Informed decision-making, community engagement and participation workstream report

Scottish Government
Riaghaltas na h-Alba

Informed decision-making, community engagement and participation workstream report

Final report
May 2022

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1. Introduction

1.1. The Cabinet Secretary for Justice appeared before the Scottish Parliament's Justice Sub-Committee on Policing in relation to their report into Police Scotland's use of digital triage devices (or "cyber kiosks") on 13 June 2019. During his appearance, the Cabinet Secretary announced his intention to form an independent advisory group to scope the possible legal and ethical issues arising from emerging technological developments.

1.2. The Group is Chaired by Dr Elizabeth Aston and will report to the Cabinet Secretary for Justice on whether the current legal or ethical frameworks need to be updated in order to ensure Police Scotland's use of emerging technologies for operational policing is compatible with equality, human rights and other applicable legislation and best practice; and to provide specific recommendations or potential outputs to address any identified issues.

1.3. The IAG will produce findings and recommendations to assist Police Scotland with its consideration of deployment of new or emerging technology after consideration of the following key areas:

   1.3.1. Legislation and Ethical Standards
   1.3.2. Evidence and Scientific Standards
   1.3.3. **Informed Decision-making, Community Engagement and Participation**
   1.3.4. Oversight, Scrutiny and Review.

1.4. The Work Stream 3 membership was a range of professionals with varying expertise and perspectives in relation to consultation and public engagement. Members were invited to participate, represent their organisations, challenge and share best practice. The members met during a series of workshop style meetings over several months to discuss practice and weigh-up suggestions and recommendations for this report. The Group heard from a range of expert speakers to ensure a wide perspective, including consideration of international practices. A full list of members of the group is set out in Appendix One.

1.5. This report sets out the findings of the informed decision-making, community engagement and participation work stream for the IAG to consider as a key element of their final report and recommendations.

2. Executive summary

2.1 The informed decision-making, community engagement and participation work stream explored the role of public consultation and engagement, a range of literature and best practice, and the learning from experience within Scottish policing and elsewhere to create a wide ranging evidence base.

2.2 The evidence base and expertise of the work stream group supported the consideration of a range of key areas to develop recommendations for the IAG to consider that embed best practice. The work stream membership workshop sessions led to the design and development of a framework for consultation and engagement that sets out proposed principles and practice for clear, meaningful, accessible and appropriate approaches to engage on emerging technologies in policing.

2.3 At the heart of the framework is enabling genuine public dialogue and participation for influencing change in policing. Policing in Scotland is built on foundations of legitimacy and consent. It is critical that the bond of trust between the police and the public is at the forefront of consideration and that the introduction of new technology maintains and builds public trust and confidence in policing.

2.4 Policing is complex and additional consideration is appropriate to ensure the concept of policing legitimacy is factored in at all times. Policing by consent is recognised as crucial in a democratic society because the Police have powers to act in ways that could be considered illegal if enacted by any other members of the public, for example, using force or depriving people of their liberty. Engagement is one area that supports policing to build trust and confidence but this must be considered alongside other key areas such as an effective legal system that ensures more broadly that policing is called to account for actions.

2.5 Understanding the needs of Scotland's communities remains a top priority for policing in Scotland, and this can only be achieved through effective community engagement. Police Scotland has welcomed the opportunity to contribute to the development of the refreshed Community Engagement Standards for Scotland. These Engagement Standards embrace this concept and will enable the service to deliver an appropriate and legitimate police service for the people of Scotland.

2.6 Fundamental principles and opportunities drawn from the evidence review formed the basis of the framework, for enabling meaningful engagement and participation in the introduction of emerging technology in policing. These include:

2.6.1 A bespoke design for each initiative underpinned by clear purpose and principles, using a combination of tools and expertise in an evolving cycle of activity.

2.6.2 Different engagement approaches for different needs – both needs of the decision-makers / decisions to be made and those the decision will affect.

2.6.3 Designing good quality engagement takes time, and can only be achieved if all parties are willing to listen to each other and act together. Consideration of the levels of engagement and participation, and what might be appropriate for different types of inquiry: this includes a full range of consultation and deliberative approaches.

2.6.4 The application of shared values in engagement and participation, and doing things with stakeholders rather than to/for, and understanding the impacts.

2.7 The recommendations set out by the work stream for the IAG to consider are focused on ensuring best practice consultation and engagement with the public and communities on new and emerging technology. Our recommendations are as follows:

2.7.1 Ensure engagement and consultation considerations align effectively with both legal and governance frameworks, and consideration of ethics via an appropriate organisational model.

2.7.2 Being clear on the purpose of the engagement process – what are people going to influence, why and how – key at the start and will support strong considerations of wider frameworks of governance.

2.7.3 Engage at an early stage in the governance process to understand views and the sub-groups where a greater understanding of concerns is needed. Using focus groups and other methods can give an early overview of key areas for consideration. This is critical for complex or less understood technology such as AI and predictive analytics.

2.7.4 Set out an evidence base as part of the engagement that captures a range of views on the technology concerned. If possible, work with an external or stakeholder advisory group to shape the evidence so there is an element of independent review.

2.7.5 Include an element of formal consultation in the approach to ensure that the views of the public and communities are both appropriately considered and embedded in the roll out of all new and emerging technology. A formal consultation process has the safeguard of judicial review processes where the public and communities are able to challenge.

2.7.6 Set out to have an ongoing dialogue with the public utilising participatory approaches where appropriate, as the technology is considered and after implementation. This will enable concerns to be considered and addressed at all stages of the governance process. Good practice indicates a range of approaches that policing should consider adopting to ensure the voices of the public and communities

are at the heart of any changes to operational policing as a result of new and emerging technology.

2.7.7   Use a clear and transparent engagement framework underpinned by engagement principles and quality assurance to ensure the process is clear and well-articulated. This will guide the design of engagement which can be tailored, in terms of levels of participation and methods, to meet the individual considerations of the technology and potential impacts. Ensure all processes are inclusive and accessible for everyone.

2.7.8   Enable the colleague voice to be heard as a key element of shaping proposals. Evidence shows that the colleagues experience directly impacts public experience and police legitimacy. For effective service delivery, an open two-way dialogue that is safe and inclusive, and facilitates a reciprocal exchange of ideas and feedback should identify any problems or conflicts, and solutions to improve the quality of police-citizen interactions, as technology is introduced with the right training, communications and Code of Practice.

2.7.9   Ensure engagement insights are considered and scrutinised by governance bodies to provide a clear narrative on the views of the public and communities. This must include areas of concern and how these are being addressed.

2.7.10 Make a public, open and transparent commitment to how the insights from the engagement process will be used to shape the consideration and implementation of new technology. Report back with details which are shared publicly and scrutinised. As part of this, include details of the manner in which the use of new and emerging technology will be monitored post implementation and provide clear routes for the public to raise concerns. Open and transparent reporting of concerns and how they have been addressed should be visible for scrutiny bodies.

3. Overview

3.1   There is a high level of public and stakeholder interest in policing, whether it be visibility, approaches to policing in communities, the introduction of new operational policing tools or how our policing model adapts to serve the public in an increasingly digital, interconnected world. These areas are all subject to scrutiny, oversight, inspection and review by a range of bodies from Scottish Parliamentary Committees, Scottish Police Authority (SPA) and Her Majesty's Inspectorate of Constabulary in Scotland (HMICS) where high standards are being set to work closely with stakeholders, the public and communities to develop the future public services that policing will provide. This includes a range of important considerations such as understanding the views of the public and communities, human rights, ensuring the right assessments are undertaken, such as EQHRIA, and all appropriate mitigations, such as Codes of Conduct, are in place.

3.2   Police Scotland has made significant progress to develop accessible, inclusive and meaningful approaches to public engagement and act on the insights they provide. In the coming period there is likely to be an increasing level of demand to engage positively and proactively with the public and stakeholders on a number of important changes in policing. The Strategy, Insight and Engagement service within Police Scotland is growing and supporting different approaches to insight, engagement and public participation – and this report will further enhance this work. We know that through high-quality public engagement it is possible to explore complex areas with an understanding of trade-offs[1]; this increases the chances of success when introducing appropriate technology that keeps people safe, with appropriate mitigations in place for both the public and police.

3.3   The informed decision-making, community engagement and participation work stream focused on the following key areas:

   3.3.1   The role of consultation and public engagement to support policing legitimacy and consent as new and emerging technologies are considered that lead to changes in the operational model for policing in Scotland.

   3.3.2   A wide range of evidence and best practice for engagement, consultation and consideration of insights, leading to the development of future focused, relevant and meaningful approaches for policing.

   3.3.3   To design and develop a proactive, inclusive and accessible framework for public involvement that will enable policing to collaborate with the public and communities in an ongoing dialogue to understand views and concerns, support to explore complexity, and

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[1] European Institute of Public Administration - New solutions to complex challenges - A public sector citizen-centric,

matters of consent to inform proposals for the introduction of new technology. This will draw on best practice and pilot emerging approaches, such as deliberative democratic processes with communities.

3.3.4 To identify where there are opportunities to move beyond consultation and engagement towards a more participative model for community involvement in the decision-making processes surrounding emerging technologies – moving up the Ladder of Participation[2] towards sharing power; co-producing future models with communities. In line with key strategic drivers such as Open Government, Community Empowerment Act (part 10), National Performance Framework, the ongoing development of a Scottish Participation Framework and the United Nations Convention on the Rights of the Child implementation into domestic law.

3.3.5 Through opportunities to drive this work, in relation to 2.3.4, the membership of the work stream will advise on design options which are meaningful, innovative within a policing context and solution-focused.

3.3.6 Assess what expertise may be required for the above core focus areas to be delivered in full; for example, working with specialists in the design and delivery of community engagement activities using emerging approaches in citizen participation, engagement and democracy.

3.4 Police Scotland: Strategy, Insight and Engagement

3.5 Police Scotland's Strategy, Insight and Engagement service is responsible for designing, building, managing and maintaining high-quality activities which involve the public, communities and partners.[3]

3.6 During the period since 2019, the service has grown organisational capacity and maturity in this area and since 2020 we have seen large numbers of people take part in major surveys and engagement activities; making Police Scotland's public engagement process more robust and representative, whilst being led by research and engagement best practice through in-house expertise.

3.7 Approximately 59,400 responses were received from surveys in 2021 on public confidence, user experience, support provided to survivors or victims of crime, events and protests, including a significant public engagement exercise on the use of Body Worn Video. A further 26 surveys were conducted by business areas on service-specific themes for internal audiences.

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[2] Ladder of Citizen Participation – Organizing Engagement
[3] Police Scotland - Citizen Space

3.8 The service sought to further enhance its reach to diverse communities through making surveys accessible in British Sign Language (BSL), Easy Read and by using inclusive non-stigmatising language. A series of focus groups, interviews and workshops were carried out to understand the lived experiences and perceptions of diverse communities of different age groups for informing the use of Body Worn Video and emerging technology in policing.

4. Evidence and best practice

4.1.   There is a significant range of evidence and literature that sets out the main elements and considerations for consultation, engagement, deliberative approaches and democratic innovations across the globe. A high level literature review was undertaken to draw out the main considerations for police to embed in approaches to re-imagine and deepen the role of the public, communities and colleagues in designing changes to operational policing in Scotland.

4.2.   Public engagement is a relatively new term, used little ahead of the nineties. It shares much in common with participatory democracy set out by, for example, John Stuart Mill[4], G D H Cole[5] and Jean-Jacque Rousseau[6].

4.3.   Public engagement and participatory democracy are often considered as complementary to representative democracy, by sharing some of the decision-making powers with the public and communities. Rousseau suggested that participatory approaches to democracy had the advantage of demonstrating 'no citizen is the master of another' and that 'all of us are equally dependent on our other fellow citizens'. Rousseau suggested that participation in decision-making increases the feeling among individual citizens that they belong in their community. A good example cited is often jury trials and the role of the public. Participatory approaches do not seek to replace representative democratic processes. Instead, they complement each other; democracy continually develops and people must have continuous opportunities to influence decision-making. Participatory approaches seek to do this by involving people in the wider democratic process outwith the standard election cycle to inform policy development, service delivery and ensure public's needs are addressed, alongside, in this example the police service's aspirations to respond to threat, risk and harm, throughout decision-making processes.

4.5.   Policing is complex and additional consideration is critical to ensure the concept of policing legitimacy is factored in at all times. Policing by consent is recognised as crucial in a democratic society because the Police have powers to act in ways that could be considered illegal if enacted by any other members of the public, for example, using force or depriving people of their liberty.

4.6.   Policing in the UK is grounded in the principle of 'policing by consent'[7]. Derived from the nine principles of policing developed by the founder of the Metropolitan Police, Robert Peel. The notion of 'policing by consent' is rooted in the belief that for policing to be effective, there must be broad public support for a police service's actions. This is a key consideration in any

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[4] Democratic Participation and Political Education: John Stuart Mill 11th Edition, (2019)
[5] Social Theory: GDH Cole, (1920)
[6] The Social Contract: Jean-Jacque Rousseau, (1762)
[7] Definition of policing by consent - GOV.UK (www.gov.uk)

proposal to use new technology or change policing services. Engagement is one area that supports policing to build trust and confidence but this must be considered alongside other key areas such as an effective legal system that ensures more broadly that policing is called to account for actions.

4.7. A common misconception is there is one particular methodology that has been devised and can be applied to facilitate all public engagement or participatory approaches. In reality, effective engagement and participation is best progressed on the basis that each different situation will require a bespoke design, using a combination of tools and expertise as part of an evolving cycle of action underpinned by clear principles within a well-articulated framework.[8]

4.8. The evidence base sets out the significant journey[9] of design, development and enhancement of approaches to engagement and consultation in the public sector over a lengthy period. In particular, a more deliberative system of decision-making is considered to have benefits that reach far beyond the decision-making process into understanding of individual and shared interests in our communities.[10] Deliberative processes seek to explore complex issues and weigh up trade-offs with participants being selected via random stratified sampling (or lot) to be representative of the community they live in. Particular focus of the shift in approaches continues to be visible around how organisations can be designed, or design approaches, to both increase and deepen the participation of the public, communities and colleagues in the decision-making processes.[11]

4.9. Deliberative processes have received support around the UK over recent years. In particular, the Citizens' Assembly on Democracy in the UK[12] recommended that "Deliberative processes should be used to enhance local as well as national decision-making, so that decisions are made that are informed by what local people want".

4.10. The literature recognises the sheer range of participative and deliberative approaches with the first framework setting out three clear dimensions of participation; influence and communication; and decision mode.[13]

4.11. The role of public engagement and participative approaches in policing is particularly critical as policing needs to have clarity on public expectations of policing and the issues that shape legitimacy, consent, public trust and confidence. Approaches need to be designed to align with, support and

[8] Mistry, (2007)

[9] Pateman C., (1970) 'Participation and Democratic Theory' Cambridge and Pateman C (2012) 'Participatory Democracy Re-visited' Perspectives on Politics

[10] Habermas J., (1996) `Popular sovereignty as procedure'', in Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy

[11] Innes J E., (1998) `Information in communicative planning'' Journal of the American Planning Association

[12] report_2_final_digital.pdf (ucl.ac.uk)

[13] Fung A (2006) 'Varieties of participation in a complex governance' Public Administration Review

enable community policing. It is recognised that the approaches will be most successful if they reach into communities in an inclusive and representative way.[14]

4.12. There is an ongoing wider societal dialogue considering the impact that genuine and meaningful participation could achieve across all public sector led services. For example, it is argued that the public sector is not effectively maximising the opportunities that digital affords[15]. Digitisation can be considered to negatively impact on democratic governance in its current form[16] and there is evidence to reflect that trust between the public and political institutions around the world is decreasing; with many reporting[17] that they are frustrated that public organisations are slow to enable and enact change to keep pace with developments. In essence, our local democracy can be considered to be under pressure, to an extent, because the public are often not able to see, and feel, the value that living in a democracy provides. One of many ways to resolve this is through more, and better, public engagement that seeks to harness community voices.

4.13. A great deal of focus as participative and deliberative approaches have developed has been on 'inputs' and an increasing range of methods. Due to this it is also recognised that there are challenges in understanding impact which could partly also be due to a focus on exemplars where there is less opportunity to learn from the barriers to success. There is also limited evidence available about how feedback to communities and participants of engagement processes is executed, and what best practice looks like in this space. It is key for this to be explored in great detail, and with relevant stakeholders, when planning public engagement.

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[14] Bowling and Foster 2002; Myhill 2006
[15] Decisions on Digitalisation: Using Participatory Democracy for Better Policy | Institute for Global Change
[16] Digital Regulation: Driving growth and unlocking innovation - GOV.UK (www.gov.uk)
[17] Decisions on Digitalisation: Using Participatory Democracy for Better Policy | Institute for Global Change

5. Learning from case studies

5.1   There is a rich landscape of case study evidence on public engagement and participative approaches. As part of our work stream we considered a range of these and engaged key leads in discussions. This has supported our consideration of best practice approaches for policing and new technology and enabled us to shape our overarching recommendations.

5.2   The following provides an overview of some of the case study evidence considered to support the development of the recommendations in this report. Case studies were selected based on their relevance to the purpose of this report, impact on policing and communities, and to highlight areas of public engagement practice that work stream members highlighted as core considerations. The case law is from England and Wales because at present there is no directly relevant case that has been determined within Scotland.

5.3   **Consultation: Judicial Review**

5.4   Engagement with the public is not binding and as a result there is no mechanism to challenge a public body if the views expressed are not considered appropriately or taken into account. The use of formal consultation provides scope for legal challenge via judicial review, which can be used to challenge the lawfulness of a decision made by a public service. The following examples set out where a judicial review process has been invoked in response to the consultation approach or outcomes (Note: these cases are considered under English Law and as such not binding but would be considered if a similar case was raised under Scots Law).

5.5   **R (ex parte LH) v Shropshire County Council[18]**: The council held a consultation on the policy of 'individualised' budgets, meaning disabled people (such as LH) could choose their own form of social care. It held a second consultation, which made it clear that the policy would involve the closure of some (unspecified) day centres. The council then closed Hartleys day centre in Shrewsbury. The court rejected a challenge from LH, but the Court of Appeal ruled that a consultation into the specific closure of Hartleys should have been held. This is significant because even well-conducted consultations, if their scope is not wide enough, can lead to unlawful decisions.

5.6   There are some important considerations to note from the judgement as follows:

5.6.1.   Although the hospital eventually lost, the case shows that disappointed consultees can make an argument if 'option development' processes are seriously flawed; and

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[18] LH, R (on the application of) v Shropshire Council [2014] EWCA Civ 404 (04 April 2014) (bailii.org)

5.6.2.	This shows the advantages of offering consultees the opportunity to advocate solutions other than the stated ones.

5.7	**The Royal Brompton Hospital v The Joint Committee of PCTs19**: The NHS was seeking to rationalise where children's cardiac surgery took place. The Royal Brompton Hospital was excluded from all four configuration options published in the consultation, and it therefore sought a judicial review of the exercise. The judge initially found for the hospital, having been persuaded that deficiencies in the way the NHS had gathered and presented information about the hospital's research capability would have misled consultees. This decision was reversed by the Court of Appeal.

5.8	**Kendall v Rochford DC & DCLG20:** Mrs Kendall challenged a council decision, arguing that the council had failed to comply with its own 'Statement of Community Involvement', and failed to observe Article 6 of the Strategic Environment Assessment Directive. The judge ruled that the council had met its statutory requirements, but he also said that the council had been over reliant on its website to reach key stakeholders. This case is a key decision on consultation methods which, in some cases, must not be over reliant on new technology.

5.9	**Social Security Scotland – Our Charter**

5.10	The **Social Security (Scotland) Act 2018** required the Scottish Government to create Our Charter. This set out a range of expectations that people should be able to see within their new social security system in Scotland. It puts the Principles in the Act into clear and accessible language; ensuring that Social Security Scotland takes a human rights based approach to all that they do whilst ensuring their values of dignity, fairness and respect are demonstrated in their actions.

5.11	Our Charter was created with people and not for them. Social Security Scotland have made firm commitments to ensure that services and benefits are designed with people to ensure that as far as possible they meet the needs of Scotland's diverse communities. Social Security Scotland also ensured that Our Charter was accessible in a variety of formats, including large print, BSL, audio and Easy Read.

5.12	The approach taken to develop Our Charter was underpinned by the Scottish Approach to Service Design (SAtSD) that is now rooted within Scottish Government policy development practice.

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[19] Royal Brompton & Harefield NHS Found'n Trust v JCPCT & Anr (judiciary.uk)
[20] Kendall v Rochford District Council & Ano [2014] EWHC 3866 (Admin) (19 December 2014) (bailii.org)

5.13   **National Standards for Community Engagement**

5.14   The National Standards for Community Engagement are a set of good practice principles that have been developed and refined over a number of years. They help to ensure that community engagement activity is designed, delivered and evaluated in a way that will increase participation and impact. The Standards were designed and have been iterated recently by the Scottish Community Development Centre.

5.15   There are 7 Standards: Inclusion, Support, Planning, Working together, Methods, Communication and Impact. The standards can be used to help public sector organisations plan how to involve communities in shaping local services, ensuring that the engagement process is fair and effective.

5.16   Police Scotland has welcomed the opportunity to contribute to the development of the refreshed Community Engagement Standards for Scotland. Understanding the needs of Scotland's communities remains a top priority for policing in Scotland, and this can only be achieved through effective community engagement. Police Scotland delivers its policing by consent, which means that it must seek to have the support of the public to carry out its duties. These Engagement Standards embrace this concept and will enable the service to deliver an appropriate and legitimate police service for the people of Scotland.

5.17   **Citizens' Assemblies (an example of a deliberative democracy process, or 'mini-public)**

5.18   According to Involve, the UK's leading public participation charity, a Citizens' Assembly is "a group of people who are brought together to discuss an issue or issues and reach a conclusion about what they think should happen. The people who take part are chosen so they reflect the wider population – in terms of demographics (e.g. age, gender, ethnicity, social class) and sometimes relevant attitudes."

5.19   Citizens' Assemblies are a fairly new form of public engagement and even more so in Scotland, where two national Citizens' Assemblies have just concluded on the topics of climate and the future of Scotland. Citizens' Assemblies generally follow a three-stage process of learning about an issue (the topic being addressed), deliberation among assembly members, and decision-making.

5.20   They can take place over several days, usually whole weekends, and assembly members are paid for their time through an honorarium, which should be at least the amount of the Real Living Wage for the number of hours spent participating – this is very important to reduce barriers to participation and ensure people who face social injustice feel able to participate.

5.21   The Scottish Government has recently committed to hosting more Citizens' Assemblies in the future on matters of importance, as mentioned in the most recent Programme for Government. Plans are already underway for a new Citizens' Assembly for people under 16. The '[Citizens' Assembly of Scotland: research report](#)' is now available. It delivers the findings of a collaborative research project led by a team of Scottish Government Social Researchers and independent academics from Universities of Edinburgh and Newcastle which sought to evaluate the process and share learning.

5.22   Smaller, less expensive, forms of deliberative processes are also available, such as Citizens' Juries. The important factor for all forms of deliberative public engagement exercises are there has to be the ability for the participants, or members, to weigh up arguments and explore trade-offs.

5.23   They work best when there is no clear solution to a problem. A deliberative process is time intensive and requires skilled practitioners involved in the design and delivery throughout. They require people in roles with subject expertise, or those with decision-making power in the organisation, involved at key stages throughout. If any part of this isn't possible, then other methods of public engagement may be more appropriate.

5.24   **West Midlands Police: predictive analysis**

5.25   West Midlands Police is developing a system[21] [22] to identify potential perpetrators of violent crime and better target resources to reduce the impact and harm caused by offending. The system is called National Data Analytics Solution (NDAS) and will use predictive analytics.

5.26   The system's development has been driven by an increased pressure on policing budgets at a time when demand for policing is increasing. The Home Office is exploring a range of digital technologies to tackle the consequences of crime. They are working with a small number of police forces and partner agencies to explore new approaches using technology.[23]

5.27   The algorithm developed by West Midlands Police will harness its vast data stores and focus on three areas: Gun and knife crime, modern-day slavery and workforce wellbeing. For example, in tackling violent crime, the system will use police data about people who are already known on police systems to enable better prediction based on patterns in behaviours and characteristics. This information can then be used to search for offenders who share these identifiers but who have not yet committed a violent crime. The information can be passed on to social services and other partners to intervene early. There are competing views about the methodology in relation to ethics, bias and scrutiny which could influence any AI technology, therefore it's important

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[21] [West Midlands Police turns to predictive analytics](#)
[22] [The West Midlands case study - Predictive Policing and Artificial Intelligence (ebrary.net)](#)
[23] [West Midlands Police turns to predictive analytics - Policing Insight](#)

to mention for the purposes of this report that Police Scotland does not use this technology at present.

5.28   There have been technical issues with the system based on crime recording across England's 43 police forces being different – there is no standard format. There has also been a challenge around the security of data sharing and information gathering, based on the information assurance officers within each force having different interpretations of what is allowed under data protection legislation.

5.29   West Midlands Police have sought advice from the Information Commissioner's Office to ensure compliance with legislation. There is a key challenge of ensuring that the algorithm is not the only source of decision-making, and that there is human involvement in the outcome for individuals, with humans acting on the outcome predicted by the system.

5.30   Ethical issues persist whereby there is mistrust from the general public on police use of predictive analytics for law enforcement. West Midlands Police approached the Alan Turing Institute Data Ethics Group for advisory scrutiny of the system. The group said police had made a serious attempt to be ethically and legally compliant.

5.31   Public and colleague engagement as part of the piloting of the system would have further enabled West Midlands Police to maintain public confidence and trust in policing, and enable the public to influence how and why the new system would be used (to reduce violent crime, for example). Learning from this could suggest that the public are involved at the earliest possible stage when implementing new technology; deliberating on issues about why the technology is required and, if agreed to proceed, working together with decision makers on design options for implementation. Further, public reassurance about what data is being used for is vital as part of ongoing scrutiny and accountability of policing, especially for individuals and communities who have entrenched fear of policing for historical and cultural reasons.

5.32   **Police Scotland: Cyber Kiosks**

5.33   A Cyber Kiosk, also known as a 'Digital Triage Device', is a desktop computer with specific software installed that enables specially trained police officers to view data stored on a mobile phone or tablet. The introduction of Cyber Kiosks across Police Scotland was completed in August 2020.

5.34   Cyber Kiosks provide a triage capability which allows the contents of a digital device associated with a Police investigation or incident to be assessed to establish if evidence is present. This allows lines of enquiry to be progressed at a much earlier stage and potentially allows devices to be returned to owners where it is established the device(s) is not the subject of any other enquiry or does not require any forensic examination for fingerprint or DNA evidence.

5.35   The Scottish Parliament's Justice Sub- Committee24 on Policing undertook an inquiry into Police Scotland's intention to introduce the use of digital device triage systems to search mobile devices throughout Scotland from September 2018. The inquiry's remit also included scrutiny of two previous trials of the use of cyber kiosks by frontline police officers in Edinburgh and Stirling.

5.36   During the Sub-Committee's inquiry, stakeholders raised a number of concerns with the proposed introduction of cyber kiosks, including the legal basis for their use, and whether human rights and data protection assessments were in place.

5.37   In response to these concerns, Police Scotland postponed the deployment of cyber kiosks to frontline officers. The Chief Constable of Police Scotland confirmed to the Sub-Committee in January 2019 that cyber kiosks would not be deployed until the issues of legality and policing by consent had been addressed.

5.38   The Justice Sub-Committee on Policing held five evidence sessions from May 2018 to January 2019, where the issue of Police Scotland's proposal to introduce the use of cyber kiosks for frontline officers was considered. Throughout the evidence sessions the Sub-Committee heard of concerns about Police Scotland's use of this new technology in two separate trials, the governance and oversight of the decision to undertake the trials and purchase cyber kiosks for use by frontline police officers across Scotland, the legal basis to seize and search mobile devices, human rights, privacy, data protection and security concerns, and informed consent.

5.39   Police Scotland confirmed to the Sub-Committee that no assessments were carried out prior to the trials, saying that: "No assessments i.e. human rights, equalities, community impact assessments and data protection and security assessments were completed prior to trial commencement". Police Scotland added that it accepted that the introduction of the cyber kiosks had wider implications for data privacy and security, and would require its current protocols to be reviewed and that there would need to be wider engagement to inform the required impact assessments.

5.40   The Sub-Committee set out its view that consultation with relevant stakeholders prior to the implementation of new policing policies or technology is best practice25. *It is essential for public confidence that Police Scotland demonstrates that it has given due consideration to the views of the stakeholders' group and the external reference group on its proposed introduction of the use of cyber kiosks.*

24 Report on Police Scotland's proposal to introduce the use of digital device triage systems (cyber kiosks) | Scottish Parliament
25 Report on Police Scotland's proposal to introduce the use of digital device triage systems (cyber kiosks) | Scottish Parliament

5.41   The Sub-Committee consideration of the introduction of cyber kiosks and observations were appropriately incorporated within the engagement approach ahead of the wider roll out of body worn video to officers across Scotland which engaged more widely than the groups set up to consider cyber kiosks building on the Committee's guidance on best practice.

5.42   **Scotland's Artificial Intelligence (AI) Strategy Development**

5.43   The Democratic Society was commissioned by The Data Lab and the Scottish Government to design and deliver a public engagement programme to inform the development of Scotland's AI Strategy. The public engagement programme was used to ascertain public understanding about the use of AI in Scottish society and consider what a strategy should consider.

5.44   A series of workshops took place online with participants recruited from a range of social and demographic backgrounds from around Scotland. Facilitated conversations explored hopes and fears, aspirations among participants for AI in Scotland. The outputs are clustered around: Skills and Knowledge, Developing AI, Ethical and Regulatory Frameworks, Data Infrastructure and Joining the Dots.

5.45   15 online workshops with 49 participants found that participants were optimistic about the potential of AI to improve their lives, but there were concerns around bias, and privacy. Participants felt that if these areas were considered closely, there is an opportunity for Scotland to become a global leader in the ethical use of AI.

5.46   A key outcome from this public engagement was a clear emphasis that AI should be used for public good, not solely profit, and that people are at the heart of the new AI Strategy. Trust and transparency were key components that participants felt important to recognise, as well as awareness of human rights and the risks involved so that people can make informed decisions about their own data.

5.47   A key consideration for this engagement process, which happened in the midst of the global COVID-19 pandemic, was about participant wellbeing and inclusion. For example, the delivery team facilitated 1-1 sessions with participants who were less confident using a digital device to take part in the online sessions, and an honorarium was provided to encourage participation among people who may otherwise not engage. The team even considered how to ensure participants were given access to mobile internet and devices to take part.

5.48   The [full public engagement report by the Democratic Society is available online.](#) .

5.49 **Police Scotland's Public Engagement Programme on Body Worn Video (BWV)**

5.50 The public, partners and employees of Police Scotland have been engaged through two national surveys followed by a series of 13 focus groups with diverse communities and those affected by crime. This included survivors of domestic abuse and care experienced children and young people. Senior leaders within Police Scotland and external stakeholders have commented that this was a comprehensive and robust engagement exercise, and a best practice approach for supporting service delivery and design. The responses received are summarised in the figure below.
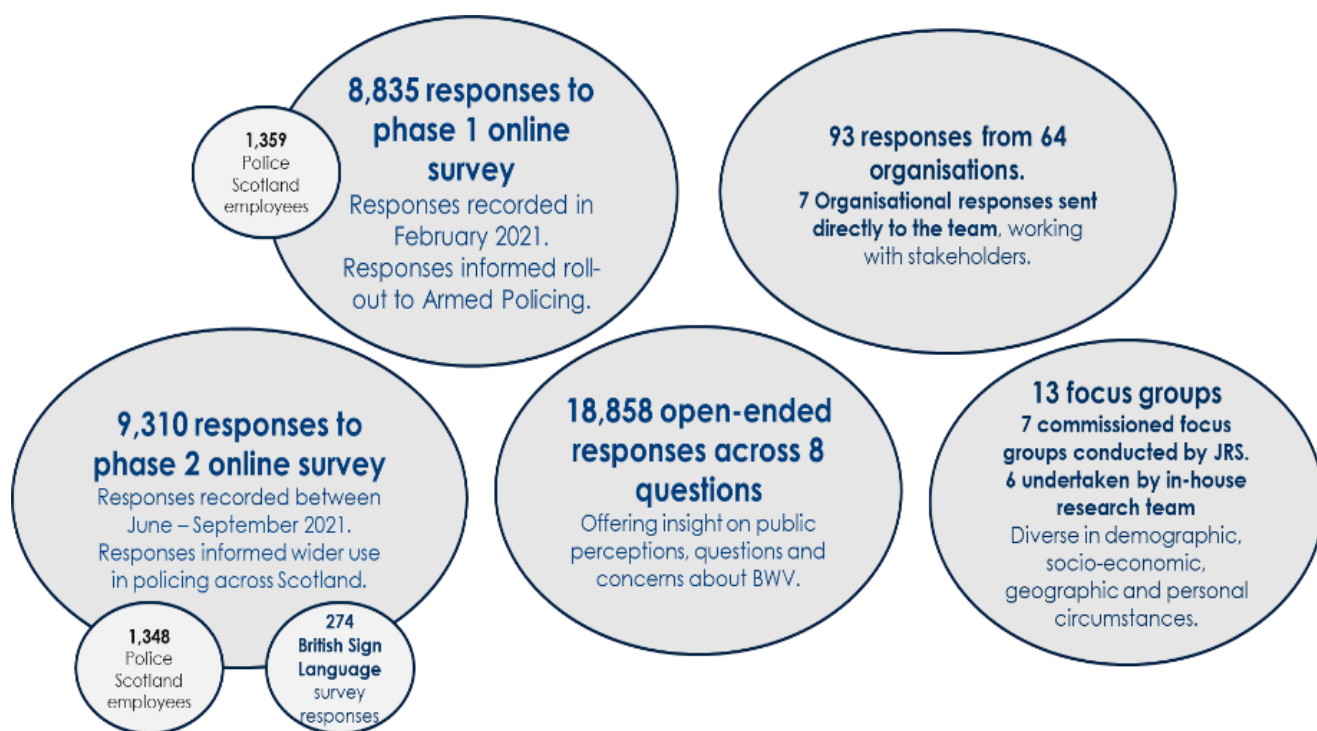
5.51 **Public Perceptions of Body Worn Video[26]**

5.51.1 **There is widespread support for Body Worn Video being used more widely in policing,** beyond only armed policing. 82% support (54% strongly agree, 28% agree) police officers, staff and special constables always wearing BWV when engaged in police activities.

5.51.2 **Potential to increase trust and confidence in Police Scotland. 84% of respondents agreed BWV would increase their confidence and trust in Police Scotland.**

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[26] Police Scotland's Use of Body Worn Video: Public Consultation - Police Scotland - Citizen Space

5.51.3 **Likely to increase feelings of safety. 71% of respondents agreed they would "always" feel safer** knowing that their interaction with Police Scotland was being recorded by BWV.

5.52 **Drivers of Confidence and Trust**

5.52.1 Analysis from the qualitative data pointed to a number of key themes driving public confidence and trust in how we deploy BWV.

5.52.2 Individuals should be made aware when BWV is recording.

5.52.3 A clear Code of Practice that is enforced consistently.

5.52.4 All Police Officers, regardless of where they work in Scotland, should follow the same guidelines.

5.52.5 Published and accessible, with clear, straightforward routes for public and communities to raise concerns – reinforcing approach to protecting human rights and compliance with data protection best practice.

5.53 Strong support was also received for BWV from police officers and staff. The majority of Police Scotland employees are confident BWV would have positive impacts on their safety and protection, deterrence and interactions in different aspects of policing.

5.54 The results have made an impact for service delivery and have been well received at senior decision-making boards within Police Scotland. This has enabled the service to respond to the insight in ways that are practical for policing and to ensure changes are embedded which improve service delivery with public support – which inspires confidence in the scrutiny of ongoing technological changes within operational policing (contrasting this with the experience of Cyber Kiosks set out above).

5.55 A review of the approach to understand key lessons for future engagement identified two important areas for consideration as follows:

5.55.1 **Supporting evidence and materials**: in the initial engagement Police Scotland shared an evidence base of reports. Concerns were raised that this was not fully representative of a wider range of literature and views on the use of BWV. The design phase of future engagement approaches will consider evidence with key stakeholders and seek an independent view of the robustness of the materials being provided to the public, guided by senior responsible officers and Police Scotland's in-house Academic Research team whilst engaging with research partners. This will ensure, as far as possible, an appropriate range of information and views are shared and that Police Scotland has sought independent consideration of the

materials being published and presented. Consideration could be given to adding to the evidence base of materials as suggestions are received from the public and groups taking part in the engagement/consultation. Finally, The materials being shared as part of the evidence base must be fully accessible for all – taking a user-centred approach to consider how someone gets to the online survey or consultation page and through which 'journey', e.g. from which starting point, to ensure that there are multiple opportunities to engage with the evidence available to inform their views in advance of taking part.

5.55.2 **Formal Consultation:** the initial approach to capture views on the use of BWV in policing in Scotland was on the basis of public engagement. As a result, the engagement did not have any wider safeguards for the public and communities to ensure that Police Scotland actively and appropriately took into account the views shared. Police Scotland arranged an additional formal consultation process to respond to these concerns, therefore ensuring that any process could be the subject of judicial review. This enabled all those taking part in the consultation to have access to an appropriate further remedy as a safeguard. The process was supported by additional focus groups with people with lived experience of policing who are often seldom-heard, such as survivors and people who are care experienced.

5.56 **Focus Groups with the Public on Police Scotland's Use of Technology**

5.57 Police Scotland commissioned Progressive Partnership Ltd. to facilitate a series of online focus groups in December 2021 which sought to understand attitudes towards police use of technology to inform future consideration at an early stage. Focus groups were useful to understand the factors which may lead to public support or non-support for the use of technology and what the public deem to be necessary for new developments in policing. Focus groups are a helpful early indicator of key areas for wider consideration with the public and communities. The groups are not used to replace engagement with the public and communities, rather to enable greater understanding of any views and concerns. This enables the engagement approach to be designed with a clear purpose.

5.58 Participants were recruited to ensure a good mixture of age, gender, geography and socio-economic background. Four focus groups took place, one for each of the following age categories: 18-25 year olds, 26-40 year olds, 41-54 year olds and over 55s. People who were completely unaware of technology (e.g. does not use the internet, email or have a mobile phone) were excluded from the sample as the aim was to ensure groups represented the 'median' person in Scotland. Groups took place with residents from the Borders, Glasgow, Edinburgh, Aberdeen, Dundee and the Highlands. Participants received £40 for taking part.

5.59   It is important to stress when working with focus groups or any form of 'qualitative' data that it does not provide statistical data, but this type of research facilitates valid and extremely valuable insight and understanding. It is useful for explorative research where relatively little is known about views on a subject. By using focus groups as part of the methodological approach to this project, complex issues were able to be explored in greater detail with participants. For example, on facial recognition, the focus groups provided an area for this to be explored by facilitating discussion about how it is used, what for and other areas of people's lives where they are interacting with facial recognition regularly, e.g. to unlock their smartphone, and how this may impact on public attitudes in the future for use in policing.

5.60   **Attitudes towards technology in policing**

    5.60.1   All groups felt positively about technology and recognise the benefits and see it as a force for good.

    5.60.2   That said, content of public messaging may need to be targeted and older people are likely to need higher levels of reassurance.

    5.60.3   Facial recognition is used on an everyday basis and the benefits are fully understood.

    5.60.4   Drones are understood as a concept and people are aware of the various uses they may have.

    5.60.5   AI is less well understood as a term and respondents didn't connect it to facial recognition.

    5.60.6   People sometimes find it hard to grasp how technology could be utilised by Police Scotland. This is particularly true for drones and AI.

    5.60.7   Giving examples of how AI and drones are used by frontline services could open up people's understanding (and therefore acceptance) of their use by Police Scotland.

5.61   **How we can re-assure the public and communities**

    5.61.1   Technology freeing up police time to spend more time on the streets could be a strong message, but people also want reassurance that technology won't be used as a means to absorb further cuts to frontline police services.

    5.61.2   The public are open to the idea that technology speeds things up and can be more efficient. These are good platforms to base messages on.

    5.61.3   Providing evidence of how it has informed better outcomes and giving reassurance that it is a complementary tool will foster acceptance.

    5.61.4   The public need to know that all use of technology is closely governed and that the police are rigorously trained in its use.

    5.61.5   At all times, Police Scotland should be transparent about how and when they use these technologies because the public does

not want technology being used indiscriminately for general surveillance-type activities.

5.61.6 With the right messaging, the public are likely to be supportive of Police Scotland adopting these technologies.

5.61.7 Key findings from this engagement are available to [view here - Police Scotland key findings – public focus groups on police use of technology, Dec 2021.](#)

5.62 **Good practice**

5.63 Overall our evidence base from literature review, case study assessment and evaluation, and public sector experience has contributed to the following key elements of good practice that need to be in place to enable appropriate, effective and meaningful engagement, consultation and participation in the introduction of new and emerging technology in policing:

5.63.1 Public engagement should genuinely involve citizens and communities in open, two-way conversations on what matters most to them, how best to tackle problems and doing things with those who are impacted.

5.63.2 The public, communities and colleagues should feel a clear purpose for the engagement has been shared, they have been listened to and that their needs will be considered.

5.63.3 To do this, approaches need to be adopted that are inclusive, representative and relevant to the public, communities and decision-makers.

5.63.4 The decision-makers who are accountable need both meaningful and actionable insight that is outcome-focused and offers practical solutions to support operational policing design to ensure the safety and protection of the public, communities and colleagues.

5.63.5 Evidence and materials that support the engagement require to represent a range of views to enable an open and transparent dialogue. Evidence and materials must be accessible and inclusive for a range of needs; to ensure that all people are able to meaningfully participate in understanding the evidence and materials. Good practice would suggest producing 'easy read' versions of materials, and working with key partners who are experts on the subject to understand any tensions with any evidence being provided to inform decision-making.

5.63.6 A safe and well facilitated environment for engagement where people can listen to others' views and opinions, with decision-makers also present and engaged in the process, can foster a sense of genuineness to the engagement process and encourage

optimism rather than the cynical nature that sometimes persists surrounding public engagement processes.

5.64   Understanding the reasons for engagement and clarity on the topic under review is crucial if meaningful engagement is to happen.

5.64.1 Careful consideration should be given if the process and those involved can influence the issue to be considered, policy to be developed, or decision to be made. Often this will involve internal deliberation over what is 'within scope' and what is not.

5.64.2 Meaningful engagement means being honest with the public about what is able to be influenced by them, in what ways, what may happen as a result, and when participants can expect feedback (involving people in deciding what feedback would be useful and what formats e.g. feedback workshop, online session, rich media content, written notes etc.)

5.64.3 Different engagement approaches for different needs should always be considered – both needs of the decision-makers/decisions to be made and those the decision will affect. Designing good quality engagement takes time, and can only be achieved if all parties are willing to listen to each other and act together.

5.65   Choosing the right level of participation ensures transparency of dialogue and will determine the most appropriate methods to use. It is important to think about what is to be achieved, or rather, how much decision-making power is open to sharing with the public, at the start of any process. Public engagement should be a continuous process. However, consideration of when a formal consultation is required is a key element of a good design process, e.g. when introducing new technology in policing.

5.66   If formal consultation is required, it is important to remember that consultation does not automatically mean a survey. A range of public engagement methods can be applied to ensure a process that is in line with the engagement principles set out in the next section. Police Scotland's example of public engagement to inform the introduction of Body Worn Video is an example of where a range of complimentary methods are used together.

6. Principles for engagement

6.1   Principles have been developed iteratively through emergent discussion and insight within work stream sessions. They are focused on a policing context and are informed by best practice which exists already, such as the National Standards for Community Engagement.

6.2   These principles have been tested within a 'live' context which informed the engagement approach to Police Scotland's Use of Body Worn Video. This process saw the principles inform engagement activity which included: two large-scale public surveys with over 18,000 responses, focus groups with survivors of domestic abuse, refugees and asylum seeking people, care experienced young people and people from black or other minority ethnic backgrounds.

6.3   This concluded with in the introduction of Body Worn Video within armed policing with the consent and support from the public through public engagement, and support for a future national roll-out to all operational officers and staff.

Our Values: Fairness, Integrity, Respect and Human Rights

Principles

Relevance, inclusivity and approachability

- Ensuring our methods are accessible and enable meaningful two-way conversations on what matters most to communities.
- Understanding cultures and sensitivities.
- Doing things with those who are impacted.

Transparency and accountability

- Producing actionable and outcome-focused insights.
- Being open and honest about what we're doing and why.

Innovation

- Turning problems and ideas into solutions through co-creation with communities and partner agencies.
- Taking an approach that empowers communities and enabling communities to do the engagement for the community.

7. Participation and Engagement Framework
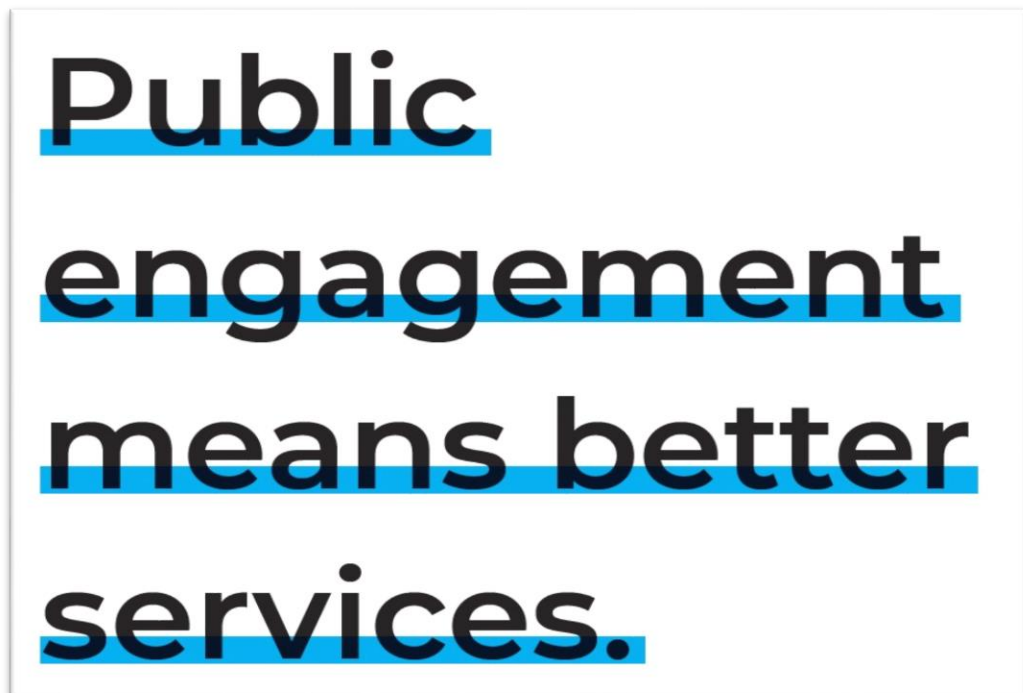
Serena Nusing, Glasgow School of Art for Police Scotland (2019)

7.1   A meaningful and effective engagement involves genuine **dialogue**, **respect**, **integrity**, **transparency** and **accountability**. It provides an opportunity for all people to shape services and influence decisions made. Evidence and insight from engagement helps identify practical solutions and determine changes required to meet local or national needs or demand. In a policing context, it is important to consider power and relationships with participants of engagement processes. Processes should not exclude people who have contact with policing in ways that involve any criminality or incidents only for this reason. Engagement should be agile and flexible, taking a holistic approach to ensure that services are better for all.

"People's needs are better met when they are involved in an equal and reciprocal relationship with professionals and others, working together to get things done."[27]

From consulting to involving

7.2   Formal consultations with fixed timeline and approach to determine the level of support or agreement share a limited level of decision-making with the public and communities.

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[27] Published report - Christie Commission on the future delivery of public services future-delivery-public-services/pages/6/

7.3   Emerging democratic practice highlights a range best practice approaches
        which can be delivered to enable better outcomes from engagement
        processes, such as:

        7.3.1   Shared community spaces for dialogue and communication;
        7.3.2   Idea generation – open, visible and safe space for problem
                identification and creative thinking;
        7.3.3   This can be supported by further engagement through surveys,
                focus groups and workshops to test concepts, capture concerns and
                benefits from a wider audience;
        7.3.4   Citizen experience mapping and behavioural research -
                understanding interactions with technology e.g. community
                interaction with using digital assistants;
        7.3.5   Towards agreed recommendations, principles or other outputs
                informed by citizens working together with subject-matter experts.

EMPOWER
Allow participants to make, create, share and take action and decisions together. Delegate decision-making in the hands of people, groups and organisations.

INVOLVE
Actively involve people throughout the whole process – from early stages and planning to implementation and evaluation. Encourage interaction between everyone and facilitate exchange of ideas.

DISCOVER
Identify what the problem is, thing which work well and things that don't. Understand problems in-depth and use information gathered to inform and make decisions.

REVIEW
Gather feedback to inform a final decision. Use in decision-making process after having determined what the problem is.

Levels of participation, adapted for Police Scotland – based on Arnstein's Ladder of Participation.

INFORM
A one-way conversation. The public is not involved in decision-making process.

Level of decision making power

7.4   It is important to stress that designing meaningful public engagement
        processes takes time, resources and expertise. However, not all public
        engagement requires maximum use of resource to achieve quality outcomes
        for the organisation, colleagues or the public; importantly, lack of resource
        should never stop any engagement, as some public engagement is better
        than none at all.

7.5   The level of participation (above) and the methods to achieve the desired outcome require careful planning and consideration to ensure the right methods are utilised from the outset – this ensures any insight, data, results or recommendations are robust and can stand up to scrutiny, by being clear about why approaches were taken, and puts the care and welfare of participants at the centre. The level of participation also depends on the purpose of engagement and what the questions are, as this will determine the nature of involvement.

7.6   Careful consideration should be given if the process and those involved can influence the issue to be considered, policy to be developed, or decision to be made. Choosing the right 'level of participation' ensures transparency of dialogue and will determine the most appropriate methods to use.

7.7   The table below seeks to set out explorative examples of the levels of participation and what parameters are relevant to each. This is not by any means a full picture of all participation methods available within different contexts, rather it seeks to show by example each level of participation.

Inform	Review & Influence	Discover & collaborate	Involve	Empower
Distribute or make information accessible in regards to policies, decisions, services and legislation.	*Gather feedback to inform final decisions.*	*Gain insight and feedback to inform decisions. Encourage interaction and communication between participants and facilitate exchange of ideas.*	*Actively involve people throughout the whole process*	*Allow participants to make, create, share and take action and decisions together*

	Inform	Review & Influence	Discover & collaborate	Involve	Empower
Use for	Broadcasting messages or information when people are not involved in the decision-making process.	Use in a decision-making process after having determined the problem or issue and have identified participants in the process.	Use to discover and identify what the problem is, things which work well and things that don't. Understand problems more in-depth and use this information and insights gathered to inform and/or make decisions.	Use it to involve individuals, groups and stakeholders in the whole process – from early stages and planning to implementation and evaluation. Work directly with the public and stakeholders throughout the process to ensure issues and concerns are understood or considered. Two-way or multi-way communication where learning takes place for everyone. Share data and insight in partnership working to ensure development of mutually agreed solutions or joint plans.	Delegate decision-making to the hands of people, groups and organisations on a particular issue. Genuine trust and desire to collaborate and cede power for better outcomes. Moves from 'us and them' or 'service provider' and 'service user' to 'all of us together'.
Engagement method	➢ Website ➢ Social media ➢ Bulletins ➢ Reports ➢ Open data ➢ Media releases ➢ Speeches ➢ Conferences	➢ Consultation ➢ Survey ➢ Working groups meetings ➢ Online feedback and discussion ➢ Usability testing	➢ Observation ➢ Survey ➢ Focus groups ➢ One-to-one meetings ➢ Digital engagement ➢ Prototyping ➢ Public meetings and workshops ➢ Online feedback and discussion ➢ Multi-stakeholder forums ➢ Advisory panels ➢ Consultative committees	➢ Co-design ➢ Service Design ➢ projects ➢ Participatory methods ➢ Deliberative dialogue ➢ Citizens' Assemblies or other forms of mini-publics	➢ Co-production ➢ Integration of stakeholders into governance structures ➢ New forms of governance which respect relationships with public and communities and their expertise

7.8 Accessible and inclusive engagement

7.8.1 To create good services and maintain levels of trust and confidence in policing, it's necessary to know what people need. Policing serves diverse communities across Scotland – it's vital that inclusion is at the heart of all consultation and engagement processes. Sometimes it will be necessary to adapt the consultation or engagement process, such as for ensuring that people with disabilities or people affected by marginalisation and social injustice, such as people affected by poverty, can take part meaningfully.

7.8.2 Make sure you don't exclude any people in the way you do engagement – take great care to plan your engagement, recruit participants, choose locations or design in-person sessions. Engage with experts or people with lived experience to help think about what a safe space needs to include for people to be able to participate comfortably. The Equality Act 2010 applies to public engagement and thought must, by law, be given to how engagement with people with disabilities or other complex needs is facilitated, taking into account any reasonable adjustments.

7.8.3 Including all people from diverse backgrounds in engagement will ensure:

7.8.3.1 An understanding of how people with different needs or abilities might use or be impacted by your proposal as well as the barriers they face;

7.8.3.2 Consideration to refine your design, functionality, content or service delivery based on how different users experience them; and

7.8.3.3 Your engagement meets best practice guidance accessibility standards and the legislative requirements in place to support equality, diversity and inclusion e.g. Equality Act 2010.

7.8.4 Where possible, it's always best to go beyond the minimum standard expected by law by taking a human-centred approach to finding out what works best for the people you wish to involve – and then implementing this and keeping under regular review.

7.8.5 Communities across Scotland are made up of diverse groups, each with differing needs and backgrounds. It is vital that engagement does not stigmatise by assuming that a person belonging to a particular group will have certain needs based

on any pre-conceived ideas. A policing service suited to the varying needs of the public and communities across Scotland requires representation within engagement from people who are often seldom-heard. Take a human-first approach and avoid making judgements at all stages throughout the engagement process.

7.8.6   Ensure compliance with the Equality Act 2010, a legal framework to tackle disadvantage and discrimination that protects the rights of people grouped under nine protected characteristics. The protected characteristics are listed within the Act as:
- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation.

It is essential that the views of all, including protected groups, are represented and considered.

7.8.7   Police Scotland, as per the legislative requirement placed upon the organisation by the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 – and subsequently amended in 2015 and 2016, is required to publish equality outcomes and report on progress. Police Scotland and the SPA currently have eight equality outcomes:

1. Reporting Hate Incidents – Confidence and Support;
2. Accessibility of Services and Communication;
3. Meaningful Engagement;
4. Violence Against Women and Girls – Confidence and Support;
5. Workforce Insights;
6. Leadership;
7. Officer/Staff Retention; and
8. Recruitment and Progression.

7.8.8   Children and young people in Scotland are an integral part of our communities.

7.8.9   There are approximately 1 million children under 18 years of age in Scotland from diverse backgrounds and with differing needs. Children have rights enshrined in law under the United Nations Convention on the Rights of the Child (UNCRC). This is due to be incorporated into domestic law in Scotland in the coming months, which will increase the protections available to children under the age of 18.

7.8.10 Children and young people often say they are described as being important for the future. However, there is much frustration with this statement among children and young people as they are here now and should be valued on the unique contributions they can bring to decision-making and service delivery, so that services can be better at meeting their needs.

7.8.11 Scotland has a proud history of involving children in the design of services, policy and wider democracy. Local authorities have a statutory responsibility to deliver community learning services such as youth work where much of this involvement practice is delivered. There are local structures and groups in place across Scotland which can act as a conduit to engaging directly with children and young people and it is important for those designing consultation and engagement programmes to ensure these local networks are fully understood.

7.8.12 At a national level, there are organisations like Young Scot, the Scottish Youth Parliament and the Children's Parliament who are experts in involving children and young people in participative processes for major strategic programmes. Police Scotland is seeking to establish a new national model for the participation of children and young people in our service delivery and this is progressing through governance.

7.8.13 Police Scotland has developed a professional team with a lot of experience and expertise in facilitating high-quality engagement with children and young people. The team work closely with the national Children and Young People's team based within Partnerships, Prevention and Community Wellbeing Division. Any service area looking to involve children and young people in their engagement process should work with the professional team.

7.9 Ethical guidelines for engagement

7.9.1 Engagement and research should aim to maximise benefit for individuals and society;

7.9.2 Engagement and research should be conducted with integrity, fairness and respect;

7.9.3 The wellbeing, privacy and human rights of individuals and groups should be protected at all times.

7.9.4 We have a responsibility to make sure the physical, social and psychological wellbeing of participants is not negatively affected by the engagement activity:

7.9.4.1 **Physical**: involves keeping participants safe from physical harm. Engagement activities should be carried out in safe

locations. When using non-police venues, we should ensure there are unobstructed fire exists and should familiarise participants with the locations of fire exists and fire assembly points. Consider first aid and how participants will travel to and from the location. Risk assessment that everyone facilitating the engagement activity understands is vital.

7.9.4.2 **Social**: ensure that the activity will not have a harmful affect to participants' sense of belonging to their community. Avoid any activity which risks causing conflicts between neighbours or which singles out a particular thematic group, such as Gypsy Travellers, Refugees and asylum seeking people or people from religious groups. Great care and expertise is required to work alongside people from these groups to ensure all needs are met. Check-in and refine as you go and ensure that anonymity can be guaranteed where required.

7.9.4.3 **Psychological:** some engagement might involve discussing potentially upsetting issues, such as the impact of crime, wellbeing, racism, etc. Be mindful that engagement which explores sensitive subjects may cause significant distress, particularly when the activity is perceived as an unnecessary intrusion into participants' private life. Attempt to find ways to minimise any distress caused to participants and signpost to relevant support agencies. Consider holding engagement sessions at suitable partner agency venue so that support is on hand if needed. Digital engagement (online workshops, for example) should be avoided if the nature of the content being discussed is sensitive or could cause further trauma for people. Ensure that full information is provided about what participants can expect, so they can make an informed choice about whether they wish to participate, or not. All of this is about being aware of people and their individual needs and taking a human-first approach.

7.9.5 Participation in engagement activities should be based on freely given informed consent. This should be explained in appropriate detail, and in language that people understand, what the activity is about, why it is being carried out, how results will be used. Data should be processed in accordance with the Data Protection Act 2018 and GDPR principles.

7.10 It is important to manage expectations before, throughout and after the engagement process. For example, the results of engagement activities have the potential to inform police strategy, improve services e.g. through the implementation of new technology, or find solutions to community-

identified challenges. It's important to keep in mind that not all public engagement activities will bring a direct change or improvement to the lives of the participants or the communities to which they belong. Sometimes changes won't be seen or experienced for some time due to the complex operating environment of policing and the service's governance. Feedback to participants, the people who have been involved or influenced the engagement process in some way, is vital to ensure ethical practice whilst responding to individuals' needs; it's a core part of maintaining robust engagement activities that make a meaningful impact.

7.11   It is vital that the senior lead for the engagement process ensures, where appropriate and proportionate to the engagement being carried out, that there is a Data Protection Impact Assessment and Equality and Human Rights Impact Assessment in place which appropriately protects participants. Any risks should always be mitigated before the engagement process begins. Everyone involved in facilitating the process should be aware of what steps should be taken to minimise impact, as identified by the assessment process. Some geographic areas affected means it will sometimes also be appropriate to complete an Island Communities Impact Assessment.

7.12   It is important that those facilitating engagement processes are open and realistic about expected outcomes and influence of the activity. Involve participants and decision-makers from the start by exploring what success would look like for them, therefore this can help inform next steps.

7.13   Engagement Road Map Planning Tool

7.14   An engagement planning tool has been created to support decision-makers and others involved in commissioning or leading public engagement to consider some of the critical components of high-quality engagement processes.

7.15   A visual is shared below.

Mapping tool to support planning for engagement processes

Timelines

Project timeline

It's vital to consider early in the process what the approach will be for engagement and ensure enough time is available for the outcomes/outputs you seek.

Good quality engagement can take time. Make sure that the appropriate time is built in so that engagement is meaningful for everyone.

- Consider timings - strategic
- Milestones
- Internal sign-off processes known so far on either side
- When do we need to do this by?
- What may impact on these timings that we should all be aware of?
- How can we be flexible in the approach taken?

Outputs

Outputs from process

What will outputs look like and what will be required for any sign-off, governance or scrutiny to tell the story of the engagement activity and what people said.

- What will be useful?
- Will there be any tangible outputs e.g. workshop reports, insight packs etc.?
- What data is required to make decisions?
- What do we need for scrutiny?
- What's the purpose of each output?
- What is good practice from elsewhere?

Decision-making

Clear roles and responsibilities mapped for the duration of the project. Consider who is needed for the process, and where will strategic buy-in or support be sought from?

- Project leads & strategic support
- Who needs to be kept up to date?
- Consider sign-off process & next steps
- Where does power lie?

Planning Engagement: Considerations

Stakeholders

Recruitment of participants

Important to discuss participant engagement expectations as part of the recruitment approach. Consider number of participants and engaging wider through digital strategies.

- What is the local context?
- How can we use digital to reach people?
- Is there a particular number of participants needed?
- What incentives are there for participants?
- How to we promote inclusion?
- Fairness, integrity & respect at heart

Defining success

Objectives - purpose & outcomes

Thinking about what success will look like at the end of the engagement process will support a wider contextual view of what is required to get there. It's important to be clear from the start about the objectives of the engagement process to avoid tokenism and increase participant trust in the process.

- Where do we want to be at the end?
- What do we want at the end that we don't have now?
- What does success look like?
- Why are we involving people in this?
- Who will have final say over recommendations, outcome findings and what happens next?
- Are they key people bought in?

Topic

Topic & context

Consideration of the issue or problem seeing engagement for. This will support the design of a high-quality engagement process by supporting clear articulation of public engagement methods for which purpose, for the right issue and audience.

- What is the issue & its history?
- Key questions?
- What's in & out of scope?
- What will happen with the insight from participants?
- Key local factors to be aware of
- What don't we know?
- How does this fit with strategy & other activities?
- Is the organisation ready?

Stakeholders & communications

Stakeholders and wider communications are important considerations. Good communications can increase transparency and trust in the process and avoid cynicism from previous negative engagement experiences. Stakeholders can support reaching wider.

- Who is important to engage to ensure involvement?
- What are the ways we engage different stakeholders?
- Existing channels for engagement
- Are new engagement channels required?
- External advisory & academic research e.g. SIPR
- What does our communications plan look like?

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8. Colleague engagement

8.1   Police Scotland, as with many other organisations, is focused on improving and embedding best practice approaches to colleague engagement.

8.2   The findings of the Your Voice Matters survey suggested the service engage in 'listening mode' and gain a deeper understanding of the areas that matter to colleagues. To support this approaches need to continue to shift towards involving colleagues in the 'how' – in the co-creation of workplace environments that enable them to thrive, and design of services that will help improve the lives and safety of the communities they serve.

8.3   Evidence shows that the colleague experience directly impacts public experience and police legitimacy, as demonstrated by research into the practice of stop and search in Scotland.[28] Through comparing the experiences and opinions of the public and police officers, a direct link was found between officer training and their working environment, and impact of stop and search on public confidence. Engaging colleagues about their experiences and opinions helped to identify problems and solutions to improve the quality of police-citizen interactions, particularly with children and young people. How we do things, is as, if not more, important as what we do in building confidence and trust within communities.

8.4   It is important that our people are involved in creating environments so they are able to serve their communities in the most appropriate and supportive ways; using colleague's rich insight and operational experiences to deliver our services in the most efficient and effective ways[29].

"Create an open/transparent way for our people to suggest an improvement 'whenever' they identify one, not just when asked, and feedback honestly on their suggestion. Improvement should be continuous, driven from within and be open to all, so this needs support and management, not just lip service."

(Your Voice Matters, 2021)

"Listen to staff in decision making processes (they actually know the job inside and out). All too often views are not accepted or just blatantly discounted, usually resulting in poorer working practices / procurement that just makes the job more difficult."

(Your Voice Matters, 2021)

8.5   A collaborative and open engagement approach will enhance capability and capacity within policing to work with colleagues, ensuring pro-active listening and involving colleagues in change management / ideas for improvement at an early stage. This is supported by the findings of the

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[28] O'Neill, M., & Aston , E. (2018). Changing Stop and Search in Scotland. European Journal of Policing Studies, 5(4), 129-154
[29] Published paper - Achieving cultural change through organizational justice: The case of stop and search in Scotland

Your Voice Matters survey implementation planning approach being progressed within the service.

8.6   Our evidence base confirms[30] that this is a key expectation of today's workforce, and is essential if policing is to attract and retain the best talent needed for excellent service delivery. A focus on approaches to colleague engagement that build on current Police Scotland initiatives, including the Chief's Forum, Truth to Power Sessions and Your Leadership Matters will enable the service to:

8.6.1   Consider what everyone has to say;
8.6.2   Seek and share views and information in new ways;
8.6.3   Listen to one another's concerns in a collaborative and safe process – regardless of rank or grade; and
8.6.4   Solve problems and make decisions together.

8.7   Key areas on which to engage and involve colleagues, in the introduction of technology to police safely and effectively in a changing world, include understanding the following:

8.7.1   Fair treatment, protection of human rights and safety;
8.7.2   Skills, knowledge and technology required to deliver service;
8.7.3   Human-machine interface and impacts on our people and communities; and
8.7.4   Maintaining internal confidence and trust in use of technology in policing – including how colleagues feel about using new and emerging technology.

8.8   Colleague engagement and involvement should not be seen as an end in itself but a continuous and evolving process that is open and collaborative. As with public engagement, it is equally important to keep colleagues informed about the actions taken and how their feedback has been heard[31].

8.9   For effective service delivery, an open two-way dialogue that is safe and inclusive, and facilitates a reciprocal exchange of ideas and feedback. This helps to address any problems or conflicts between the public and colleagues as technology is introduced with the right training, communications and Code of Practice.

8.10   These are key lessons from Police Scotland's consultation and engagement with police officers and staff, leaders and staff associations on the use of Body Worn Video and emergency contact technologies including Next Generation 999 (i.e. location identification and live streaming).[32]

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[30] Mortimer, D. (2010). *Employee Engagement: 5 Factors that matter to employees*. Wellbeing Analysis, HR Review.
[31] Chartered Institute of Personnel and Development: Employee engagement and motivation report
[32] Police Scotland Body Worn Video – key findings and recommendations of public and colleague engagement

8.11   An involved and supported workforce is important in creating a
        psychologically safe workplace environment, and a culture of learning and
        innovation. This is supported by Police Scotland's Values and Competency
        Framework and Code of Ethics:

Activity

8.12   All organisations can better monitor positive change by measuring more
        regularly and with frequent opportunities for colleague participation in
        dialogue. Having real time feedback and organisational oversight of what
        colleagues are experiencing and feeling, and knowing where to focus and
        enhance our response for improvement in the areas where it matters most,
        is important in making a difference.

8.13   Colleague engagement is key to organisational development and wellbeing.
        It is recommended that Police Scotland continue to build on existing good
        practice with new initiatives that continue to involve colleagues in an open,
        inclusive and accessible manner including. The following are suggested
        approaches based on existing work in the service and best practice areas
        that would enhance colleague engagement, with particular emphasis on
        new and emerging technology.

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[28] Police Scotland Public Contact and Engagement Strategy 2020

Engagement purpose and features	**Follow-up colleague survey**	**Introduction of internal colleague engagement platform**	**Focus groups**	**Collaborative workshops**
	Your Voice Matters survey (summer 2022) - capturing and measuring emotional energy, feeling of involvement in decision-making, engagement with change, job satisfaction and hinders to engagement.	This will enable open, transparent and two-way internal colleague engagement, idea generation and quick polls on issues of importance. For example, for sensitive topics, anonymous ways for colleagues to provide feedback, share their experiences, observations, gaps in communication and process. The platform will enable leaders to stay connected with colleague feedback, respond to their concerns and ideas in real time, and update on actions, plans and decisions taken.	For areas where we need to take a qualitative approach and understand deeper feelings or the 'why', focus groups will be facilitated to explore behaviours, lived experiences and reactions to concepts such as Equalities, Diversity and Inclusion; and Violence Against Women and Girls.	Service design workshops will be used to scope opportunities and design solutions, adopting the principles of Service Design.

9. Assessing and building participative approaches

9.1   The following sets out an assessment of maturity of engagement and participation in Police Scotland.

9.2   A range of new innovative public engagement methods and tools are being developed based on research and evidence that has formed key elements of this review. These approaches will be introduced by Police Scotland as part of a holistic public and stakeholder engagement programme from April 2022.

9.3   Case study evidence, lessons learned and best practice will be captured and shared. Each approach will be tested and monitored to ensure the needs of the public, communities and key stakeholders are appropriately considered and embedded.

Green = G: mature or maturing use of this already within the organisation.

Amber = A: New for Police Scotland but method is well understood and adopted by other public bodies and organisations. A developing area for policing.

Blue = B: New for Police Scotland and breaking new ground in the public sector. An aspirational area for policing.

Method / tool
G = Citizen Space / Police Scotland Engagement Hub
Brief description

Continues to be the main public engagement hub platform. A 'one stop shop' for all of public engagement and will soon include a home for the public to engage with academic research projects of significant importance.

Annual Your Police survey to understand factors affecting public confidence, local concerns and areas for improvement is hosted on this platform. Learning is captured and time is taken between January and March each year to reflect on the survey before it is then updated for the following year; this involves dialogue with local policing and executive officers to understand their needs.

Method / tool
B = Dialogue
Brief description

A new digital platform developed by the same creators behind the Engagement Hub (Citizen Space). Enables facilitated idea-generation and problem solving with public, communities and stakeholders in an online space.

Dialogue is used in public sector and was the platform behind the

Scottish Government's public engagement on the 'COVID-19 Framework for Decision-Making' process in 2020.

Method / tool
A = Reputation Tracker (a trust and confidence pulse survey)
Brief description

A short public poll or 'pulse survey' delivered every three months to an audience to measure public sentiment towards Police Scotland.

This will enhance through extra insight and data what the service already gather via the Your Police local policing survey on public confidence.

Method / tool
G =Ethics Panels
Brief description

Existing structure within Police Scotland co-ordinated by Professional Standards Department. It may be possible that Ethics Panels are able to review ethical dilemmas which are raised through public engagement activities in the future.

Method / tool
B = Your Police Panel
Brief description

This is a 'mini-public' - a process whereby residents are recruited through random stratified sampling. Expert facilitation of participants and subject matter experts through a process of learning and deliberation seeks to build consensus around 'wicked' issues where trade-offs require exploring.

Resourcing required for recruitment, accessibility and inclusion costs for participants, with expert independent facilitation and design support.

Method / tool
B = Citizens in Policing: Colleague mini-panels
Brief description

A similar approach as mini-public method for public deliberation. This time with our colleagues. Drawn from across the organisation with representation of geography, service area, rank and personal characteristics.

A key aspect of this method will be to support conversations about legitimacy, trust and confidence by enabling people to bring themselves as police colleagues and as citizens.

Method / tool
A = Commander Town Hall Forums
Brief description

A forum for community members to discuss issues of importance with Divisional Commanders and local leadership teams. Focus is on listening to each other through genuine dialogue.

Discussion could focus on core themes each time, using data from Your Police and other public insights to inform discussions.

Method / tool
A = Place-based focused local engagement
Brief description

Taking a 'do it yourself' approach to community engagement. A toolkit and facilitator guide would be created to support communities to host their own conversations about local areas, safety and wellbeing. Resources would be shared around community planning partners and local community groups.

Insights generated through self-facilitated conversation groups would be shared with Police Scotland to enhance evidence base. Resources would tie into the existing 'Your Police' branding and build-on approaches already taken to reach into communities where there is existing community organising taking place.

Method / tool
B = Police Scotland's Youth Co-design Group
Brief description

A joint approach with the Partnership, Prevention and Community Wellbeing Children and Young People's team and Insight and Engagement team.

A diverse group of young people will be recruited and supported to co-design a permanent youth participation and engagement programme for Police Scotland. This will ensure the organisation continues to prioritise the views of children and young people in order to meet our duties under UNCRC legislation. If this works well, a similar approach could be explored for working with other publics who are marginalised or have limited access to decision-making.

10. Recommendations and findings from WS3 for the IAG's consideration

10.1   Our research and engagement has highlighted the importance of public engagement and participatory approaches as part of a wider framework of good practice when new technology is introduced to policing.

10.2   Policing in Scotland is built on foundations of legitimacy and consent. It is critical that the bond of trust between the police and the public is at the forefront of consideration and that the introduction of new technology maintains and builds public trust and confidence in policing.

10.3   Transparency, openness and proportionality are at the heart of how we work with the public and communities when technology becomes available with the potential to improve law enforcement approaches and support community wellbeing.

10.4 Our recommendations to ensure good consultation and engagement with the public and communities on new and emerging technology are:

10.4.1 Ensure engagement and consultation considerations align effectively with both legal and governance frameworks, and consideration of ethics via an appropriate organisational model. Being clear on the purpose of the engagement process – what are people going to influence, why and how – key at the start and will support strong considerations of wider frameworks of governance.

10.4.2 Engage at an early stage in the governance process to understand views and the sub-groups where a greater understanding of concerns is needed. Using focus groups and other methods can give an early overview of key areas for consideration. This is critical for complex or less understood technology such as AI and predictive analytics.

10.4.3 Set out an evidence base as part of the engagement that captures a range of views on the technology concerned. If possible, work with an external or stakeholder advisory group to shape the evidence so there is an element of independent review.

10.4.4 Include an element of formal consultation in the approach to ensure that the views of the public and communities are both appropriately considered and embedded in the roll out of all new and emerging technology. A formal consultation process has the safeguard of judicial review processes where the public and communities are able to challenge.

10.4.5 Set out to have an ongoing dialogue with the public utilising participatory approaches where appropriate, as the technology is considered and after implementation. This will enable concerns to be considered and addressed at all stages of the governance process. Good practice indicates a range of approaches that policing should consider adopting to ensure the voices of the public and communities are at the heart of any changes to operational policing as a result of new and emerging technology.

10.4.6 Use a clear and transparent engagement framework underpinned by engagement principles and quality assurance to ensure the process is clear and well-articulated. This will guide the design of engagement which can be tailored, in terms of levels of participation and methods, to meet the individual considerations of the

technology and potential impacts. Ensure all processes are inclusive and accessible for everyone.

10.4.7. Enable the colleague voice to be heard as a key element of shaping proposals. Evidence shows that the colleagues experience directly impacts public experience and police legitimacy. For effective service delivery, an open two-way dialogue that is safe and inclusive, and facilitates a reciprocal exchange of ideas and feedback should identify any problems or conflicts, and solutions to improve the quality of police-citizen interactions, as technology is introduced with the right training, communications and Code of Practice.

10.4.8. Ensure engagement insights are considered and scrutinised by governance bodies to provide a clear narrative on the views of the public and communities. This must include areas of concern and how these are being addressed.

10.4.9. Make a public, open and transparent commitment to how the insights from the engagement process will be used to shape the consideration and implementation of new technology. Report back with details which are shared publicly and scrutinised. As part of this, include details of the manner in which the use of new and emerging technology will be monitored post implementation and provide clear routes for the public to raise concerns. Open and transparent reporting of concerns and how they have been addressed should be visible for scrutiny bodies.

Appendix one: work stream 3 sub-group members, Chair and Vice Chairs

Kirsty-Louise Campbell, Head of Strategy and Insight Police Scotland (Chair)
Davina Fereday, Senior Manager: Research and Insight, Police Scotland (Vice Chair)
Kevin Ditcham, Insight and Engagement Lead, Police Scotland (Vice Chair)

Group members

Colin Lee, Race Equality, CEMVO Scotland
Annie Cook, Network & Delivery Manager, Democratic Society
Eve Georgieva, Senior Service Designer, Scottish Government
CS Matt Richards, SRO, BWV Programme, Police Scotland
Dave Shea, Senior National Development Officer, Scottish Community Safety Network
Dr Nick Bland, Visiting Professor, School of Applied Sciences, Edinburgh Napier University
**Dr Andrew Wooff,** Associate Professor, Edinburgh Napier University
David Allan, Deputy Director, Scottish Community Development Centre.

Appendix two: Outputs from work stream group work sessions

The following images from Google Jamboard, a collaborative interactive whiteboard, give examples of the journey of collective thinking, sense-making and collaboration that the work stream membership has been on. These insights were captured at the start of the work stream process and have been built on throughout as the thinking has refined and developed.

The outputs from all workshops have informed the contents of this report to the IAG.
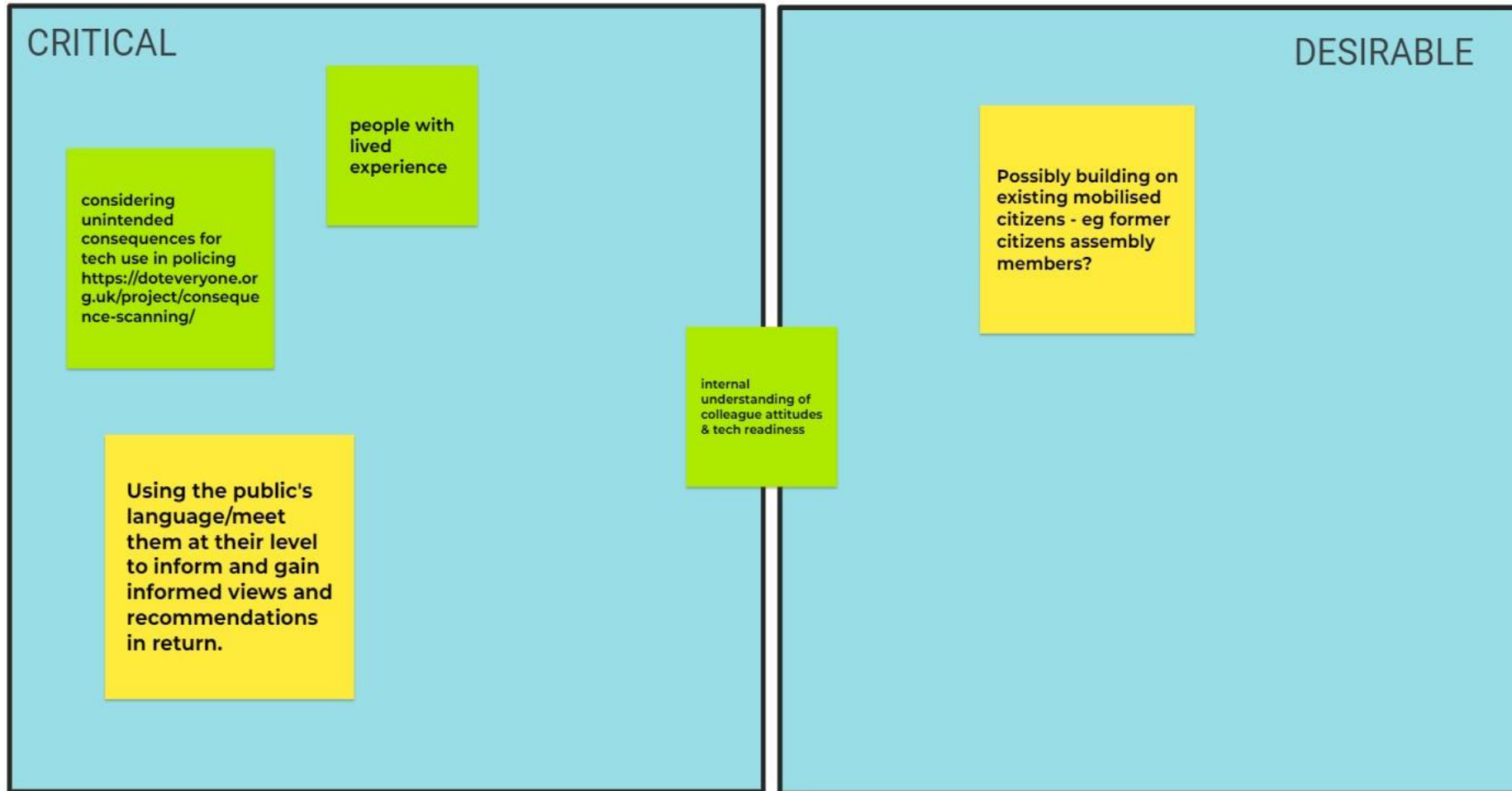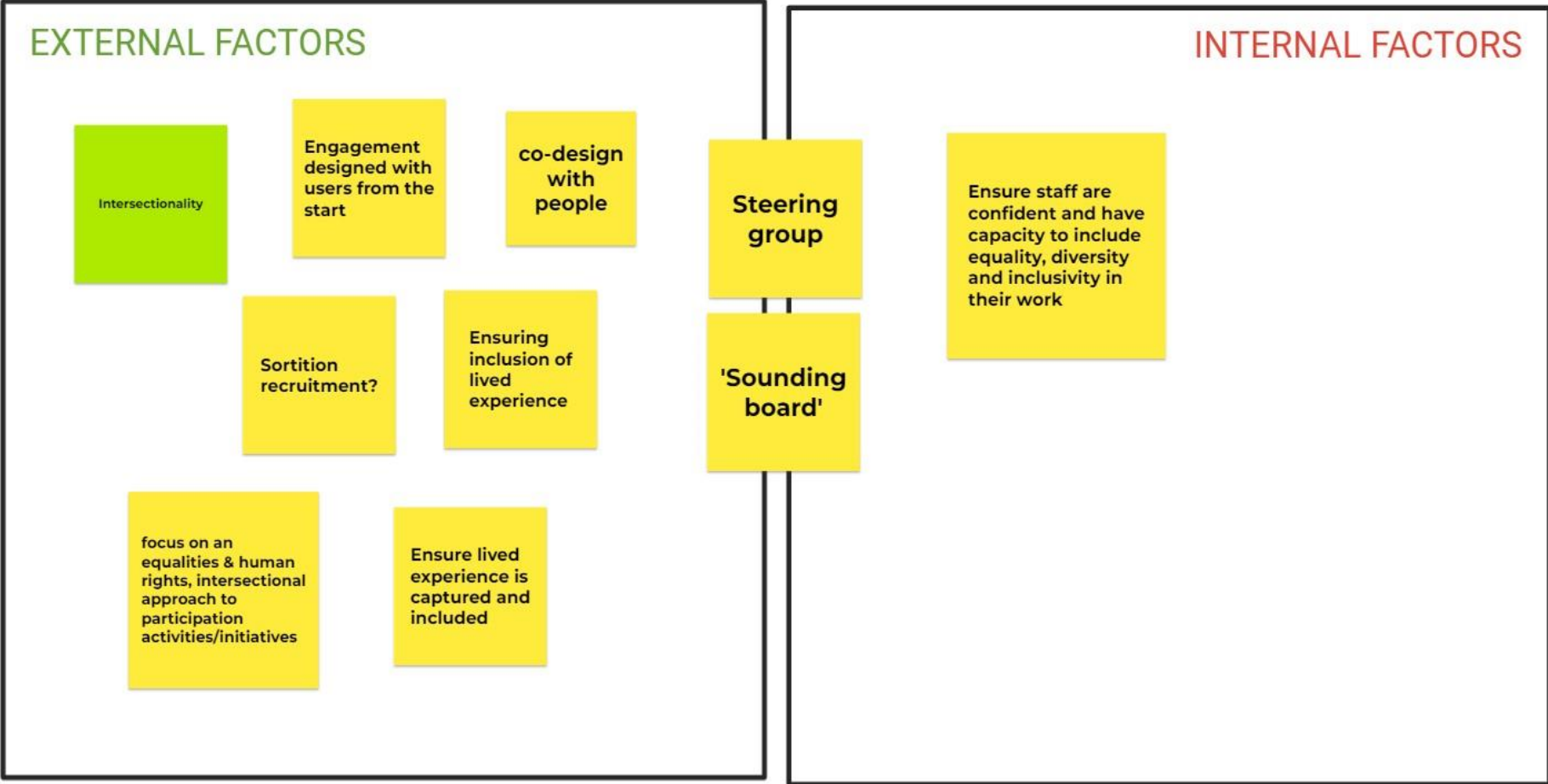

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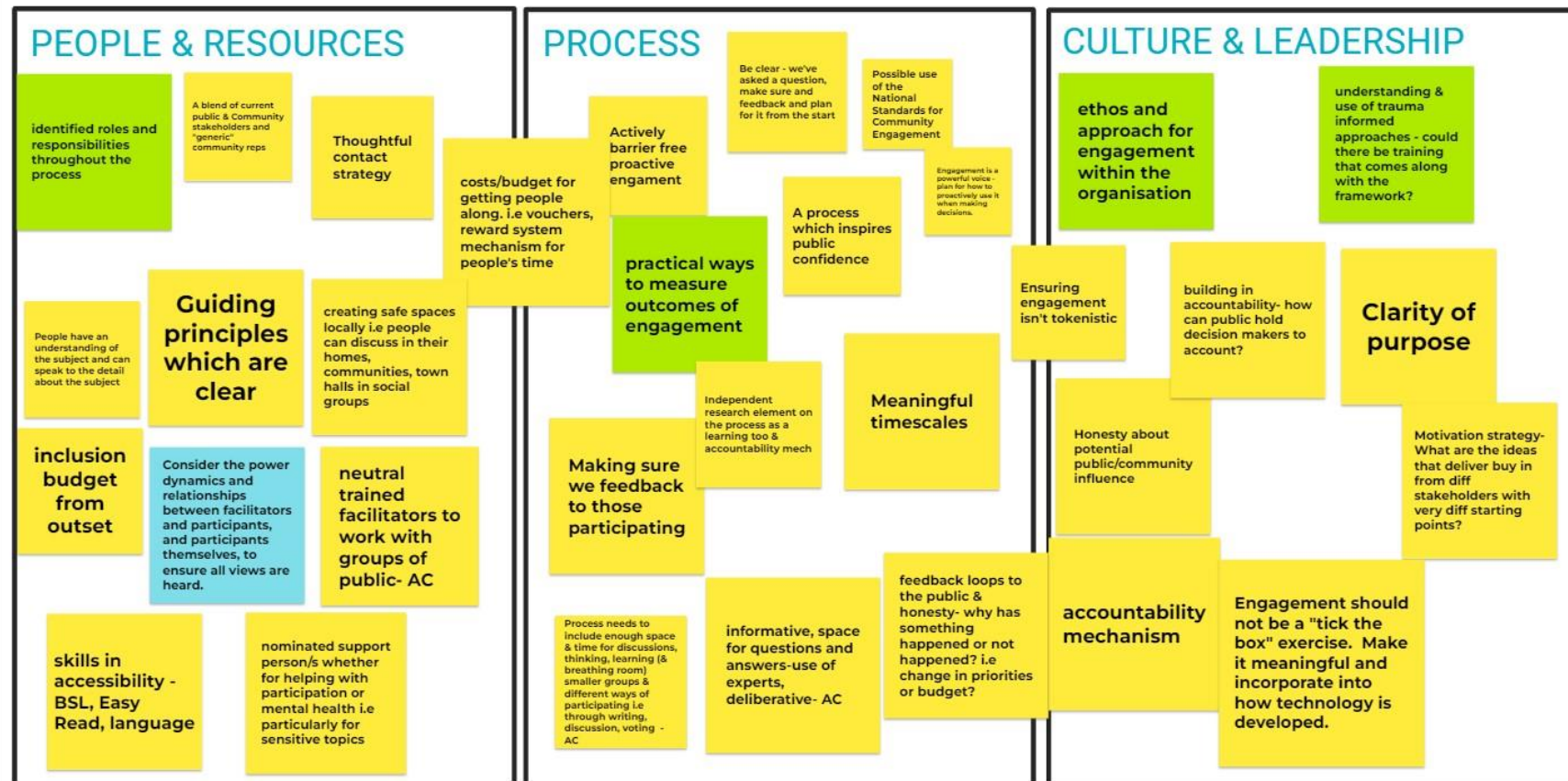
Question: What processes of best practice exist already [from Scotland & beyond!] which could help influence approaches taken in this space? What do we need to ensure the IAG is aware of?

A lot of examples within the Tech for Good space

Scotland AI Stratgy public engagement: https://www.scotland aistrategy.com

Participatory planning https://urbanbelongin g.com/

Deliberative inquiry models utilising ongoing evidence and citizen input

Equality in Community Engagement: A Scoping Review of Evidence https://www.euppubli shing.com/doi/abs/10. 3366/scot.2021.0374

Citizen assemblies- representative sample of the public. informing and using expertise of police to share with the public. Public can set priorities. AC

The Matter - young people running a newspaper as a response to a question by an organisation & developing skills https://www.designco uncil.org.uk/resources /case-study/matter

Climate assemblies

Policy Lab

Audit Scotland led Comm Empowerment guidance

Could co-production be useful - at least for scoping strategic development

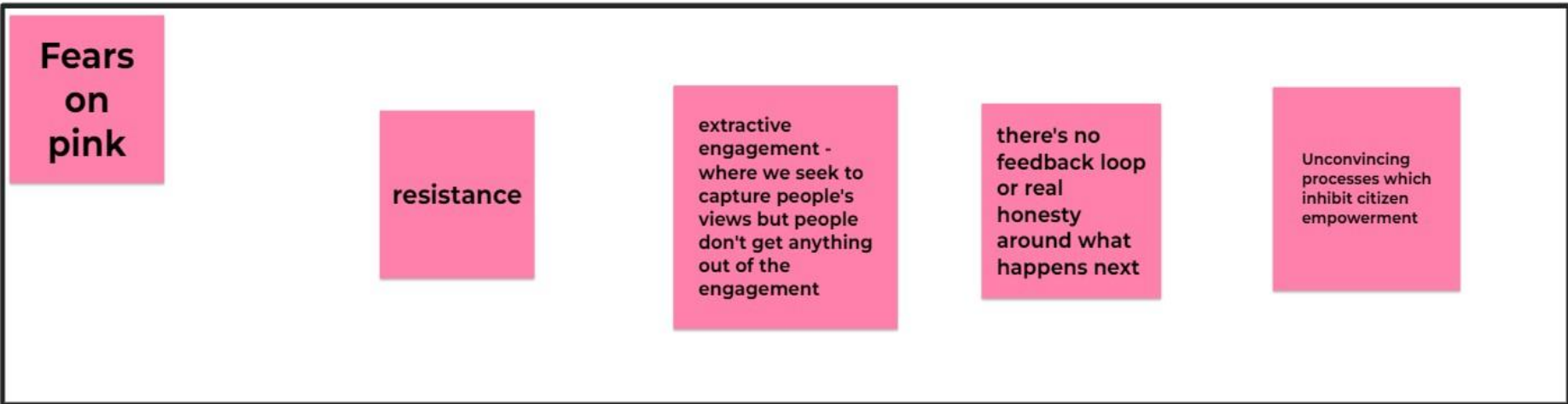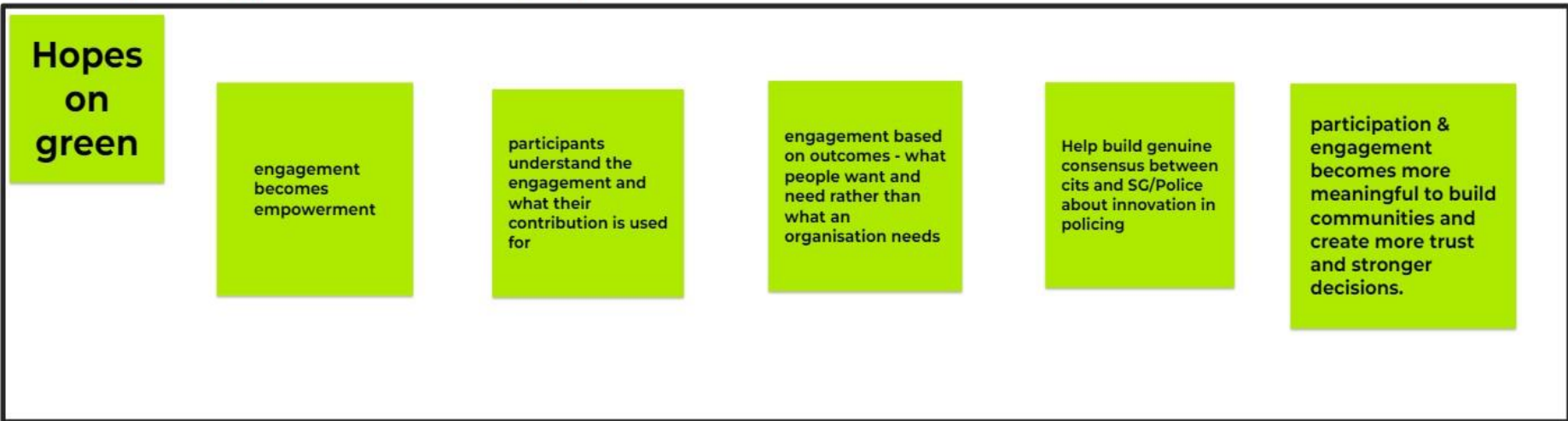Incentivising involvement and meeting al out of pocket expenses

Question: Thinking about delivering any meaningful public engagement around emerging tech in policing, what expertise & experience would you say is critical and desirable?

CRITICAL

DESIRABLE

people with lived experience

considering unintended consequences for tech use in policing https://doteveryone.org.uk/project/consequence-scanning/

Possibly building on existing mobilised citizens - eg former citizens assembly members?

internal understanding of colleague attitudes & tech readiness

Using the public's language/meet them at their level to inform and gain informed views and recommendations in return.

Question: Thinking about diversity & inclusivity, what can we advise the IAG about how to do this well from the very start?

EXTERNAL FACTORS

Intersectionality

Engagement designed with users from the start

co-design with people

Steering group

Sortition recruitment?

Ensuring inclusion of lived experience

'Sounding board'

focus on an equalities & human rights, intersectional approach to participation activities/initiatives

Ensure lived experience is captured and included

INTERNAL FACTORS

Ensure staff are confident and have capacity to include equality, diversity and inclusivity in their work

What are your HOPES & FEARS for any future public engagement exercise to explore emerging tech in policing with Scotland's people?

Hopes on green

- engagement becomes empowerment
- participants understand the engagement and what their contribution is used for
- engagement based on outcomes - what people want and need rather than what an organisation needs
- Help build genuine consensus between cits and SG/Police about innovation in policing
- participation & engagement becomes more meaningful to build communities and create more trust and stronger decisions.

Fears on pink

- resistance
- extractive engagement - where we seek to capture people's views but people don't get anything out of the engagement
- there's no feedback loop or real honesty around what happens next
- Unconvincing processes which inhibit citizen empowerment