

## Response ID ANON-EK64-M9J9-3

Submitted to **Police Scotland's use of remote piloted aircraft systems and body worn video cameras**

Submitted on **2021-01-11 14:24:15**

### About you

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### How would you like your response to be published?

I would like my response to be published in its entirety

### What is your name?

**Name:**

Hannah Dickson

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### Are you responding as an individual or on behalf of an organisation?

Organisation

**Organisation:**

Scottish Community Safety Network

### Your Views

#### 1. What are your views on Police Scotland's use of RPAS and the parameters of that use?

**Please enter your comments in the box provided::**

Our letter of 26th November highlighted a concern with the RPAS deployment in general terms - "the deployment of the drones has been much broader than posited in the initial paper that went to the SPA and the interviews in the press around the same time would have suggested."

We think it is inappropriate to use RPAS for surveillance purposes and would encourage the appropriate oversight and scrutiny body (we note previous discussions on the confusing/cluttered landscape of police scrutiny in Scotland and it is beyond the remit of SCSN to suggest who would be most appropriate) to seek assurances from Police Scotland about their future plans in relation to this matter.

We think the primary purpose of RPAS deployment should remain searching for vulnerable and missing persons, in remote and rural terrain in particular. Some of the exceptional RPAS deployments shared by Police Scotland in their correspondence, for example for fatal road traffic collision investigations, investigation at the Stonehaven derailment seem an appropriate use of RPAS. However, given the comparative ease at which RPAS deployment is enabled compared to the ease at which the helicopter can be deployed (particularly in terms of cost) we believe there is a risk of mission creep. We are of the opinion that the deployment of RPAS to a 'youth disorder' incident on Troon beach is a disproportionate response, for example; and would query the use of such a technology on non-critical tasking such as post-investigation and crime scene imagery.

We aren't convinced that just because the RPAS technology CAN be used for these purposes that it SHOULD be used for them given ethical issues that arise; however it is also right that Police Scotland retains the right of operational independence for deployments. An open and ongoing dialogue between stakeholders is important in order that a balance between ethical considerations, operational independence and the clear benefits of the technology is essential. Creating some safeguards and robust ethical governance processes (internal and external) is important.

#### 2. What are your views on the oversight, governance, and transparency of Police Scotland's use of RPAS and BWVCs, and any possible role for the incoming Scottish Biometrics Commissioner, once in post?

**Please provide your comments in the box below::**

We think the correspondence and discussions at the SPA meeting and Scottish Parliamentary Committees/sub-committees indicate issues regarding the oversight, governance and transparency of the use of RPAS and BWVCs by Police Scotland.

We were reassured by some the steps set out by Malcolm Graham in his correspondence, specifically the involvement of the ethics advisory panels to consider this issue and would encourage these panels to consider the BWVC issue as well.

However it is certainly worth exploring the possible role for the Scottish Biometrics Commissioner in this, alongside other existing governance bodies/processes; though we note existing discussions about the confusing/cluttered landscape of police scrutiny in Scotland. We would also encourage the inclusion of Independent Advisory Group on policing new and emerging technologies in this work, and explore whether there is a role for Local Police scrutiny to support local

accountability. Dame Angiolini's report into complaints handling, investigations and misconduct offers some useful reflections on learning culture that are applicable to the RPAS and BWVC matters.

### **3. What are your views on any data protection, security and retention implications, as well as the impact on community, privacy and human rights, or any ethical implications?**

**Please provide your answer in the box provided below::**

Without seeing the DPIA and EqHRIA it is difficult to answer this question - the content of these assessments may reassure or give rise to concerns depending on Police Scotland's identification and consideration of these implications.

Our letter dated 26th November outlines some concerns in relation to this for RPAS and there are similar concerns for BWVC. Other organisations or groups such as the human rights consortium in Scotland and the IAG on policing and new and emerging technology will be better placed to share these implications. We think the community, privacy and ethical implications are of particular importance in relation to the 'mission creep' and proportionality issues discussed both in our letter and in our answer to Q1. Previous reports have highlighted concerns about retention from BWVC footage.

Our letter gives the following examples:

A) There are broader community impact issues than the public support referred to in the report. The public support may be different once the scope of drone deployment is clear may be different and there are negative implications for communities from drone deployment to tackle issues such as ASB where trusted relationships are key to making communities safer, not remote piloted machines. This has a clear implication for the 'policing by consent' model in the UK.

B) There are no equalities implications highlighted in the report but there are clearly equalities and privacy issues from the deployment of the drone given the broader scope of deployments. In particular, particular streets or neighbourhoods, young people.

### **4. What are your views on the engagement, consultation and transparency of plans to use, or the current use of, RPAS and BWVCs?**

**Please provide your response in the box provided below::**

The transparency of deployments via the RPAS Twitter account is very welcome, as well as a letter drop in neighbourhoods when RPAS has been deployed. We think the engagement, consultation and transparency on the use and deployment of RPAS and BWVCs has been lacking, particularly from 'critical friends', however.

Our letter dated 26th November 2020 references the evaluation paper regarding feedback. Feedback from internal and external stakeholders and the general public is reported as positive – we would welcome publishing this feedback, and would seek reassurance that these stakeholders are representative of some of the specific issues being raised.

New technologies and ethics are issues that aren't going away and therefore the engagement and consultation with these critical friends is increasingly important, particularly before technology is used. The result of an absence of open dialogue about emerging technologies before their use as well as in the early stage of use is clear to see from the volume of correspondence and discussion on the RPAS paper.

### **5. What are your views on the legal and regulatory basis that Police Scotland rely upon to use RPAS in urban and rural areas?**

**Please provide your response in the box provided below::**

We think the CAA are best placed to advise on this, but would counsel that a) the nature of the deployment and b) the local area (as well as issues identified by EqHRIA and DPIA for deployments) mean that the legal and regulatory approaches may need to differ between urban and rural areas rather than having blanket regulatory approaches.

### **6. What are your views on Police Scotland's current use of BWVCs and whether that requires to be evaluated to inform the risks, costs and benefits in the business plan prior to their wider introduction, such as an evaluation of their use by the football co-ordination unit?**

**Please provide your response in the box provided below::**

Evaluation is an essential part of quality improvement and when done well it can help solve problems, inform decision making and build knowledge. It is a key part of learning and we would support evaluation of the current use of BWVCs prior to their wider introduction. Learning from other forces/organisations who use the technology would also be hugely valuable.

Ethical considerations as well as other implications as highlighted in Q3 will be key in this as well and the new ethics panels plus the IAG would seem natural groups to involve in this process.

### **Any further issues or views**

### **Is there any issue associated with the use of RPAS and BWVCs you wish to comment on, not already covered by previous questions?**

**Please provide any further issues or views you wish to raise in the box below::**

We would like to draw the committee's attention to the negative reputational implication if Police Scotland are seen to use technology in a non-transparent manner without giving consideration to the ethical implications arising from this use of technology.

There are similarities between this discussion on RPAS as were seen in recent discussions on facial recognition technology, digital triage devices ('cyber-kiosks') and the vulnerable persons database. These echo similar patterns seen in relation to stop and search too, and we are concerned that a pattern of issues regarding new and emerging technology use by Police Scotland and ethics is emerging. These can undermine the public trust in policing in Scotland, particularly where a key part of making communities safer is the relationship between communities and the police service and has implications for police legitimacy.

## **Evaluation**

**Was this Call for Views submission tool easy to use?**

Easy to use

**Why did you feel it was, or was not, easy to use?:**

Easy to use as responding to specific questions and an easy online tool.

Difficult to use as a general letter is a better format than responding to specific questions sometimes.

**Were the questions easy to understand?**

Easy to understand

**Why do you feel the questions were, or were not, easy to understand?:**

**Do you think this Call for Views submission tool provides a good way for you to get involved in the work of Parliament?**

Yes

**Please explain the reasons for your answer?:**

**Would you use this Call for Views submission tool again in future to engage with the Scottish Parliament if there was a topic you were interested in?**

Yes

**Please explain the reasons for your answer?:**