



Body Worn CCTV

Standard Operating
Procedure

Pendine Community Council

July 2021
Approved at Council meeting [20th July 2021]

Contents

1. Assessment Process.....	Page 2.
1.1 Purpose for deploying Body worn Cameras.....	Page 2.
1.2 Use and Control of Devices for Safety purposesPage 2
1.3 Staff training and development.....	Page 3.
2. Equipment.....	Page 3.
2.1 Issuing of BWCCTV	Page 3.
2.2 Carriage.....	Page 4.
2.3 Recording an Incident.....	Page 4.
2.4 Verbal Statement.....	Page 5.
2.5 Third Parties.....	Page 5.
2.6 Witness First Accounts.....	Page 5.
2.7 Statements.....	Page 6.
3. Evidence Processing.....	Page 7.
3.1 Audit Trail.....	Page 7.
4. Evidential Footage.....	Page 7.
4.1 Downloading.....	Page 7.
5. Non-evidential footage.....	Page 8.
6. Declaring “Non-evidential footage”	Page 8.
7. Legislation and Legal Implications.....	Page 8.

1. Assessment Process

All devices operated are subject to Privacy Impact Assessments in line with the CCTV Code of Practice to ensure they are legitimate purposes for processing in line with the requirements of the Data Protection Act 1998 and Article 8 of the Human Rights Act 1998.

1.1 Purpose for Deploying Body Worn Cameras

The Council deploy CCTV Body Camera units to assist in providing recorded visual and audio evidence for the following purposes:

- provide a contemporaneous record of discussions with those suspected to be involved in Criminal Offences.
- staff safety and protection,
- staff training and development

1.2 Use and Control of the Devices for Safety Purposes

Activation will also occur in cases where there is deemed to be a potential threat to officer safety. Where a deployment of CCTV Body Camera unit is undertaken within the areas of staff safety and protection, it will be deployed in a 'use when necessary' mode. This means that the CCTV Body Camera in normal/default mode will be switched to off and the system will be switched on to 'record'

Only when a staff member perceives aggression. The unit will remain in record mode until such time as the staff member considers that the threat is no longer perceived.

CCTV Body Camera units deployed for this purpose will enable partial records of staff movements and actions are obtained to:

- assist in the investigation of any allegation of assault or abuse where a
- staff member is either the alleged victim or alleged aggressor
- cater for any random or unexpected act of assault or abuse, staff, members of the public and investigating agencies can have a greater confidence in the fact that a recording has been made of the incident
The definition of Perceived Aggression in this context is:
- an individual threatening an Officer with a weapon, or other object • an individual threatening an Officer with the intention of causing bodily harm
- an individual encroaching within an arms-length of an Officer (within their personal space)
- an individual making physical contact with an Officer

Any inappropriate use will be detected when the footage is later reviewed and any action that could give rise to concern will be fully investigated. All instances of when the CCTV Body Camera has been used for recording during a relevant activity or incidents will be logged by the officer who has used the camera and verified by a supervisor.

1.3 Staff Training and Development

Training will be provided by the Enforcement Officer from Carmarthenshire County Council. The Clerk will ensure that the Beach & Community Warden is trained in the use of the device, their responsibilities, and the restrictions relating to the recording of activities and individuals. This training will take place in a controlled environment.

Staff using CCTV Body Cameras will be required to adhere to the policy in the use of CCTV Body Camera.

2 Equipment

2.1 Issuing of Body Cameras CCTV

Training on this aspect of the procedure has been given to the user and it is crucial that this is adhered to. When a user has been issued with BWCCTV and secured their equipment according to instruction they must ensure that:

- the date and time is recorded accurately
- the unit is in good repair and full working order
- the battery is charged
- Unit is correctly assembled
- Recording picture is the right way up

Prior to patrol the user must record that they completed the above checks and confirm that the unit is functioning correctly. This information may be recorded on a pre-formatted statement or Pocket Book. If made, statements pertaining to nonevidential footage should be filed according to local arrangements. Statements in relation to evidential footage will form part of the case papers and must be retained.

The device must be set on standby mode so that the unit is ready for use as and when required.

When not in use, the BWCCTV equipment must be securely stored. Any recorded material must be processed in accordance with the procedures outlined in this guide.

2.2 Carriage

Under the Data Protection Act the Information Commissioner's Office considers that the fair processing conditions are satisfied where a staff member is in uniform or plain clothes and is **clearly** wearing a camera. BWCCTV must be used in an **overt** manner. The BWWCCTV should be fixed to the supplied harness. The covert use of a BWWCCTV device will not be permitted. The Beach & Community Warden must identify themselves when using the device.

2.3 Recording an Incident

Individuals wearing BWCCTV should use it to record incidents where the user would have made a written record of the encounter, such as Litter/ Dog Fouling, fly-tipping and anti-social behaviour.

The purpose of the recordings are to provide a contemporaneous record of discussions with those suspected to be involved in Criminal Offences.

If the user is not going to record the incident, then a record should be made as to why it was not appropriate at the time.

"It is good practice for every incident to be recorded, but it is down to the discretion of the officer. If an incident is not recorded then the officer will need to give reasons for this in their note book".

Once recordings have commenced at a given incident the recording where practicable, should continue uninterrupted until the incident is concluded. Should any recording be discontinued for any reason prior to the conclusion of the incident? The reason must be recorded in any subsequent statement of note book entry.

Users should not indiscriminately record entire duties or patrols and must only use recording to capture video and audio at incidents that would normally be subject to possible legal action, whether or not these are ultimately required for use in evidence.

The use of BWCCTV are not to be used for Covert Surveillance.

All recordings have the potential to be used in evidence, even if it appears to the user at the time of the incident that this is unlikely (e.g. a Verbal Warning and words of advice).

2.4 Verbal Statements

When the BWCCTV is activated, it is best practice for the Beach & Community Warden to state:-

- Their name
- Date
- Time
- Location
- Other persons present
- A brief summary of what they have witnessed

If it is of evidential value the user may consider giving a running commentary.

As soon as it is practicable, the Beach & Community Warden must identify themselves to the person being filmed and inform them that they are being recorded on BWCCTV by images and sound and the reason why. This should also include any third parties that come into any conversations

Prior to the recording being terminated it is best practice for the user to state the following:- The Date

The Time

Location

The reason for the termination

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

Before approaching a suspected offender, the Beach & Community Warden must inform them of the fact that they are being recorded which will be forwarded to the Carmarthenshire County Council enforcement team as evidence:-

2.5 Third Parties

The Beach & Community Warden is to inform any third Parties that come into any Conversations, that they are being recorded on BWCCTV by image and sound and the reasons why.

2.6 Witness First Accounts

If the BWCCTV user is approached by a victim or witness who wishes to give their first account of a crime, the encounter may be recorded. The circumstances and nature of the crime must be considered against the welfare of the individual. Initial disclosures should be treated as evidential footage.

Please note this does not replace the need for full written statements but maybe used as supporting evidence.

The following must be considered in the event of such disclosure:

- Nature of the incident/allegation
- Identity of the suspect
- Location of the suspect
- Description of the suspect
- Location of a crime scene
- Forensic opportunities
- Evidence of early complaint
- Other victims and/or witnesses

Questions posed to victims and witnesses that may assist in the early investigation of a crime must be 'open' and non-leading.

2.7 Statements

The use of BWCCTV is in addition to and an enhancement to existing methods of evidence capture. If officers choose to view video footage prior to writing their notes or a witness statement they must include this fact.

The user's statement / notes must also cover additional points in respect of BWCCTV use. The following aspects should be included:

- the user is trained in the use of BWCCTV
- the footage has been dealt with in accordance with the audit trail process
- the BWCCTV has been booked back in correctly

3 Evidence Processing

3.1 Audit Trail

A full audit trail should be established and maintained from the point of image capture. The audit trail must document the working processes to ensure that users fulfil their obligations under the rules of disclosure.

Once a recording has been completed, it becomes Council Information and **must** be retained until determined it has no further relevance. Therefore any recorded image **must not** be deleted by the BWV user and must be retained, any breach by the user liable to disciplinary action or adverse comment in criminal proceedings.

4 Evidential footage

4.1 Downloading Images

The user must as soon as practicable

- Meet with the Clerk to download images onto the Council's secured cloud storage. The BWWCCTV unit must be electronically cleansed to erase all stored data prior to further usage.
- Evidence burnt to USB's are to be encrypted.
- Complete all respective documentation.
- Footage will be retained for 31 days following the date it was recorded. The user and the user's line manager shall then review whether there is any continuing legitimate purpose for the further retention of the footage. Such purposes include (but are not limited to);
 - i) The footage is, or is likely to be relevant to ongoing or prospective legal proceedings, a criminal or disciplinary investigation or obtaining of legal advice.
 - ii) The footage is, or is likely to be, relevant to an ongoing or prospective complaint.
- If the user and their line manager agree that a legitimate purpose exists for the further retention of the footage, then it may be retained for a further 31 days and the decision, and the reason for it, recorded.
- There is no limit to the number of times the further retention of footage may be authorised in this way, provided that the retention is reviewed every 31 days and a written record made of the decision to continue the retention and the reasons for it.
- Footage must be destroyed as soon as it is determined that no legitimate reason exists for its retention.
- There is **NO** requirement to exhibit the device although its number should be recorded in any subsequent statement.

The submission of statement must be completed as fully as possible to ensure continuity.

5 Non-evidential footage

5.1 Declaring no evidential footage recorded

The Beach Warden must at the end of a shift using the BWCCTV make an entry in their pocket book to this effect.

7.0 Legislation and legal implications

7.1 Disclosures

Requests for copies of any footage from other law enforcement agencies and requests by the subjects themselves or their legal representatives must be referred to the authority's Information & Data Protection Officer or the legal services manager for advice, before being responded to.

7.2 The use of BWCCTV is covered by a number of pieces of legislation these include;

- Criminal Procedure and investigation Act 1996.
 - Data Protection Act 1998.
 - Human Rights Act 1998.
 - *Regulation of Investigatory Powers Act 2000.
 - *Freedom of Information Act 2000