

# **Body Worn CCTV Cameras**

## **Policy and Operational Guidelines**

## 1. Introduction

- 1.1** This document sets out the Council's Policy & Procedural Guidelines for the use of Body worn CCTV cameras by Council employees. It will enable employees to comply with the relevant legislation relating to video recording and outline the associated benefits to employees and the general public. It also documents best practice procedures with regard to integrity of data, images and video as well as its security and use.
- 1.2** The use of Body worn CCTV can provide a number of 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 CCTV cameras can also help to promote public reassurance and prevent potential harm to the public.
- 1.3** Body worn CCTV forms part of Personal Protective Equipment 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 CCTV in visible locations. Prior to commencement of any recording, where possible, employees will give a clear verbal instruction that recording is taking place.

## 2. Legislation

- 2.1** The integrity of any video data recorded shall be considered in accordance with the following legislation:
- Data Protection Act
  - Freedom of Information Act
  - Human Right Act
  - Surveillance Camera Code of Practice
  - CCTV Code of Practice
  - Regulatory of Investigatory Powers Act (RIPA)
- 2.2** **Data Protection Act**
- 2.2.1** The Information Commissioner's Office is the regulator for the Act 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.

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

**2.2.3** 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)

## **2.3 Freedom of Information Act**

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.

## **2.4 Human Rights Act**

**2.4.1** Article 6 provides for the right to a fair trial. All images captured through the use of a Body worn device 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.

**2.4.2** 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 equipment should not record beyond what is necessary when recording a confrontational situation.

**2.4.3** The use of Body worn CCTV will be widely advertised prior to commencement. The Council will issue regular press releases as appropriate to maintain awareness of the use of Body worn CCTV and publish information on its website.

**2.4.4** The Council will further ensure that the use of Body worn CCTV is emphasized 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, prior to the commencement of any recording.

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

The Council and employees will at all times 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 CCTV.

## **3. Operational Guidance and Best Practice**

### **3.1 Authorised Users**

**3.1.1** Any user of body worn CCTV must have the approval of their service manager and completed the required training.

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

### **3.2 Training**

**3.2.1** All employees that use Body worn CCTV shall receive full 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.

**3.2.2** This training will be refreshed on an annual basis via an online training module, which all users will be required to complete in order to continue their usage.

### **3.3 Daily Use**

**3.3.1** Body worn CCTV 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

**3.3.2** Recording shall not commence until an employee has issued a verbal warning, where practicable, of their intention to turn on the Body worn CCTV. All usage will be overt in nature.

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

**3.3.4** All recordings shall be held securely.

**3.3.5** Access to recordings will be restricted to authorised employees.

**3.4 Booking out Body worn CCTV**

All employees shall use a device from a pool of Body worn CCTV units. They will not be allocated to individual officers. An employee shall enter their unique login details to book a device out to them. It is the responsibility of individual employees to verify that the unit is fully charged and that the date and time displayed is correct. Any discrepancy in the date or time should be reported to the CCTV Service.

**3.5 Recording**

**3.5.1** 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:

- a) An engagement with a member of the public which in the opinion of the employee is confrontational, and where the employee believe 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

**3.5.2** 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.

**3.5.3** 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 CCTV 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.

- 3.5.4** 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 a Body worn CCTV camera and I am now recording'.

### **3.6 Playback**

- 3.6.1** Employees can playback footage on the Body worn CCTV unit but must ensure the footage is only viewed by those who are authorised to view. Footage on the unit must not be shown to other employees unless for the purposed of further an investigation.

- 3.6.2** 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.

- 3.6.3** 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.

### **3.7 Booking in Body Worn CCTV**

- 3.7.1** Employees shall return the unit to the designated docking station and dock the unit to download any footage into secure storage and place back on charge. Employees shall use the secure system to correctly bookmark evidential footage.

- 3.7.2** Employees shall return Body worn CCTV units to the secure storage location as soon as is practicable. Units must never be taken home or left in open accessible locations such as on desks or in vehicles.

- 3.7.3** Employees shall report any unit faults to the CCTV Service as soon as possible.

### **3.8 Storage of Data**

- 3.8.1** All recorded footage shall be uploaded to secure storage upon docking of the Body worn CCTV unit.

- 3.8.2** 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.

- 3.8.3** Any recorded footage not bookmarked to a specific incident or investigation shall only be retained for 31 days.
- 3.8.4** 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.

# Version Control

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