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Letter by email

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Dear Mr Finnie

Re: Remotely Piloted Aircraft System (RPAS) Evaluation Report

Thank you for your correspondence sent to Chief Constable Livingstone in relation to a Police Scotland Evaluation Report on Remotely Piloted Aircraft System (RPAS), commonly known as drones, in which you raise a number of concerns regarding the parameters of use and evaluations undertaken in relation to their deployment.

Given the detail sought by you, I have taken the opportunity, at the request of Chief Constable Livingstone, to lay out a detailed response to all the points you raise and also confirm the agreed next steps that Police Scotland in conjunction with the Scottish Police Authority (SPA) will undertake. These next steps will, I trust, reassure you of the immediate plans to address the issues raised by the Authority and your correspondence.

Best Value, Privacy, Human Rights and Ethical Assessments

I fully understand the importance of addressing the full spectrum of legitimate public interests associated with the operational use of drones. I have asked ACC Mark Williams to address some key action points to improve our communication with SPA in order to enable the fullest and most open engagement and awareness of any developments in this area, as detailed later in this letter.

As ACC Williams advised in his letter to you of 7 May 2019, as part of the RPAS project and in line with Data Protection reform in 2018, a Data Protection Impact Assessment (DPIA) was completed covering all aspects of drone use. Similarly, an Equalities and Human Rights Impact Assessment (EqHRIA) was also completed and both are reviewed annually.

You have also sought confirmation of whether Police Scotland undertook an assessment of the current drone model to establish if it is fit for purpose, demonstrates best value and whether Police Scotland should request a refund for faulty equipment. This issue was covered

in the Evaluation Report and I can confirm the current model is still fit for purpose and has undergone repair by the manufacturer to fix the water ingress issue. This problem was extensively investigated and pursued by representatives at the National Police Chiefs Council in England & Wales and they concluded that the manufacturer had satisfactorily addressed the problem. I concur with this assessment. It is worthy of note that no drone operated by Police Scotland has suffered a failure due to water ingress. On learning of the issue from operators using the same model elsewhere in the UK, Police Scotland took decisive action to mitigate the risk of an in-flight failure, by not flying in wet conditions.

Police Scotland will continue to operate the current model in line with the manufacturer's guidelines, in full compliance with aviation legislation and regulatory permissions granted by the Civil Aviation Authority (CAA).

The addition of the drones to the Police Scotland Air Support Unit (ASU) followed an extensive period of research, internally and externally, to review and consider police uses. This research work outlined the potential operational benefits and uses of drones. All ASU tasking requests are reviewed, based on a number of operational factors, to determine the most suitable air asset to deploy, whether that be the police helicopter or drone.

Suitability of the Model

You further highlight that the Evaluation Report provides reference to the fault identified on the current model and consideration to newer models. PS continues to collaborate with law enforcement partners, industry and academia to promote the benefits of drone technology in operational policing and help develop drone platforms and sensors which meet the requirements of policing. PS is aware of updated models that are being tested by other police forces and will monitor this testing and consider whether any upgraded models meet the needs of PS. At this stage however, there is no immediate plan to purchase more modern drones.

Facial Recognition

The camera systems on the drones do not have the capability for facial recognition. None of the platforms or sensor technology being considered are capable of facial recognition and this is not something that PS is considering changing at this time.

Operational Use of RPAS

I am aware of the detail of the SPA Policing Performance Committee minute regarding the operational use of the drone technology noting wider engagement with the SPA for any other operational purposes beyond Missing Person searches.

The drones were introduced to enhance ASU delivery around Scotland to support operational policing. The letter from ACC Williams on 7 May, 2019, as well as various other written submissions, stated that drones would be used *primarily* in support of missing person investigations but would also be considered for other policing operations and incidents such as major events, public order and firearms incidents.

I am confident the actions agreed in the final section of this correspondence will allow for a constructive path forwards enabling drone use to be considered legitimately, justifiably and proportionately for potential wider relevant operational matters.

As you are aware, the drones have provided valuable assistance at incidents such as the Stonehaven train derailment, the fatal gyrocopter crash in the Black Isle, fatal traffic collisions, fatal fire investigations and crime scenes such as murder enquiries.

As outlined in the Evaluation Report, non-critical tasking such as post-investigation and crime scene imagery can be undertaken by the drones effectively and at little cost, therefore reducing the need to utilise the police helicopter for such tasks.

In relation to activity conducted by the drone based at Glasgow, Appendix 1 provides a breakdown of tasks which were summarised in the Evaluation Report.

Operational Safety

Prior to deploying drones operationally, PS prepared and submitted an Operations Manual and Operating Safety Case to the aviation regulator, the CAA. This was a legal requirement. Following this submission, the CAA issued PS with the necessary permissions enabling drone operations to be conducted in both rural and urban environments day and night. PS must adhere to strict rules in terms of safety, for example never knowingly flying directly over people.

Contained within the Operations Manual and Operating Safety Case, are comprehensive risk assessments covering potential RPAS deployment scenarios. Prior to every deployment, officers will conduct a site survey and risk assessment to determine that the flight can be made safely and within the parameters of the permissions granted.

Drone operations fall under the remit of the PS ASU and as such a specific standard operating procedure is encompassed in the generic Air Support Guidance document. This is also attached for reference (Appendix 2).

You make reference to the UK Information Commissioner and specifically a data protection code of practice and whether PS carries out an assessment in terms of necessity, proportionality and the most appropriate method to address the need. As mentioned previously, a DPIA has been completed prior to drone operations commencing and this is reviewed annually. This has been provided to the SPA and is available for you to review if required.

Stakeholder Engagement

In April 2019, in advance of the media launch for RPAS, PS engaged with internal and external stakeholders, which included the SPA. This engagement outlined the proposal to deploy RPAS in the North of Scotland and specifically:-

“Police Scotland will deploy RPAS primarily in the search for missing persons, however they will also be available to support local policing incidents and pre-planned operations and events.

RPAS are remotely piloted aircrafts that are fitted with a multi-sensor camera system and will be deployed in both urban and rural environments.”

In relation to Ethics Advisory Panels, I can confirm that this process was not in place in Police Scotland until October 2020 and as such was not available prior to the operational deployment of drones. It is agreed that had this engagement forum been available when drones were

introduced, it would have been a valuable undertaking and I have asked that this now be done within the new and updated structures available to us as quickly as practicable.

Feedback from Stakeholders

Finally, I can confirm that the Police Scotland ASU Twitter account which is primarily used to inform the public of police air operations has recorded positive comments from the public when drone use is highlighted. I am unaware of any complaints or concerns being raised by the public but acknowledge that Police Scotland must do all it can to work with the SPA and consider a wider evaluation and public feedback including through our ethics advisory panels. As I have referred to above this is laid out in our 'next steps' below.

Notwithstanding the social media interactions, the ASU team receive regular correspondence from partner agencies, complimenting Police Scotland on establishing safe drone operations, and additionally seeking operational support with opportunities to utilise the technology. This also includes feedback and tasking from the Crown Office and Procurator Fiscals Service.

Next Steps

I have spoken with the SPA, including the Convenor of the Policing Performance Committee, on a number of occasions now to agree how to proceed. These meetings have been very constructive and we will now take the following actions:

- The wider deployment of RPAS will be halted pending the actions below (this is already in place).
- The deployment of RPAS will remain restricted primarily to responding to missing persons reports and other critical deployments agreed by a senior officer (e.g. the train derailment). This discretion is to allow Police Scotland senior officers a reasonable and proportionate public interest discretion in RPAS deployment. Impact assessments will be drafted where appropriate for all these 'other deployments'.
- The Evaluation Report will be reviewed, re-drafted and resubmitted to the Policing Performance Committee to further address the issues required by the SPA (compliance with best value, privacy, human rights and ethical assessments) and any other issues that Police Scotland wishes to add.
- Police Scotland will engage with its Ethics Panels for a view on the evaluation, the use of RPAS, and any recommendations prior to the submission of the evaluation to the SPA.
- The SPA will consider wider stakeholder engagement, should the re-submitted evaluation recommend to extend significantly the deployment of RPAS.
- The evaluation should make clear RPAS deployment compliance with any surveillance camera code of conduct or similar.
- All training and deployments must remain compliant with CAA safety guidance.
- Provide further detail in relation to the non-missing persons deployments over the evaluation period and any impact assessments made and reasons for not making.

I trust this demonstrates how committed Police Scotland is to ensuring any public interest issues arising from the use of RPAS are carefully considered and addressed, with the aim of improving public confidence in our enduring commitment to keeping Scotland's communities safe and secure.

Yours sincerely



Malcolm Graham
Deputy Chief Constable

enc. Appendix 1
Appendix 2