



**Rapid Research Project:
Evidence Review into Public Experience and Confidence of
Body Worn Video in a Policing Context**

**Attachment:
Scrutiny, Oversight and Public Engagement - Analysis from
Interviews**

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**Report to:
Police Scotland**

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Scrutiny, Oversight and Public Engagement - Analysis from Interviews

1. Setting the Scene

The deployment of BWV across police forces in the UK has gathered pace from around 2015 onwards and is still doing so. Many police forces have the ambition of issuing it to all their front-line officers, but in reality, the extent of this deployment has often been somewhat less than that requested by police chiefs. In 2015, Stephen House, Chief Constable of Police Scotland asked for all his front-line officers to be issued with BWV (Leleux and Webster, 2020). However, the requested roll-out did not happen, and Police Scotland has been disadvantaged historically in relation to BWV deployment compared to PSNI and forces in England and Wales, as shown from the examples provided in Table 1. below.

Consequently, public awareness in Scotland of police BWV, and the opportunity to form opinions as to its acceptability/unacceptability may be less well developed than in other parts of the UK.

Table 1.

Police Force	Number of BWV Units	Number of Police Officers
Police Scotland	600 armed officers, and a small number of units in NE Scotland (2021).	17,431 (Police Scotland, 2020)
Police Service of Northern Ireland	2,100 (2016).	7,000 (PSNI, 2021).
UK Government (Home Office)	60,000 in England and Wales (estimate, 2017).	135,301 (UK Government, 2017 & 2021).
Metropolitan Police	22,000 (aspiration stated in 2016).	33,212 (Metropolitan Police, 2021)
Staffordshire Police	1,300 (aspiration stated in 2020).	Estimated between 1300-1700 (A little bit of Stone, 2018).

2. Governance and Scrutiny of Policing Operations

Following the introduction of police BWV in the UK, and the expected benefits to police officers, policing in general and to prosecutorial agencies, a wide range of scrutiny and oversight bodies have also been emerging. Arguably, one of the principal reasons for their emergence is to maintain public confidence in policing. Scrutiny and oversight bodies whose remit includes BWV, often provide the opportunity for the public to become 'lay' members and to have a say in how policing is being run. Some bodies are chaired by a lay member too (Appendix I to the main report includes fuller details of these scrutiny bodies and their scope).

Scrutiny and governance bodies have been established by local forces and by Police and Crime Commissioners in England and Wales, national policing agencies such as Police Scotland and Police Service of Northern Ireland (PSNI), and national police regulatory bodies such as the Scottish Police Authority (SPA). The SPA is responsible (*inter alia*) for:

- its oversight role in scrutinising policing in Scotland and holding the Chief Constable to account;

- *its supportive role in maintaining and improving the police service;*
- *the SPA also aims to increase public trust and confidence in the policing of Scotland in the way it carries out its functions and through the quality of its governance arrangements.*

The establishment of outward-facing scrutiny bodies provides an opportunity for communities to have their say in how policing operations are being run and offer perhaps a community-focused balance to the technological capabilities which police BWV brings to policing and the prosecution services. Oversight and scrutiny of police conduct in Scotland is also undertaken by:

- Professional Standards (PS)
- Crown Office and Procurator Fiscal Service (COPFS)
- Police Investigations and Review Commissioner (PIRC).

PS will normally deal with complaints in relation to discipline and conduct, and complaints which involve an allegation of criminality which may amount to a criminal offence would be reported by PS to the Criminal Complaints Against the Police Division of COPFS. Vetting of any complaints is undertaken by COPFS and if appropriate will ask PIRC to investigate.

Interview Analysis: Overview

Due to the shortage of time available, it has not been possible to provide detailed analysis of the interviews which have been undertaken. Cumulatively, the interview transcriptions are estimated to be in excess of 50,000 words. The following sections provide selected quotations from the interviewees in relation to certain subject areas, as identified by the clients and in accordance with the 'Call' for this project:

- Oversight and Independent Scrutiny
- Transparency and Public Confidence
- Public Engagement
- Ethical Issues

Interview Analysis: Oversight and Independent Scrutiny

I think the Policing and Performance Committee (SPA), has a role in ensuring that the use (BWV) by the police is proportionate, appropriate, that we maintain our adherence to our equality and human rights impact assessment; that we adhere to our data protection impact assessment and that they look at their policies and procedures for the use of BWV to ensure that they were appropriate.

Governance at the SPA level can be supported by effective scrutiny at a more local level through a local police and fire scrutiny committee. But equally I think that we would want to understand the value that you can add by having bespoke community panels, at a local level who could review and then provide a view on the appropriateness of the police interaction with a member of their local community.

There are and should be multiple layers. We have the SPA's Policing Performance Committee that will continue to monitor the impact, the operational effectiveness, and the value of the

technology. Then there's internal audit, which represents another layer. It will undertake a periodic review of the effectiveness of both governance and controls of BWV.

It's likely that HMICS will also look at thematic reviews that relate to BWV and potentially we have the PIRC as well where there are individual incidents. So there are different layers that look at different perspectives around this that will continue. It's not just in relation to BWV, it's in relation to all the technologies and all the operational procedures of Police Scotland, of which this is one.

In Devon and Cornwall we've actually pioneered the use of BWV in scrutiny and governance panels for a couple of business areas, namely local resilience groups and also with regard to the use of police powers under section 136 of the Mental Health Act. Working with the NHS Trust in Cornwall, we managed to design a way to bring clinicians into the governance process and looking at where officers were exercising those powers; where they can randomly dip sample Section 136 powers being used by police officers and then the clinicians actually watch the officers exercising the power and see the circumstances in which it was used. That provides organisational learning, not only for us but also for the clinicians who have taken away some really valuable lessons, and that practice has now been shared by the NPCC with mental health leads and it's going to be rolled out nationally as a best practice, which we which we're quite pleased about.

We have what's known as a SIROS, a senior information responsible officer. So very tightly, and rightly so, control that platform and control those recordings. That footage can't just be deleted. I referred to it earlier on, an officer can't decide 'You know what? I don't want that going on to them because it doesn't show me doing something right... so I'm just going to bin it off. I'll delete it'. They can't do that. On any of the platform, whichever you go for, the platform allows that footage to come in, and it's got to be held for a minimum amount of time, primarily 31 days. That's governed under a piece of legislation called MoPI, the Management of Police information, which again you see all of these bits of legislation that fit into BWV, MoPI, GDPR, Data Protection Act, the Regulation of Investigatory Powers Act, all of these legislative documents if you like form the backbone and the structure. Then we bring in the College of Policing APP, the Ministry of Justice Guidance Criminal Justice Act, CPA. Once you've got the bedrock, you can then build those other bits on top of it.

And we have our scrutiny panels, we have our legitimacy panels and obviously we've got the OPCC as well, so the Office of the Police and Crime Commissioner who can access the footage by us if they need to do so. So whilst they don't have freedom of access to the demos platform if the OPCC were to come to me and say 'we would like to see this video', I would make that happen for them.

Interview Analysis: Transparency and Public Confidence

If you're going to achieve overall public confidence, there has to be a robust and clear level of governance and rigour over policing. That builds public confidence if people can see that there is an effective body holding us to account.

I think that the benefit of additional transparency of the interactions of the police with the public, the additional accountability that that brings to the officers goes a huge way to build public trust and confidence in policing to show the difficult situations that we deal with and how well we respond to those incidents. We've touched very briefly on Dame Eilish Angiolini's

review, but the swifter resolution (from BWV) of complaints about police I think will build public confidence and when you look at the evidence it makes a significant difference within complaints about the police.

BWV has been used for many years by Police in Grampian without any significant difficulty (as I understand). We have probably reached the point within society that it is seen, in general, as necessary and proportionate and that it may provide some additional assistance in accountability of public and police in difficult situations. Incidents of alleged police brutality internationally have no doubt heightened public expectations as to the use of BWV to record flash points, and to ensure that there is objective recordings of what took place, as opposed to the say so of police officers at the scene. It is possibly the case that there may be a greater push for BWV by the public than by the Police.

The current police thinking around BWV is that it should very much be overt and that the public should be made aware of the fact that it will be used generally, and in individual instances. It seems to me important that the police will require to explain how the BWV system will operate as there may be a misunderstanding that it will be used continuously and by all police officers and potentially lead to complaints that it was not used to record something which happened. The Scottish approach of switching on the camera at a relevant time, as opposed to the American philosophy of having it enabled as soon as it is taken out its cradle, seems an important distinction to me. Police do need to be very open as to how it will be used, if it is to be transparent and publicly supported. If Police Scotland are to equip all front-line officers with BWV then there would need to be consideration of media campaigns and publicly available information to help the public understand what it is and how it will be used.

The beauty of BWV is transparency. It's allowing somebody to see after the event why the officers took the decisions that they took based upon the circumstances that they were presented with at the time. Now that can be much more impactful than a written summary of a situation, so historically pre BWV as an officer, I would make an arrest at 2-3 in the morning I would write up the summary of the circumstances and then at 9:00 o'clock in the morning somebody who was fast asleep in their warm bed when I was out in the street dealing with that situation would come in and review that circumstance and would make a decision based upon their own personal experiences.

With BWV, there is no inference, it is what it is. It's total transparency, and it's allowing either a very experienced police officer or a layperson member of the public to see what the officers were presented with, the actions that the officers took. And there might need to be some narrative around the policing purpose of that incident, but it is able to provide anybody with a full unedited account of exactly what occurred.

The young IT literate generation, including police officers and the public, are very comfortable with IT in their lives. They live their lives through their smart phones, Facebook and Instagram. My gut instinct is (this isn't based on research), I don't think police are going to have significant difficulties with public opinion on this, unless they are selective in the way they use it and something happens, for example a death following police contact in circumstances where you would expect them to use BWV and for some reason they haven't. I think that's back to my earlier point, if they do roll it out quite widely (as I think they would like to, subject to funding) I think it's important that the policies and procedures around it are good, there's very clear

guidelines about when it should and shouldn't be used, the integrity of the data sacrosanct, when they put the devices into the docking stations at the end of their shift that it's absolutely watertight – no third party is having access to that data, tampering and interfering with it.

I believe there would be a very positive approach for the police to be using BWV at serious or major incidents and also within the city centre during weekend policing. I think as far as the armed policing aspects are concerned, there was general positivity about that ... because of the unique role these officers carry out. In other words, we in Police Scotland are saying, 'we're supplying you with that, with a gun, and you may have to shoot someone in defence of yourself or a member the public. So therefore we are giving you all the equipment you can possibly get to support you in that role'. And that position is somewhat lessened for conventional officers who are coming to vandalism, going to domestic incidents, who were going to an array of other policing incidents. So, therefore, I think maybe it's a challenge ahead of us to try and persuade the public that these will be used correctly in defence for yourself and the officers. I suppose that's one of the concerns I have got there... and the public perception of it... Because if I say something wrong to you and you complain about me, then the BWV will back that up and I have to take that, as simple as that. We are a professional policing institution, so therefore we have to and need to abide by professional standards. And if that goes below that and BWV catches it, well that's the public's right to make a complaint. That's what it's for.

Interview Analysis: Public Engagement

Citizens and communities need to be provided with continual opportunity to feedback to both the SPA and Police Scotland for any technology, this one included. And I think that this needs to inform, for example, the SPA's governance and monitoring plans, so I think we need to find ways to do that.

Whether everybody out there who may wish to express a view is well enough informed to do that and whether the channels to do so are sufficiently visible and easily accessible I think is a separate issue and a separate question. I don't think it's good enough to say well anyone can just feedback if they want to if actually it's really difficult to navigate or it's not obvious that you can.

I think the language of the Chief Constable about openness, transparency and engagement is really important, but it needs to be backed up with continuous external communication about how people can feed into Police Scotland and the SPA if they want to. Although there needs to be a balance, because people who may want to respond to something in real time may not want to engage daily with Police Scotland on every single issue.

I think from my point of view, when we were in project phase, when we went out and we met with religious and community faith leaders, and we went to the places of worship and we went to the, what are known as LRGs, local resilience groups where BSU commanders (Borough Support Unit) meet with their community leaders about once a quarter and we gave a presentation around BWV. And funnily enough, the response was, "we thought you already had cameras. Can you put one on the back as well as on the front?" and most of the public that we engage with don't like us having BWV cameras because we tend to deal with 1% of the population, 99% of the time and they don't like BWV because it allows the courts to see exactly what they were doing and it's no longer a 'he-said, she-said' scenario. So our relationship with the public, I think, if anything, has been enhanced by the by the introduction of BWV and most

of the feedback that I get anecdotally from officers is, "do you know what, the public were great, they're absolutely fine that we've got cameras, it's not a problem", and where we do get those people that challenge it and that don't like it, they don't like it because it normally shows them doing bad things.

We average about three governance or scrutiny panels a month. And some of those are force-wide and some of them are regional. So we have ones in South Devon, Plymouth and West Cornwall. And there's an overarching force-wide one that's managed by a Chief Inspector in South Devon. And that's made up of members of the public who are vetted and come in and sign confidentiality agreements. And again, they will randomly pick examples of stop and search based around whatever criteria they choose on the day, be that race, sex, origin, age. And then, I go in and we control-view the BWV footage for them to see the footage to the extent of the reason why they're looking to see it. Was the power exercised proportionate, legitimate, necessary in the circumstances? Were the officers polite? There's been some learning outcomes that have come out of that definitely, and that's worked really well for us. And we're just about to launch the same thing again in Dorset, with Dorset's Police & Crime Commissioner running their own governance panels and again, having access to BWV in the same way.

Interview Analysis: Ethical Issues

I think again it relates back to personal vulnerability and how people feel about that. So you can create a whole narrative around (a) positive and objective 'cold light of day' intellectual approach which says "it's logical to do this". But actually, we don't operate like that particularly when we're distressed or something terrible is happening or we're unsure about what's going on. I think it's not about saying, "we know this to be the right thing and it's safe so we're just going to impose it on you."

I think that each individual scenario needs to be sensitive to potential vulnerability or distress and respond accordingly. I think I would go as far as to say if there's a balance between, "this is going to be really important to success in some criminal case down the line" versus "this person is really distressed by this", then that person's distress has to be the thing that drives behaviours, rather than the ultimate aim. I think those kinds of issues will be for individual police officers to grapple with at the time.

If there's some disability issues so whether they involve speech difficulty or whether they involve the relative juxtaposition of the officer. If you're a wheelchair user and then all that happens is there is a downward view of the top of your head every time you engage with the police, whereas for everyone else it's a full-on face, you need to have thought those things through before you roll it out. Because otherwise you will constantly be patching policy to say oh yeah "we've just realised this" and you don't want - that's erosive of public confidence - the more times you have to patch policy. So try and think them all through first.

I think overall for the majority it will be very, very positive and I think there will be groups who will have some real concerns about their civil liberties. I think at an early stage we need to get civil liberty bodies on board, so they're aware of what they're doing. People might think it's a big brother watching. I think we have to reassure them in relation to that, and also the fact that, as I said before, almost everybody above the age of 10, 12 has a mobile phone and there is CCTV... So overall I think the public will be reassured because it's been done for the

right reasons and it's about better serving the public. If we clearly explained what the benefits are... with my pilot and rollout, it was more officers working within their communities. less officers have been assaulted and go off sick, so that's a real benefit for them.

I had officers who attended domestic abuse, which was a really, really violent incident and I won't go into specifics, but the person involved was well known and very very violent and he violently assaulted his partner and there was a witness there. Police followed on, activated BWV, captured the initial dialogue with the accused and the witness who gives forward the account and they capture the injuries. Now when it came to the initial full statements, both accused and witness refused to get statements. That happens quite a lot. One through fear and one because it's normal, but the evidence captured in the BWV had that and the Procurator Fiscal moved forward with what they call 110 lie down, which meant that boy was remanded in custody and.... we were going forward with the case. Even though both witnesses failed to come forward and a victim fell as well. They were prepared to go forward, but the only reason it didn't progress to the next stage was that, the witnesses were quite clearly going to get to court and say it wasn't him, and it didn't happen. But that gives an example of when the witnesses are really scared to come forward, but we have captured that initial action, initial statements and initial injuries. So it's having that additional evidence, which I think is really, really important as well.

So we we now have a workforce where I think their expectation is very technically driven. You know, they're used to using these devices so we find ourselves sometimes having to say to the workforce 'slow down, we're not doing that just yet. We're looking at that, but we're not there just yet', so it's almost what we don't want to end up with is the tail wagging the dog and having the technology direct how policing needs to go. It needs to be the other way around. Policing needs to direct how the technology needs to go and that's one of the things that I'm personally very keen (on).

.....but there might be wider human rights implications.... other kinds of wider issues that possibly come outside of the legal side. It's more the ethical and moral as well. You know whether it should be used just because you can doesn't always mean that you should. But from my perspective and from the ICOs perspective, there's a lot of focus on data protection law and I think that is one of the largest kinds of legal barriers to navigate when using this. I would say OK, so what would you expect a police force to do then in terms of legal activity to make sure that their BWV practices are compliant with legal issues? This is a very very profound kind of expectation that data protection by design and default has implemented in all processing of personal data, especially when you know it can be more sensitive and more intrusive. And we would encourage a data protection impact assessment which fully explores the lawful basis, the retention periods, all the principle based requirements that the law asks for must be documented, especially where the type of processing is high risk. And if some of these risks that are identified can't be mitigated, and there there is a legal requirement for organisations to go through prior consultation with the ICO before the processing takes place, and that's actually quite explicit in the legislation.

References

'A little bit of Stone' (2018). Police Officers Issued with Body Worn Cameras. 10.1.18.
[Police Officers Issued With Body Worn Video Cameras > A Little Bit of Stone](#)

Leleux, C. & Webster C. W. R. (2020). The Rise of Body-worn Video Cameras: A New Surveillance Revolution? In B. Newell (Ed.) *Policing on Camera*, Routledge.

Metropolitan Police (2021). The structure of the Met. 30.11.21.
[The structure of the Met and its personnel | Metropolitan Police](#)

Police Scotland (2020). Police officer quarterly strength statistics Scotland: 31 March 2020
[Police officer quarterly strength statistics Scotland: 31 March 2020 - gov.scot \(www.gov.scot\)](#)

Police Service of Northern Ireland (2021). Strength of Police Service Statistics. 1.12.21.
[Strength of Police Service Statistics \(psni.police.uk\)](#)

UK Government (2017). Home Office consults on using body-worn video for police interviews. 25.10.17.
[Home Office consults on using body-worn video for police interviews - GOV.UK \(www.gov.uk\)](#)

UK Government (2021). Police workforce, England and Wales. 31.3.21.
[Police workforce, England and Wales: 31 March 2021 - GOV.UK \(www.gov.uk\)](#)