

To: Police and Fire and Rescue Scrutiny Sub Committee

On: 17 August 2021

Report by: Director of Communities and Housing Services

Heading: Police Scotland Public Consultation on the Use of Body Worn Video (BWV) Cameras

1. Summary

- 1.1 Officers from Police Scotland provided a briefing paper on the proposed use of Body Worn Video cameras to the last Police and Fire & Rescue Scrutiny Sub Committee on 18 May 2021.
 - 1.2 Police Scotland have since launched a consultation on whether all frontline Police Officers should be provided with Body Worn Video (BWV) cameras on 1 June 2021. A proposed Renfrewshire Council response to this consultation is attached as Appendix 1 to this report. The full consultation paper can be found at: <https://consult.scotland.police.uk/strategyinsight-and-innovation/police-scotlands-use-of-body-worn-video-public-con>
 - 1.3 Renfrewshire Council approved the use of Body Worn Cameras in 2010 for the Renfrewshire Warden service and these are part of PPE for all situations, especially ones that can be confrontational eg Anti-Social Behaviour calls and parking enforcement. The proposed consultation response builds on this positive experience and makes recommendations relating to the use, governance and training required for officers making use of this technology.
 - 1.4 The final date for submissions to the consultation is 20 August 2021. A response from the Council will be submitted within the timescales set by the Police Scotland and a draft is attached for approval as Appendix 1.
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2. Recommendations

- 2.1 It is recommended that the Police and Fire & Rescue Scrutiny Sub Committee:
- (i) notes the publication of the consultation by Police Scotland on the use of Body Worn Video (BWV) cameras; and
 - (ii) approves the Council's consultation response as detailed in Appendix 1 to this report.
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3. Background

- 3.1 Police Scotland recently undertook a national public consultation on Body Worn Video cameras being used by armed police officers, particularly in relation to the COP26 event in Glasgow in October/November 2021. Due to the positive response received to this consultation, Police Scotland is now consulting on whether all police officers should wear body worn video cameras.
- 3.2 Police Scotland have identified some of the rationale for wearing camera as:
- Increasing the use of technology within criminal justice to deliver more efficient and effective justice for victims,
 - Improved officer safety,
 - Increasing public confidence by offering greater transparency, and
 - Reducing and resolving complaints against Police officers.
- 3.3 The use of Body Worn Video cameras and supporting Digital Evidence Management (DEM) software will benefit Police Scotland, the public and partners by:
- Offering greater transparency of police practises
 - Providing valuable evidence to assist police officers in the investigation of crime,
 - Supporting victims by capturing evidence, providing a visual record of scenes, documenting injuries a victim has sustained and showing the demeanour of and distress suffered by victims of crime,
 - Providing the Crown Office and Procurator Fiscal Service with high quality evidence to support investigations and prosecutions, and
 - Supporting investigations by Police Scotland and the Police Investigations and Review Commissioner (PIRC) in respect of investigations concerning the policing response to a particular matter.
- 3.4 Unless it is impracticable to do so by reason of the situation, operational necessity, or behaviour/condition of those present, it is proposed that when users activate their Body Worn Video equipment, they should make a verbal announcement, in plain language, to the following effect – *“Video and audio recording is taking place”*.

- 3.5 If recording began whilst en-route to an incident, then it is proposed upon arrival the user should inform those present, that they are equipped with BWV and that audio and video recording is taking place unless it is impracticable to do so by reason of the situation, operational necessity, or the behaviour/condition of those present.
 - 3.6 Renfrewshire Council (Wardens) currently use Body Worn Video cameras and these are activated when Officers believe they are getting into a confrontational situation. It should be noted that Officers are trained to remove themselves from confrontational situations, however, if it is escalating, this assists the Officers both from an evidential standpoint but also for their own safety.
 - 3.7 The video evidence is stored securely and used where required as evidence if a crime has been committed or if a complaint is made against an Officer.
 - 3.8 From the consultation, it is clear that Police Scotland will use Body Worn Video cameras for very similar purposes which in turn should increase confidence amongst the public with regards to their safety and the use of Police powers.
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Implications of the Report

1. **Financial** - None
2. **HR & Organisational Development** – None.
3. **Community/Council Planning** –
 - *Our Renfrewshire is safe* – By implementing Body Worn Video Cameras, members of the public and communities will potentially feel and be, safer.
4. **Legal** - None
5. **Property/Assets** - None
6. **Information Technology** - None
7. **Equality & Human Rights**
 - (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** – None.
9. **Procurement** - None

10. **Risk** - None
 11. **Privacy Impact** - None.
 12. **COSLA Policy Position** – Not Applicable
 13. **Climate Risk** – Not Applicable
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List of Background Papers

- a) Police Spotlight – Body Worn Video Cameras, Police and Fire & Rescue Scrutiny Sub Committee 18 May 2021

The foregoing background papers will be retained within Communities, and Housing Services for inspection by the public for the prescribed period of four years from the date of the meeting. The contact officer within the service is the Communities and Regulatory Manager.

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Police Scotland Public Consultation on the Use of Body Worn Video (BWV) Cameras

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

It is believed that communities will feel safer that criminals can be caught on camera (and hopefully prosecuted) and that incidents can be corroborated through video evidence rather than simply relying on the statements of police officers – increasing trust and confidence in the organisation and transparency around the actions of individuals and officers.

To what extent do you agree or disagree with the following statement: “knowing interactions with the public are recorded would increase my trust in Police Scotland”

It is believed that communities will feel safer that criminals can be caught on camera (and hopefully prosecuted) and that incidents can be corroborated through video evidence rather than simply relying on the statements of police officers – increasing trust and confidence in the organisation and transparency around the actions of individuals and officers.

To what extent do you agree or disagree with the following statement: “knowing interactions with the public are recorded would increase my confidence in Police Scotland”

It is believed that communities will feel safer that criminals can be caught on camera (and hopefully prosecuted) and that incidents can be corroborated through video evidence rather than simply relying on the statements of police officers – increasing trust and confidence in the organisation and transparency around the actions of individuals and officers.

You will now be presented with a number of statements and asked to what extent you agree or disagree with them. Space has been provided to expand on your answer.

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

Renfrewshire Council completely agree with this statement. Officers require to be trained, not only in the safe use of the cameras, but also when they should be activated. This will prevent them being used intrusively and will protect both members of the public and police officers.

The guidelines will also include how long footage should be retained, particularly if it is not going to be used in a criminal case, in line with appropriate data protection retention policies and legislation.

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

Yes, Officers should decide and have discretion as to when a Body Worn Video should be used. Otherwise, cameras may be used 100% which is not required and inefficient. As part of routine training, staff should be advised when and how to activate their camera. Depending on the circumstances, this may not always be possible, ie if Officer is in imminent threat, however, wherever practicable, Officers should activate when dealing with criminal case or a feeling of danger. This will allow both the community and police officers protection and evidence. If a camera is not activated during an incident that may go to court at a later date, Officers should make a clear note in the incident report as to why this did not happen.

Moving forward, the use of video evidence for evidential purpose may be required (Code of Practice for interviewing) which would mean these are essential.

“Individuals should be informed before Body Worn Video is used”

Yes, this can be a short statement (similar to when someone is advised they are being cautioned), simply advising all parties that the conversation may be recorded. Again, this should be caveated “where reasonably practicable”. Depending on the situation, this may not be on a police officers mind, however, if not advised, this should be clearly marked in the incident report as to why the statement was not proffered.

“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, this will provide full transparency for communities and public and also protect Police Scotland officers providing evidence and corroboration of their actions and the actions of others.

Do you have any other concerns or comments about the introduction of Body Worn Video?

In the current world of social media and documented evidence, Police Scotland Officers should have their own Personal Protective Equipment (PPE) to be able to show what the officer is seeing. Having cameras should protect officers and be capable of being used for evidential purposes.