



SOUTH
KESTEVEN
DISTRICT
COUNCIL

(DRAFT)

Policy for Officers of SKDC
on Body Worn Video

Contents

1.0	Purpose	2
2.0	Supplementary benefits	2
3.0	Scope	2
4.0	Legal Framework	2
5.0	Principles of Use	3
6.0	Equipment Use.....	3
7.0	Data Storage and Access	4
8.0	Production of Exhibits	5
9.0	Training, Compliance and Authorisation	5
10.0	Misuse and Disciplinary Action.....	5
11.0	Review and Governance	5
	Appendix 1 – Equipment Use	6
	Appendix 2 – List of Equipment.....	8

1.0 Purpose

- 1.1 This policy has been developed and adopted to ensure the appropriate use of Body Worn Video (BWV) by Officers within South Kesteven District Council. The use of BWV aims to enhance Officers' personal safety, reduce incidents of abuse or aggression, provide an accurate record of events, and increase transparency and accountability and where necessary to capture best evidence. This policy ensures compliance with legal standards, including the Regulation of Investigatory Powers Act 2000 (RIPA), the Data Protection Act 2018 (DPA), and the UK General Data Protection Regulation (GDPR).

2.0 Supplementary benefits

- 2.1 The use of BWV may derive a range of supplementary benefits including but not being limited to:
- Reducing protracted complaint investigations by providing impartial, accurate evidence.
 - Give greater insight into service delivery and assist in identifying good practice.
 - Reduce the number of incidents of aggressive behaviour and abuse aimed at officers exercising their duties.
 - Evidence the good service of enforcement and advisory letters.
 - Prevention and detection of crime and the deterrence of Anti-Social Behaviour.

3.0 Scope

- 3.1 This policy applies to all Officers and relevant staff authorised to use BWV while carrying out duties on behalf of South Kesteven District Council, whether on patrols, during home visits, enforcement duties or in any engagement with tenants and members of the public.

4.0 Legal Framework

- 4.1 Legal Framework includes:
- Regulation of Investigatory Powers Act 2000 (RIPA)
 - Data Protection Act 2018 / UK General Data Protection Regulations 2018
 - Human Rights Act 1998
 - Protection of Freedoms Act 2012
 - Home Office Surveillance Camera Code of Practice & Information Commissioners Code of Practice
 - Housing Act 2004, Section 239

5.0 Principles of Use

- 5.1 BWV equipment is an overt mechanism for officers to obtain and secure evidence on the scene of an investigation or incident. Data will be processed lawfully, fairly and in a transparent manner in line with our data protection requirements. We will only gather evidence that is required for specific purposes. We will hold this information securely and only for as long as is necessary.
- 5.2 The use of BWV shall be for overt recording only, unless a RIPA application has been duly approved by a Court. Officers must inform individuals they are being recorded before activation, unless doing so would risk immediate harm.
- 5.3 The use of BWV will be proportionate, and BWV will only be activated where necessary to record interactions involving potential risk, conflict, anti-social behaviour, or for evidential purposes.

6.0 Equipment Use

- 6.1 A BWV device is an overt camera that can capture video and audio information, used to record events that the individual wearing the device, is involved in. Typically, it is worn on the torso of the member of staff and is not hidden. This device can therefore capture incidents as they occur.
- 6.2 The BWV devices used at South Kesteven District Council shall be overtly body mountable with built in microphones.
- 6.3 All South Kesteven BWV devices shall be stored securely in the Council office and a central register (which shall include the make, model and serial number) of BWV devices will be maintained.
- 6.4 Authorised Officers will sign all BWV devices in and out and shall: test that the device they are seeking to use is working correctly; that the battery is fully charged and that the date and time stamp on the device is accurate
- 6.5 Any malfunction of a South Kesteven BWV device must be notified immediately to a Supervisory Officer.
- 6.6 Any loss or theft of a South Kesteven BWV device containing NO recorded material must be notified immediately to the Head of Service of the relevant department.
- 6.7 Any loss or theft of a South Kesteven BWV device CONTAINING recorded material must be notified immediately to the Director or Assistant Director for the service area and the Data or Deputy Data Protection Officer.
- 6.8 If the South Kesteven BWV product is considered to have evidential or other lawful value it will be stored, processed and disposed of according to its relevant use, as soon as possible. An example of this would be if the evidence were to be used for certain enforcement cases, it would be kept in line with the relevant retention schedule. Each primary file will be allocated a unique identifier with the time and date stamp.

- 6.9 To support the system, a designated computer and appropriate encrypted software will be utilised for the downloading and storage of digital video files. These will need to provide a full audit trail and ensure evidential continuity is maintained. The storage and control of all South Kesteven BWV and the necessary computer systems required for the storage and download of images and digital video files will be based within South Kesteven District Council Offices.

Appendix 1 to this policy provides information for Authorised Officers on how the equipment must be used.

7.0 Data Storage and Access

- 7.1 All footage is encrypted and uploaded to a secure server at the end of the shift, and access is restricted to authorised personnel only.
- 7.2 At South Kesteven the retention period for the recordings is 30 days unless required for investigation or legal proceedings (as per section 6 of this policy).
- 7.3 It is important to note that Article 15 of the UK General Data Protection Regulations 2018 grants a general right of access to personal data held by public authorities, which may include digital images recorded by BWV. In cases where recordings of individuals have taken place either coincidentally or by intended conversations from either party, this evidence / recording is only to be seen by person(s) recorded. SKDC Council must satisfy themselves that the person wishing to see the recording is the same person recorded. This should be done by viewing the recording and familiarising themselves with the person recorded. This process is covered in the SKDC CCTV Code of Practice.

7.4 Evidential footage

Evidential footage will be considered as any data that is:

- Evidence of an offence or supporting evidence for any process.
- Footage that is required for a relevant and proportionate purpose
- Footage which is allowed to be revealed under The Criminal Procedure and Investigations Act 1997.

- 7.5 BWV is supporting evidence and officers will be required to provide written statements which must include the audit trail for the capture of the footage and the subsequent production of the master disc/DVD.
- 7.6 Persons subject to recording may request access to footage (if retained for investigation or legal proceedings) involving them under a Subject Access Request, unless certain limited exemptions apply.

8.0 Production of Exhibits

- 8.1 Data will not be downloaded to any device other than the dedicated computer provided as stated.
- 8.2 All footage recorded to the BWV unit will be downloaded as soon as practical and evidential footage downloaded will be saved on the relevant stand-alone BWV

computer as per the approved procedure. It will be identified by exhibit/unique reference number.

- 8.3 As soon as reasonably practical two copies of the BWV footage will be made. The first will be a 'master copy' which will be sealed, labelled. The second will be a 'working copy' for investigation and file preparation purposes. DVDs should be retained in line with the Councils retention policy. There will be a clear and transparent audit trail throughout this process.

9.0 Training, Compliance and Authorisation

9.1 All Authorised Officers must receive training on:

- Lawful and appropriate use of BWV
- RIPA compliance and implications of unlawful surveillance
- Data protection responsibilities
- De-escalation techniques and best practices

9.2 A list of Officers that are authorised to use South Kesteven BWV (Authorised Officers) and are suitably trained in accordance with the above, shall be recorded and maintained by the relevant Head of Service or Senior Manager for that Service area. A coordinated list will be kept by the Data or Deputy Data Protection Officer.

10.0 Misuse and Disciplinary Action

10.1 Improper use of BWV including but not limited to the following:

- Covert use without RIPA authorisation
- Unauthorised access to footage
- Editing or deleting footage

will result in disciplinary action and may lead to legal proceedings.

11.0 Review and Governance

11.0 This policy will be reviewed annually or sooner if legislation or guidance changes. The Information Commissioner's Office has published guidelines on the use and security of body worn cameras which will always be adhered to. Oversight rests with the Data and Information Governance Officer and the Senior Responsible Officer.

Appendix 1 – Equipment Use

The following is guidance on the use of South Kesteven BWV when recording incidents.

Decide: Officers will wear BWV when on operational duties or as required by a supervisory officer, the camera should be switched on when footage might support 'professional observation' or would corroborate what would be written in a pocket notebook (PNB). The decision to record or not to record any incident remains with the user. The user should be mindful that failing to record incidents that are of evidential value may require explanation in court.

Start recording early: It is evidentially important to record as much of an incident as possible; therefore, recording should begin at the earliest opportunity from the start of an incident.

Recordings to be Incident Specific: Recording must be incident specific. Users should not indiscriminately record entire duties or operations and must only use recording to capture video and audio during inspections or incidents that would normally be the subject of PNB entries or as 'professional observation', whether or not these are ultimately required for use in evidence.

Talk: At the commencement of any recording the user should, where practicable, make a verbal announcement to indicate why the recording has been activated. If possible, this should include:

- Date, time and location
- Confirmation, where practicable, to those present that the inspection/incident is now being recorded using both video and audio.

Inform: If the recording has commenced prior to arrival at the site or scene of an inspection/incident the user should, as soon as is practicable, announce to those persons present that recording is taking place and that actions and sounds are being recorded. Specific words for this announcement have not been prescribed in this guidance, but users should use straightforward speech that can be easily understood by those present, such as, "Please be aware I am wearing and using body worn video".

Collateral intrusion: In so far as is practicable, users should restrict recording to areas and persons necessary in order to obtain evidence and intelligence relevant to the incident and should attempt to minimise collateral intrusion to those not involved.

Private dwellings: In private dwellings, users may find that one party objects to the recording taking place; for example, when lawfully on premises and abuse is apparent or expected. In such circumstances users should continue to record and explain the reasons for recording continuously. These include:

- Where an operational plan or procedure is in place
- A warrant is in force or powers under current legislation
- There is a requirement to secure best evidence of any offences that have occurred.
- Continuing to record would safeguard both parties with true and accurate recording of any significant statement made by either party

- Continuing to record would safeguard vulnerable persons.
- Where an incident having previously taken place may reoccur in the immediate future

Sensitivities connected with faith/equalities issues: The filming in domestic circumstances could be an issue with some faiths. An example may be where the female may not have a face covering within the home. Officers should be aware of this fact and be sensitive to the wishes of those involved.

Do not interrupt filming: Unless specific circumstances dictate otherwise recording must continue uninterrupted from commencement of recording until the conclusion of the incident.

Concluding filming: It is considered advisable that the officer continues to record for a short period after the incident to clearly demonstrate to any subsequent viewer that the incident has concluded and the user has resumed other duties or activities.

Prior to concluding recording the user should make a verbal announcement to indicate the reason for ending the recording this should state:

- Date, time and location
- Reason for concluding recording

Do not delete: Once a recording has been completed this becomes South Kesteven District Council information and must be retained and handled in accordance with PACE and the council's CCTV Code of Practice. Therefore, any recorded image must not be deleted by the recording user and must be retained as required by the procedures. Any breach of the procedures may render the user liable to disciplinary action or adverse comment in criminal proceedings.

Selective Capture: In general, the BWV user should record entire encounters from beginning to end without the recording being interrupted. However, the nature of some incidents may make it necessary for the user to consider the rationale for continuing to record throughout entire incidents.

For example, the recording may be stopped in cases of a sensitive nature or if the incident has concluded prior to the arrival of the user. In all cases the user should exercise their professional judgement in deciding whether or not to record all or part of an incident.

In cases where the user does interrupt or cease recording at an ongoing incident they should record their decision including the grounds for making such a decision.

Recording of Interviews: BWV should not be used to record interviews of suspects under caution which occur at an office or public place.

BWV can and should be used to capture hearsay evidence. An example of this is where a person gives his account of suspected offender's actions to an investigating officer, in the presence and hearing of the suspect.

Scene Review: An additional use of BWV is to record the location of objects and evidence at the scene of a crime/incident or inspection e.g. property hazards, defects and deficiencies. This can be particularly beneficial in allowing a Senior Officer an opportunity

