

SCSN Response



POLICE SCOTLAND'S USE OF BODY WORN VIDEO: PUBLIC CONSULTATION

<https://consult.scotland.police.uk/strategy-insight-and-innovation/police-scotlands-use-of-body-worn-video-public-con/>

OVERVIEW

Police Scotland launched a 12 week consultation (ending 20 August 2021), regarding the use of Body Worn Video (BWV). They propose use of audio-visual recording technology for all uniformed officers, staff and special constables in Scotland.

The consultation invites feedback from the public and stakeholders. At conclusion, findings will be collated and shared with the Independent Advisory Group (IAG) on Emerging Technologies in Policing which will - in turn - report to Keith Brown MSP, Cabinet Secretary for Justice for his consideration.

Assistant Chief Constable Kenny MacDonald's letter to stakeholders makes clear Police Scotland's preference for widespread use of BWV, citing increased transparency and improvements to best evidence, accountability, officer safety, complaints handling and interactions with the public.

REPLY

SCSN sought the views of its members and partners. There is universal agreement that wholesale use of BWV is a positive and welcome development. SCSN supports Police Scotland's proposals. However, we do highlight a number of concerns for consideration, to help steer the introduction of BWV in the interests of officers, staff and the public. Specifically, possible unintended consequences:

- **CONSENT - IDENTITY**
Camera activation – in pubs, house parties or crowded public spaces – will record the faces and voices of victims, suspects, witnesses and bystanders, in foreground and background. Therefore, those who are innocently, accidentally captured on film should have assurance that their identities will remain secure and anonymous, if they choose.
- **CONSENT – DEATH**
Frontline officers attending incidents such as serious Road Traffic Collisions (RTCs) and murders will capture images of dying or dead citizens. Consideration should be given, regarding how and when BWV is activated in these scenarios, how data is stored, and who views same. There will be particular sensitivity, concerning family and friends, and witnesses who may be asked to view – and relive graphic experiences – in court.
- **COMMUNITY INTELLIGENCE**
Routine use of BWV by all uniformed officers may have a cooling effect on the gathering of information from communities, especially for frontline, community

officers who rely on community intelligence to know their wards, and the residents and businesses. Members of the public may become reluctant to approach and share information, if they believe they are being filmed. Therefore, perhaps a broad, sustained public messaging campaign could clearly explain use of BWV, its boundaries and limits, to add public confidence and understanding.

- CULTURE

BWV may affect the organisational culture in Police Scotland in small but significant ways. For example, might officers who would otherwise use their discretion for low level incidents, feel reluctant – disempowered – to be lenient? BWV could influence the perceptions of frontline officers, rightly or wrongly, that their autonomy and decision making is being removed. If so, perhaps Police Scotland could provide unambiguous training, highlighting these types of incidents and the expectations of the use of BWV.

- PUBLIC CONFIDENCE

Communities may be sceptical and reluctant to trust the technology. Specifically, the management of BWV, data storage and value for money. The challenges of Police Scotland's i6 IT project eroded faith in large scale programmes like this. Therefore, a public messaging campaign that aims for public buy-in and confidence building might help bolster acceptance of BWV and the administration of same.

- OBSOLESCENCE

Procurement of this technology to scale poses risks, and may make some members of the public nervous, concerning future-proofing and upgrading BWV over time. Therefore, a robust and transparent tender process – making clear why choices are made – is recommended, to help ensure cost effectiveness and the confidence of officers, staff and the public; that equipment and software are competitive and fit for purpose.

- ACTIVATION

Some incidents, such as rapes, will require officers to engage with the public sensitively, in confidence. However, explaining the presence of a camera – whether in use or not – could distress witnesses and victims of crime. It may dissuade cooperation in some instances. Additionally, it is unclear whether – if, as is expected – BWV is worn at all times, cameras are activated remotely by the control room or by officers on site. If it is the latter, a clear and simple framework for use should be designed (i.e. must be switched-on at all priority 1 and 2 calls). Therefore, clear guidance – for officers and the public – on when and how to use BWV is required.

- COURTS

The effects of BWV will be felt by Scottish Courts and Tribunals. Specifically, compatibility of BWV in courtrooms, if used as lead evidence. Therefore, consideration should be given to the infrastructure of partners, and whether they will be able to accept / adopt introduction of this new technology (e.g. docking stations, connections, screens etc.).

- DATA

Where data is stored, for how long and who has access to same will be of great interest and some concern to the public. A clear framework, regarding retention, security and access will help assure citizens that BWV can be managed well.

SCSN agrees that use of BWV by all staff and officers in Police Scotland is positive and progressive, but attention should be given to key areas, for safe and practical use of this technology.

Would you feel safer knowing that your interaction with Police Scotland is being recorded by a body worn camera?

Yes.

There should be clear guidelines for when Body Worn Video should or should not be used?

Yes.

Police officers, staff and special constables should decide when Body Worn Video is used or not used?

Yes.

Individuals should be informed before Body Worn Video is used?

Yes.

Police Officers, staff and special constables should be required to wear Body Worn Video cameras at all times when they are working and engaged in police activities?

Yes.

In addition to Local Policing, do you believe consideration should be given to the deployment of Body Worn Video for other roles/specialisms (including staff) within Police Scotland?

Yes. Consideration should be given to all roles and departments - where appropriate - using BWV. If the technology can be universally deployed across all local policing teams, the public may ask why other areas of the service don't do the same. Therefore, a review of the appropriateness and advantages, of all specialisms using BWV, should be undertaken and explained, to add confidence and prove transparency.

What negative effects (if any) do you think that Body Worn Video might have on policing?

Broadly, SCSN believe the introduction of BWV will be uniformly positive - for policing and the public - if the concerns highlighted (above) are fully considered. However, risks to policing will remain. This includes:

- REPUTATIONAL RISK
Any failures in data security; technology rollout, capability and infrastructure; inappropriate use by officers on or off duty; or an incoherent or inconsistent policy on use of BWV across Scotland, will negatively impact Police Scotland. Public trust and officer confidence could be damaged.

“Police Officers, staff and special constables should be required to wear Body Worn Video cameras at all times when they are working and engaged in police activities”

SCSN agree with this statement. If BWV is selectively deployed or used – and video evidence is not available in all circumstances – this may run counter to public expectation and erode public confidence. SCSN believe the use of BWV should be service-wide and universal, and routinely worn, just as other frontline personal protective equipment is.