

Meeting	SPA Policing Performance
Date	9 December 2021
Location	Video Conference
Title of Paper	Cyber Kiosk Update
Presented By	ACC Pat Campbell, Organised Crime, CT and Intel
Recommendation to Members	For Discussion
Appendix Attached	No

PURPOSE

The purpose of this briefing paper is to provide the Scottish Police Authority (SPA) Policing Performance Committee with an update regarding the use of Cyber Kiosks within Police Scotland and the associated Management Information (MI).

This paper will specifically provide a progress report in relation to:

- Agenda item 3.3 – Cyber Implementation Plan and Cyber Kiosk Update

Members are invited to discuss the contents of this paper.

1. BACKGROUND

- 1.1. 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 subject to significant scrutiny, and their roll out was completed in August 2020.
- 1.2. Cyber Kiosks provide a triage capability which allows the contents of a digital device associated with a police investigation or incident to be quickly 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 no material of evidential value is recovered.
- 1.3. A total of 41 Cyber Kiosks were installed during a phased rollout which commenced in January 2020 in the Forth Valley (C) and Fife (P) Divisions and concluded in August 2020 in the Highlands and Islands (N), North East (A) and Tayside (D) Divisions.
- 1.4. Since the conclusion of the rollout, governance and oversight of Cyber Kiosks within Police Scotland has been managed by SCD Cybercrime Digital Forensics, who have provided support in relation to maintenance, software updates and the dissemination of advice and guidance bulletins to police officers and staff across Scotland.
- 1.5. A commitment was made publicly that Management Information (MI) would be extracted from the Cybercrime Case Management System (CMS) on a monthly basis. As such, information is drawn directly and automatically from the system and thereafter formulated to provide MI in an easy-to-read format reporting on:
 - CRIME GROUP/TYPE
 - REASON / PURPOSE OF EXAMINATION
 - REGION / UNIT / DIVISION / KIOSK
 - STATUS OF OWNER
 - DEVICE TYPE
 - POWER OF SEIZURE
 - DECLINED FORMS
- 1.6. Police Scotland remains committed to demonstrating transparency in relation to the use of Cyber Kiosks, producing monthly management information detailing how many Cyber Kiosk examinations have been progressed in the previous month.

2. FURTHER DETAIL ON THE REPORT TOPIC

Cyber Kiosk Examination Request Form (ERF) Management

- 2.1. As previously detailed in papers concerning Cyber Kiosks and their use within Police Scotland, all examination requests are subject of a comprehensive assessment by specialist staff within the Cybercrime Gateway before any examination can proceed. This assessment concerns the necessity, legality, proportionality and justification of any examination as well as the category and extent of information requested: for example SMS text messages, and the time period of interest to the enquiry.
- 2.2. Where the Cybercrime Gateway are not satisfied that all of these criteria have been fully evidenced, the ERF is **declined** and returned to the enquiry officer for amendment or cancellation.
- 2.3. Within the four-month reporting period of 1 July 2021 to 31 October 2021, **579** Cyber Kiosk ERFs were declined by the Cybercrime Gateway and returned to the enquiry officer for additional information or cancellation.
- 2.4. In addition to assessing Cyber Kiosk ERFs, the Cybercrime Gateway proactively assess incoming requests for *full* Cybercrime examinations by Digital Forensic Hub analysts to identify opportunities where the use of a Cyber Kiosk would increase the speed at which the evidential significance of devices could be ascertained. The default position within Police Scotland is that **all** mobile telephones and portable devices are triaged using a Cyber Kiosk in the first instance, where permissible, to prevent devices being retained for any longer than absolutely necessary.
- 2.5. In order to ensure that Cyber Kiosk examinations are progressed timeously, enhanced administrative measures have been introduced to provide guidance to Enquiry Officers and their Supervisors regarding Cyber Kiosk examinations which have not yet been undertaken. These measures have been developed to ensure that, following approval, Cyber Kiosk examinations are progressed timeously, with comprehensive support and guidance available regarding the initial request and subsequent examination processes.
- 2.6. Dedicated Cyber Kiosk single point of contact (SPOC) officers within management ranks are present in all Divisions, having responsibility for ensuring the security and upkeep of their respective Cyber Kiosks and maintaining records of trained officers in their area. The Cybercrime Unit regularly liaise with Cyber Kiosk SPOCs regarding

training and resource availability to identify any emerging concerns and opportunities for further development of Kiosk trained officers. Whilst not possible due to current COVID-19 restrictions, planning is underway for continuous professional development (CPD) events to be held across Scotland to encourage the sharing of best practice and experience amongst Kiosk operators.

Cyber Kiosk – Negative Examinations

- 2.7. Between 20 January 2020 and 31 October 2021 a total of **2769** Cybercrime ERFs were progressed using the 41 Cyber Kiosks located across Scotland, accounting for the digital forensic triage of over **4900** devices.¹
- 2.8. As of 31 October 2021, **849** of these ERFs have been recorded as **'Negative'** meaning that no devices examined were found to contain material of evidential significance to the crime or incident under investigation. This equates to **1398** devices which were thereafter potentially suitable for return to the owner having been assessed as not containing any evidential material.
- 2.9. A significant number of negative devices will also be present within Cyber Kiosk ERFs that have been marked as **'Positive'** as only one device within the request needs to contain evidential material for the case to be marked as **'Positive'**. At this time it is not possible to accurately report on these devices without reviewing individual cases. Work is ongoing to improve data recording in this area.

Cyber Kiosk - Return of Devices

- 2.10. It is important to note that the decision to return an item to the owner or next of kin can be influenced by a number of factors in addition to the presence of digital evidence, such as devices submitted for DNA / Fingerprint examination or a criminal investigation which remains ongoing.
- 2.11. Furthermore, in circumstances where a report has been submitted to the Procurator Fiscal, for example a reported crime or a death investigation, devices can only be returned to the owner upon COPFS issuing a 'Productions Release Authorisation' confirming that criminal proceedings have been concluded.
- 2.12. As the Cybercrime Case Management system operates in isolation from the production and crime recording applications used across Scotland, it is **not** currently possible to obtain information regarding

¹ Data obtained from the Cybercrime Case Management System 0700 hours 1st November 2021.
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devices which have been returned to their owners without manually querying each individual case and contacting the relevant Divisional production keeper to ascertain the current status of each device.

- 2.13. In May 2021 a manual 'dip-sample' was conducted in relation to devices which had been recorded as '**Negative**' to establish how many had been returned to the owner or next of kin. This showed that 86% of devices belonging to witnesses and victims of crime had been returned to the owner following a negative examination.²
- 2.14. Due to the significant resources required to conduct such a dip-sample, combined with staff abstractions for planning and deployments concerning the COP26 event, a further dip sample has not been conducted at this time.
- 2.15. The Cybercrime Unit continue to engage with the Core Operational Solutions (COS) team to identify opportunities to automate this process as bespoke National Applications for production management and crime recording are introduced throughout Police Scotland.

Conclusion

- 2.16. The introduction of Cyber Kiosks across Police Scotland has provided the means by which the evidential significance of devices can be ascertained far more quickly than was previously possible within Digital Forensic Hubs. This increase in efficiency allows Senior Investigating Officers and Enquiry Teams to make informed decisions as to whether or not it is legal, necessary, proportionate and justified to retain devices and, where permissible, return these to the owner at the earliest opportunity.
- 2.17. As Enquiry Officers across Scotland become increasingly familiar with the benefits that Cyber Kiosk triage can provide, it is assessed that the number of devices returned to owners at an earlier venture will continue to increase.

3. FINANCIAL IMPLICATIONS

- 3.1. There are no financial implications with the report.

² Previous paper "Digital Triage Device (Cyber Kiosk Update)" submitted to SPA Policing Performance Committee: <https://www.spa.police.uk/spa-media/zrghaihf/rep-20210607-item-5-2-digital-triage-device-cyber-kiosks-update-doc-new.pdf>, page 5.
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4. PERSONNEL IMPLICATIONS

4.1. There are no personnel implications with the report

5. LEGAL IMPLICATIONS

5.1. There are no legal implications with the report

6. REPUTATIONAL IMPLICATIONS

6.1. There are no reputational implications with the report.

7. SOCIAL IMPLICATIONS

7.1. There are no social implications with the report.

8. COMMUNITY IMPACT

8.1. It is anticipated that the ongoing publication of Management Information (MI) in respect of the use of Kiosks will provide a reassurance for our communities that the use of Cyber Kiosks within Police Scotland continues to be subject of robust governance and scrutiny.

9. EQUALITIES IMPLICATIONS

9.1. There are no equalities implications with the report.

10. ENVIRONMENT IMPLICATIONS

10.1. There are no environmental implications with the report.

RECOMMENDATIONS

Members are invited to discuss the content of this report.