

# BODY WORN VIDEO

## Policy and Operational Guidelines

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## Version Control

Version	Changes/Comments	Officer	Approved by	Date adopted
1.0	Introduction of new policy	Andy Gray	CP&R Committee	09/11/2017
1.1	Updated for GDPR	Grant White	Officer – legal requirement	02/07/2018
2.0	Full policy review and update	Grant White	CP&R Committee	09/11/2023

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## **1. Introduction**

- 1.1 This document sets out the Council's Policy & Procedural Guidelines for the use of body worn video by Council employees and contractors. It will enable staff to comply with the relevant legislation relating to video recording and outline the associated benefits to employees and the public. It also documents operational procedures about integrity of data, images, and video as well as its security and use.
- 1.2 The use of body worn video can provide several benefits which include a deterrent to acts of aggression or verbal and physical abuse towards Council employees and providing evidence to support Police and Council investigations. The use of body worn video can also help to promote public reassurance and prevent potential harm to the public.
- 1.3 Body worn video forms part of Personal Protective Equipment (PPE) and is provided for Health and Safety purposes and to gather evidence in support of Police and Council enforcement investigations. Employees will wear body worn video in visible locations. Prior to commencement of any recording, where practicable and safe to do so, employees will give a clear verbal instruction that recording is taking place.

## **2. Body Worn Video**

- 2.1 Body Worn Video devices used by the Council meet the operational requirements for use by officers and ensure compliance with this policy. The devices used have a range of features including:
- Low light operation
  - AES 256 Encryption
  - Forward facing display screen
  - High-definition video and audio recording
  - Icon and audio indicators to show device is in use
  - 10 Second pre-record when recording is activated
- 2.2 Body Worn Video devices are routinely checked to ensure they are functional with the latest firmware and features. Any maintenance and repair work will be organised as required using recognised suppliers.

## **3. Legislation**

- 3.1 The integrity of any video data recorded shall be considered in accordance with the following legislation:
- General Data Protection Regulation (GDPR)
  - Freedom of Information Act (FOI)

- Human Rights Act
- Surveillance Camera Code of Practice
- CCTV Code of Practice
- Regulatory of Investigatory Powers Act (RIPA)

### 3.2 **General Data Protection Regulation (GDPR)**

3.2.1 The Information Commissioner's Office is the regulator for this legislation and has given guidance with regards to the use of CCTV equipment. This legislation regulates the processing of 'personal data' or 'sensitive personal data' whether processed on computer, CCTV, still camera or any other media.

3.2.2 Any recorded image that is aimed at or may identify a particular person is described as 'personal data' and covered by this regulation and will include images and audio captured using body worn video. The use of body worn video in this guidance is 'overt use' meaning that equipment shall not be used in a hidden or covert manner.

3.2.3 Where an individual asks to view footage this is called a 'Subject Access Request'. The requester is only allowed to see footage of themselves and anyone who has provided consent for their images to be viewed by them. More information is available online: [www.west-lindsey.gov.uk/cctv](http://www.west-lindsey.gov.uk/cctv)

### 3.3 **Freedom of Information Act (FOI)**

3.3.1 This Act grants a general right of access to information held by public bodies, which is not personal data. Information released under FOI can include statistical and other non-personal information.

### 3.4 **Human Rights Act**

3.4.1 Article 6 provides for the right to a fair trial. All images captured using body worn video have the potential to be used in court proceedings and must be safeguarded by an audit trail in the same way as any other evidence.

3.4.2 Article 8 concerns the right for private and family life, home, and correspondence. Recordings of a person in a public place are only public for those present at the time and can still be regarded as potentially private. Any recorded conversation between members of the public should always be considered private and users of body worn video should not record beyond what is necessary when recording a confrontational situation.

3.4.3 The Council will ensure that the use of body worn video is emphasised by employees wearing it in a prominent position (normally on their chest) and that its forward-facing display is visible to anyone being recorded. Employees will make a verbal announcement, where practicable and safe to do so, prior to the commencement of any recording.

### 3.5 **Surveillance Camera Code of Practice & CCTV Code of Practice**

3.5.1 The Council and employees will always adhere to the Surveillance Camera Code of Practice and Council's own CCTV Code of Practice in all aspects referring to the use of body worn video.

3.5.2 A Data Protection Impact Assessment (DPIA) shall be maintained and reviewed annually for the use of body worn video by the Council. The DPIA for body worn video shall be published on the Council's website: [www.west-lindsey.gov.uk/cctv](http://www.west-lindsey.gov.uk/cctv)

## **4. Operational Guidance**

### **4.1 Authorised Users**

4.1.1 Any user of body worn video must have the approval of their service manager and completed the required training.

4.1.2 Any incidents of misuse will be investigated in line with Council disciplinary policies and authorisation for use may be removed at any time should this policy not be adhered to by the user.

### **4.2 Training**

4.2.1 All employees that use body worn video shall receive training in its use prior to deployment. This training will include practical use of equipment, on street operational guidance and best practice, when to commence and cease recording and the legal implications of using such equipment.

### **4.3 Dynamic Risk Assessment**

4.3.1 Officers must dynamic risk assess when planning a site visit. The use of body worn video can form part of mitigation when conducting visits or performing council duties. Officers must consider personal safety and whether the use of body worn video is a sufficient mitigation.

4.3.2 Officers must continuously apply dynamic risk assessment during council duties especially if faced with an incident of aggression. Personal safety is paramount. The use of body worn video may help diffuse a situation and gather evidential footage of offences, however officers must never place themselves or others at risk of harm to gather footage.

4.3.3 Officers equipped with body worn video conducting a visit inside a premises shall begin recording prior to entry and maintain recording until the visit is completed.

#### 4.4 **Daily Use**

4.4.1 Body worn video shall only be used:

- If an employee is in a confrontational situation where they are subject to or feel that they are likely to be subject to, verbal or physical abuse.
- To gather evidential footage for a Police or Council enforcement investigation.

4.4.2 Staff using body worn video shall issue a verbal warning, where practicable and safe to do so, that they have activated body worn video. All usage will be overt in nature.

4.4.3 Recordings shall not be made whilst performing normal or routine work and any usage must be proportionate, legitimate, necessary, and justifiable.

4.4.4 All recordings shall be held securely.

4.4.5 Access to recordings will be restricted to authorised employees.

#### 4.5 **Booking out Body Worn Video**

4.5.1 Body worn video devices shall be booked out by employees to ensure an audit trail of devices. This applies to pool and personal issue devices.

4.5.2 It is the responsibility of individual employees to verify that the body worn video device is fully operational prior to use. This includes charging the device and ensuring that the date and time displayed is correct.

#### 4.6 **Recording**

4.6.1 Recording must be incident and/or investigation specific. Employees shall not indiscriminately record entire duties, visits or patrols and must only use recording to capture video and audio of specific incidents and/or investigations. For the purposes of this guidance an 'incident' is defined as:

- a. An engagement with a member of the public which in the opinion of the employee is confrontational, and where the employee believes they may be subject to verbal or physical abuse.
- b. The employee is approached by a member of the public in a manner perceived as aggressive or threatening.

4.6.2 At the commencement of any recording the employee shall, where practicable, make a verbal announcement to indicate why recording has been activated. This verbal announcement will not be prescribed; however, it must be clear to the persons present that recording is underway.

- 4.6.3 The purpose of issuing a verbal warning is to allow a member of the public to modify any unacceptable confrontational or aggressive and threatening behaviour. If at any time during an incident an employee considers that the use of body worn video or the issuing of a verbal warning is likely to inflame a confrontational situation, the employee may use discretion to disengage from further discussion and withdraw from the incident.
- 4.6.4 A specific form of words to be used in any warning to a member of the public has not been prescribed, but employees shall use straightforward speech that can easily be understood by those present such as 'I am wearing body worn video and I am now recording video and audio'.
- 4.6.5 Officers should consider barriers to understanding any verbal warning being issued, for example someone who does not understand English or may have experienced hearing loss. To complement the verbal warning in such instances, officers can physically highlight the body worn video device including its visible screen and indicators showing it in use.
- 4.7 **Playback**
- 4.7.1 Employees can playback footage on the body worn video devices but must ensure the footage is only viewed by those who are authorised to view. Footage on the device must not be shown to other employees unless for the purpose of furthering an investigation.
- 4.7.2 Footage can be accessed from the secure storage system to use in any Police or Council enforcement investigation. It can be processed and prepared as evidential media.
- 4.7.3 Any request to view captured footage by a member of the public will need to be made in writing in line with the 'Subject Access Request' procedure.
- 4.8 **Booking in Body Worn Video**
- 4.8.1 Employees shall return the unit to the designated docking station and dock the unit to download any footage into secure storage. Employees shall use the secure system to correctly bookmark evidential footage.
- 4.8.2 Employees shall report any device faults to the CCTV Service as soon as possible.
- 4.9 **Storage of Data**
- 4.9.1 All recorded footage shall be uploaded to secure storage upon docking of the body worn video device.
- 4.9.2 Footage required for further investigation or as evidential media shall be bookmarked and retained until all investigations have completed or a prosecution has taken place.



- 4.9.3 Any recorded footage not bookmarked to a specific incident or investigation shall only be retained for 31 days.
- 4.9.4 Evidential footage shall be prepared on DVD, secure memory stick or printed images for presentation to the Police or Court. This will be stored in a secure location.

## **5. Monitoring and Review**

- 5.1 This Policy and its Guidelines will be reviewed annually in the light of any national policy or procedural change or due to changes to law or Council strategy or at such other times as may become necessary.
- 5.2 This Policy and its Guidelines may be subject to amendment or revision because of changes or developments in technology or equipment as may occur from time to time.
- 5.3 All policy revisions will be dated and recorded at the beginning of this document under Version Control.

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