents are well sighted on the work that is being discussed here, and Nick Topping and I have spoken about it over the past couple of months. We have probably been able to take advantage of our involvement in the process to be further ahead of the game. I am absolutely comfortable with the consultation process that Mr Williams described.

Margaret Mitchell (Central Scotland) (Con): Was that a no, Mr Allan—there has not been a formal consultation?

Superintendent Allan: There has been formal consultation on the stages that are already in place. There has also been informal and wider consultation, because we are better sighted on the development of some of this work.

Margaret Mitchell: Mr Williams, obviously the use of body-worn cameras is going to come at considerable cost. What are your competing priorities?

Assistant Chief Constable Williams: As I stated already, having a sustainable operational and financial policing service is crucial. There are a great many priorities in policing, and one thing that we know as we look to the future is that demand is changing. We know that there are increases in demand around, for example, cybercrime, the reporting of historical sexual crime and sexual crime in general. There are increasingly competing demands by the public for policing events and for national security as well. All those demands have to be addressed and managed into the future.

We hope that mobility, and body-worn video as a part of that, offer a chance to create more capacity for the police service. Although there are competing priorities—and, indeed, competing financial priorities—it is hoped that the cost-benefit value of body-worn video and mobility will support our ability to manage that changing demand and to serve the needs of the public.

Margaret Mitchell: I asked the question because your evidence seems very skewed. I am in no doubt that you are pretty well 100 per cent in favour of this move, but I am less sure of your view of the other priorities and whether adequate cognisance has been taken of them. That view has probably been confirmed by the fact that you have raised only very minor issues, which stands in contrast to the fact that, according to a recent freedom of information request, police officers logged 300 issues. Are you able to give me an assessment of that?

Assistant Chief Constable Williams: I am very happy to, and I will also bring in Nick Topping, who was party to that.

I stress that these cameras are ultimately very reliable pieces of equipment, as has been borne out by numerous police organisations not just in the UK. Only a very minor number of faults have been reported; indeed, in the context of the hundreds of thousands of times that the cameras have been deployed, the number is tiny. I will let Nick Topping give you more detail on that, but I have no personal concern about the reliability of the camera or about its reliability in Aberdeen. It has had to be refreshed and updated, and we have had to buy new batteries and so on, but that is only natural in the life cycle of the product. It would have to be costed in future, of course, but there is no specific concern about the technology being unreliable per se.

Superintendent Topping: There were 288 faults reported, but some were duplicate reports, because we encourage officers to submit a report if there is an issue. We do not keep a record of the number of times body-worn video cameras are deployed, but even a 50 per cent deployment of the 330 cameras that we have amounts to more

than 180,000 times a year. Given that the 288 faults were reported over a 36-month period, the number itself is very insignificant.

The computers and desktops are assigned to run 24/7 through the year, and sometimes software has had to be rebooted. There were also some minor issues with the clip, but it was on trial. We have had the cameras for four or five years now and, as the ACC has pointed out, there are some issues with the battery holding a charge. That is the focus of the refresh programme, and all the cameras have been replaced. The very small number of faults are far outweighed by the wider benefits that we have seen but, as has been highlighted, the cameras that we have are becoming outdated and are being refreshed.

Margaret Mitchell: Is the fact that technology moves on and things change regularly not a problem in itself? For example, we had a five-minute demonstration, and what we were shown was a new model that was to replace the current one.

I note that there have been difficulties with switching the camera on and off; you have said that the battery life is being looked at, but it has been reported that perhaps only 20 minutes can be recorded; and there is also the difficulty of protecting someone who does not want to be recorded. If someone who does not want to be recorded is caught in footage, does that raise problems with using that footage? Moreover, you have said that cameras can be worn by police officers wearing protective vests, but they cannot be worn if officers are dressed as you are, Mr Topping.

As for academic research, the results seem to be contradictory. There certainly seems to be evidence of a reduction in assaults, but concerns have been raised about the cameras giving officers a false sense of security and perhaps encouraging risk taking.

Finally, on the recording of evidence and the use of such footage, I come back to Mr Steele's point out that, once these cameras start to be used, you have to keep using them, replacing them and so on. Does their use downgrade the kind of evidence that we are taking just now in courts?

Superintendent Topping: The issue with the 20-minute battery life has arisen only over the past couple of months. The fact is that these cameras are now four years old, and they are part of the refresh programme. Part of the wider scoping work on body-worn video will encapsulate issues such as warranty costs and when to have a refresh. After all, technology will improve vastly as we progress through time.

13:45

On the wearing of cameras, I would not deploy operationally dressed as I am now, because we are required to have officer safety equipment. I would be able to carry the body-worn video camera on my vest if I was out and about.

On the point about some people not wanting to be recorded, officers are normally invited into a house because somebody wants to report a crime or because there is an on-going disturbance. We usually find that the people who do not want to be recorded are the people who we are specifically looking at because they are committing a crime. Again, in fairness to all, the camera captures the interaction, so it protects the officer and members of the public.

There has been a lot of academic evidence, and domestic abuse is a good example. If we are called to a house, one person might be a victim and one might be the assailant. The assailant might not want to be recorded, but it would clearly be of benefit to the victim and criminal justice. It all has to be taken in context. The final result would be what can legally be submitted. That is where the challenge would come. We just present the evidence to the court and it is for the court to decide what it wants to take as evidence.

If a member of the public or a victim of a crime has an issue with the body-worn video footage being used, it will come up through the defence or the procurator fiscal. We do not store any footage for longer than 28 days if it is not going to be used in court. Under the European convention on human rights, we have to justify holding such footage. If it is not of evidential value, we do not keep it. It deletes automatically after 28 days, unless we think that there might be a police complaint, when we will retain it for slightly longer. We do not routinely keep footage unless it is going to be used in evidence.

Margaret Mitchell: Will video footage compete with police notes?

Superintendent Topping: The body-worn video is meant to supplement evidence. It does not replace notebooks or corroboration, although corroboration can come in many forms. It does not replace the police officer's account of what happened. It is just further evidence.

Body-worn video might not capture fully and in focus what has happened, but it will pick up sound. It might only be able to record verbal evidence. If I am dealing with a member of the public and there is an on-going disturbance or a wider disturbance, we will not capture that, but the recording provides additional evidence to the officer's legal account verbally and as part of the police statement.

Margaret Mitchell: Are there any other comments to add to that long list?

Assistant Chief Constable Williams: There are seven guiding principles for the use of body-worn video cameras, and principle 4 is that its operational use must be “proportionate, legitimate and necessary”, and that the ECHR is the lens through which that is assessed. Officers are responsible for using their judgment in its use as they are day in and day out for lots of decisions that they take. The seven guiding principles are specific and we comply with them all, and will continue to do so.

Margaret Mitchell: Do the partners who will be using the footage have the necessary equipment?

Assistant Chief Constable Williams: One of the key elements for the future is that we and our partners want to be able to transfer digital evidence and information to each other. We are not in a position to do that as we speak. There is a Government strategy to make the justice system digital and the Crown Office wants to do likewise. We are working on that with the Crown Office, the Government and other partners such as the Scottish Prison Service. That journey will take collaboration and work.

Nick Topping can speak in detail about what we do at the moment. The images from the body-worn video are burned on to DVDs and are delivered to the Crown Office for use in the same way as we do for CCTV from any public space environment.

That happens in a number of forces elsewhere. Equally, some forces have a digital relationship with the prosecuting authority. That is where we want to get to. It will take some time and investment but it offers benefits for the whole justice system, not just for ourselves.

The Convener: What training is given to officers to ensure that the use of the body-worn video equipment is proportionate and reasonable and does not breach human rights?

Superintendent Topping: We have a guidance document that we give out, and we have champions in each of the stations who go through the practical aspects of using the equipment. There is a PowerPoint presentation that gives a simple guide on how to use it, and we have a legislative handout in case somebody has an objection, so that the officer is well aware of what their justification is for using the equipment. Using the body-worn camera system is very straightforward, but it is important that officers are trained and that they have the guidance to refer to. We have also, as you would expect, made and posted a video on how to use it. That was done using a body-worn camera, so officers are well trained on how to use it. We have never had any problems with an officer using a camera,

downloading footage or presenting it to the Crown Office as a production.

The Convener: Before I bring Liam McArthur in, I think that Ben Macpherson had a supplementary.

Ben Macpherson: I wanted to ask for clarity about downloading, on a practical and technical basis. Do the devices record to themselves and then have to be downloaded on a desktop or uploaded to a server, or are the images transferred directly to a server or operations station?

Superintendent Topping: The images are downloaded on to the hard drive in the camera, which is encrypted. They are then downloaded to a stand-alone redundant array of independent disks—RAID—system that sits in each police office next to a docking station. Again, that is all encrypted. Then they are burned on to a disk and produced as a production, as would happen with any other CCTV evidence.

One thing that is very important is that there must be a secure signature throughout, because the whole integrity of body-worn video evidence could be challenged if something were to be interfered with or were to appear somewhere outwith the realms of the justice process. We have never had that issue, because that was looked at right at the very start. The systems are very robust; they have been on-going now for almost seven years, including the pilot, and there has never been an issue with that.

Some devices record on to a SIM card. I did not think that that was secure enough, which is why our footage goes on to a hard drive. There is specific software that you must have to be able to download footage. For instance, if an officer were to lose one of the cameras or if it was pulled from them, you would not be able to download any footage that was on it unless you had the software that we have, which is only sold directly by the company to the police as part of the licence for it.

Ben Macpherson: Given that, if a device was taken from an officer, the evidence on that device could be lost, is there an ambition to develop the technology to provide a live feed to an operations centre?

Superintendent Topping: That technology exists with the cameras, but that takes us back to the assistant chief constable’s point about the scope of what we want and what is best for our purposes. It is like any form of technology, such as your mobile phone. There is wifi technology that could be looked at, and the devices have that facility at the moment.

Liam McArthur (Orkney Islands) (LD): Concern was expressed in some of the evidence about earlier iterations of the technology being

exceptionally data heavy and about how the system would struggle to hold that data as a result of capacity issues. Has that been addressed during the north-east pilot? Has burning footage on to DVDs eased some of the capacity issues?

Superintendent Topping: There has never actually been a capacity issue. As I mentioned, we have to justify why we retain footage, and we retain it only for evidence. Once it is burned on to a disk and submitted to the fiscal, it is part of the criminal process, so we do not have to hold it. If it is not of evidential value, it is deleted after 28 days. Each standalone hard drive is a terabyte and we have never got anywhere near that capacity, so there has never been an issue with the volume of data storage. People misunderstand the issue about data storage and the data requirement to deal with the footage initially, but there has never been an issue with that at all.

Liam McArthur: I am reassured by what you said about the 28-day retention policy. When we took evidence previously on matters relating to the Regulation of Investigatory Powers (Scotland) Act 2000, there was some anxiety among committee members about the six-year period—that was the length of time that was allowed, and it just ran its course rather than decisions being made earlier to delete and destroy evidence. Are there occasions when the 28-day deadline is extended? If so, what is the process for extending it?

Superintendent Topping: Let me give an example. When an officer has an interaction and a member of the public says that they will make a complaint, he can come back and ask his supervisor—who has the required admin rights; indeed, I have admin rights to all the systems and can look at footage that has been retained—to select the footage and to retain it for longer. If the complaint then comes in, our professional standards department can pull that footage and review it. Sometimes it can be a number of months before the complaint comes in, so it would fall outwith the 28 days. That is about being open.

On the earlier question about security, officers do not have access to and cannot view any footage that is downloaded—they can view only their own footage. That is part of the security signature that goes throughout the process. As an admin user, I can view the footage and look at what is there and why it has been retained—and we ask intrusive questions.

Liam McArthur: The issue of cost has come up quite a bit in the course of this evidence session. The conclusion in the submission from the ASPS is that the ASPS

“is cautious about the overall ongoing costs associated with a general roll-out.”

Specifically on data storage, the submission cites figures from a *New York Times* article from January 2017, which

“estimated that the ongoing costs of equipment maintenance and data storage was in the region of \$20-40 (USD) per Officer, per month (dependant on the number of recordings made).”

Can you sketch that out further? Has work been done to try to quantify the overall costs? I suspect that, because various options might be pursued, there will be no single figure, but can you indicate how great the costs might be that different options are likely to bring with them?

Superintendent Allan: We would need to look at that in two parallel streams, both of which have already been described. As Mr Williams says, we are in the very early stages of the process. Selecting which product we would use and considering how we would use it would be one component. As a separate component, we are working with the justice strategy team on the management of digital evidence between the justice partners. That work, which is at what is being referred to as the alpha stage, is about looking at the movement of digital evidence—we are initially looking at CCTV, because of its prevalence—between Police Scotland and the Crown. As work on that stream progresses, we will understand the economies of scale that are available. Regardless of the use of body-worn video, we will have to contend with the wider use of video evidence gathered in public places and consider the evidence procedure work that is related to increased videoing of victim and child witness evidence.

Regardless of what we as a service do, the volume of digital evidence is increasing significantly, and we have to understand and manage that. That should deliver economies of scale, which will be of benefit when we consider the parallel workstream on product selection and usage. However, the simplest answer is that I cannot give any precise figure with any confidence.

Assistant Chief Constable Williams: As Andrew Allan said, some of the early alpha tests—I am no expert on project management terminology, but that is what they are known as—on digitally moving information between ourselves and the Crown will start to allow us to cost that and to consider how we might expand it into a wider setting. I have spoken at length with our director of ICT, who sits on the digital direction group, which includes the Government, the Scottish Courts and Tribunals Service, the Crown and others, and which oversees that work.

In truth, in a policing context, although a cost is obviously attached to the storage of data, whether cloud based or otherwise, the more significant cost

that we will have to assess and make a business case for is that of managing the information—the data and the evidence: how it is stored, administered, clipped and kept. We will also have to assess how it can form part of the bigger prize, which is the ability to give front-line officers information when they are out working on the streets, including criminal intelligence information, information about vehicle checks, information from the stop-and-search database and so on. Such considerations sit at the heart of any police information system, and they are required to enable a lot of the other technology. Far closer scrutiny of cost is required at this stage to enable things such as body-worn video to work.

That work is in the very early stages of development. The first step is to make the infrastructure in Scotland sufficiently reliable and sustainable so that things such as body-worn video can sit on top of it. I am no ICT expert, but I know that that is the case and work is now starting on it.

14:00

Liam McArthur: Mr Williams talked about the seven principles of usage. The ASPS submission refers to concerns that were expressed by the Police Executive Research Forum—that was back in 2015, but I presume that the principles were in existence at that time. The forum cautioned that body-worn video raised

“enormous questions about what is recorded, when to record, how to protect victims who don’t want to be recorded”

and

“how you know what impact it will have on your relationship with the community”,

and it questioned

“how the Police will define the circumstances of when to turn the camera on or turn it off.”

We have touched on some of those issues, but those concerns were expressed at a time when the principles existed and we had the roll-out in the north-east as well as earlier roll-outs in other parts of the United Kingdom. How do you respond to those serious anxieties that PERF expressed?

Assistant Chief Constable Williams: It is important to stress that, before any roll-out, there would be public consultation and we would ensure that the public fully understood what we proposed. That would be at the heart of any development that we undertook. I make a commitment today that that would absolutely be the case. We would be careful to ensure that the public were fully engaged in the proposal, what it would mean and how it would work in practice. Of course, we have learned a great deal from Aberdeen, where—

Liam McArthur: On that experience in Aberdeen, was there prior consultation of the kind that you have talked about with the public and stakeholders?

Assistant Chief Constable Williams: Yes. I will let Nick Topping articulate that.

Superintendent Topping: We carried out an internal and external consultation programme, because it was important that members of the public knew that officers would be out and about wearing body-worn video. That was done through a number of outlets, and the media assisted greatly with that. Within the three-month period, we ran a consultation using the independent citizens panel Aberdeen city voice, which involved a questionnaire going to 1,000 householders. We also separately sent out a questionnaire to all key local elected individuals and key networks in the Aberdeen area, because it was important to get that feedback. The vast majority of respondents—76 per cent—supported the proposal, 0.1 per cent did not support it, and the rest were neutral. Also, 53 per cent said that the proposal would make their communities safer, less than 1 per cent said that it would not and the rest were neutral. There was a public consultation.

Liam McArthur: Where there was support, was any of it caveated and, if so, was that reflected in the way in which you structured the pilot, or was there a ringing endorsement of your proposals?

Superintendent Topping: It was an endorsement of what we were looking to do. The majority of members of the public now know that almost every person carries a camera in their pocket in the shape of their mobile phone. We now live in a digital culture, so people did not have any concerns. However, it was important that they knew that the system was coming. The reaction was positive.

The interaction of members of the public with officers wearing body-worn video has been positive. Some people do not like it but, to be honest, they are usually the individuals we are targeting in the course of our duties. The reaction has been positive, from the public and the media and, just as important, from officers.

Liam McArthur: On the feedback from those who you say you are targeting, who perhaps have been less effusive in their endorsement, have any concerns been raised by legal representatives or defence lawyers?

Superintendent Topping: No—there has never been a challenge. I have personally given input to a number of defence advocates and in various legal forums, but there has never been a challenge relating to body-worn video evidence, either prior to court or in court. As part of the disclosure system, the defence has access to the

evidence before a case comes to trial, and I think that that is partly why there are so many early guilty pleas.

More widely on the ethical issues, as part of the Metropolitan Police roll-out in 2016, the London policing ethics panel, which was then chaired by Lord Carlile and had a number of independent members, reviewed aspects of the wider roll-out of body-worn video. The panel considered that the devices would improve public interaction and trust. Therefore, the approach has been washed through an ethics panel in London with independent members, who came back with positive views.

It is important that, through the equality impact assessment and public impact assessment, there is much wider consultation with a number of partners and the community so that people know what is coming and that we get their feedback before there is any move forward.

Rona Mackay: To follow up on Liam McArthur's question, is the ECHR aspect covered by officers asking for permission? If for whatever reason an officer did not ask for permission, could the individual then say that there was a breach of their human rights? Also, what would happen if an individual disputed the fact that they had given their permission?

Superintendent Topping: CCTV is overt, so officers do not need permission, especially in a public environment. As I said, if they walk into domestic premises, that is usually because they have been invited by one party or there is an on-going crime, so there is a legal basis to that. If somebody has an objection, that will be recorded, which is where the body-worn video is of benefit. Right up front, we are aware that the individual objected to being captured on video. That then comes down to the legal process. If the case goes to court, the defence will say that the client has an objection to the video being used in court. If it is not to be used in court, the footage is deleted and goes no further. Body-worn video is important in that regard, because it captures someone saying that they object to being captured on the video, and that is there right from the start.

John Finnie: I have a brief supplementary question. The witnesses have all talked about the prevalence of members of the public carrying such equipment. Have any members of the public decided to film police officers, and what would be the response if a request to do so was made?

Assistant Chief Constable Williams: We are filmed routinely, day in and day out. The police service is one of the few services that does not film other people in that way, although officers are filmed regularly when dealing with incidents. They deal with that in the course of their duties. We

sometimes need to call on that evidence because an incident is so serious that the evidence is of use to us in pursuing or prosecuting a case. Sadly, that has often been the case in relation to national security issues in recent months. It is part and parcel of a police officer's life, and that of many other public servants, that the public film everything that is going on, including the officers' interactions.

The Convener: We might need further clarification on a couple of issues, but the committee will write to you about that, because, unfortunately, we have run out of time. I thank all our witnesses for coming and for their evidence.

The next sub-committee meeting will be on Thursday 22 June, when we will hear from Derek Penman, Her Majesty's chief inspector of constabulary, on his report on the governance of the SPA.

14:08

Meeting continued in private until 14:16.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

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