

# Pi13.6 - Body Worn Video



This document is part of the SYP Statement of Agreed Policy **P13 - Operations and Event Planning** in conjunction with **Authorised Professional Practice (APP)**. You may wish to refer to these now.

These instructions should also be read in conjunction with:

The APP sections entitled **Investigations** and **Information Management**.

In line with the instructions contained within APP, the following additions will also apply.

## **Instructions:**

### **Summary**

South Yorkshire Police needs to maximise the benefits of using body worn video (BWV) as an overt method to promote public reassurance, capture best evidence, modify behaviour, prevent harm and deter people from committing crime and anti-social behaviour. Using BWV can:

- support transparency, trust and confidence in the police;
- enhance opportunities for evidence capture and help employees gather evidence at incidents of crime and disorder;
- reduce the reliance on a victim's evidence, particularly those who may be vulnerable or reluctant to attend court;
- provide independent evidence to improve the quality of prosecution cases;

- increase early guilty pleas;
- reduce employee case preparation and court time;
- reduce protracted complaint investigations (providing impartial and accurate evidence;

The purpose of this instruction is to ensure that Officers and Staff comply with legislation and Force requirements and are aware of their responsibilities in relation to securing and preserving best evidence and safeguarding the integrity of the captured digital images, if these need to be used in criminal, civil or complaint proceedings.

[REDACTED]

### **College of Policing Guidance - Key Principles**

#### **Principle One - The use of BWV by Police is Lawful.**

Common Law provides the Police with the authority to use BWV in the lawful execution of their duties, for the purpose of the prevention and detection of crime.

Officers will rely on this in the daily operation of BWV and if asked by any person as to the legality of its use.

#### **Principle Two - Data will be processed and managed in line with the code of practice on the management of Police information, APP on Information management and the Principles of the data Protection Act [REDACTED]**

Data retention, review and disposal must be in line with the relevant legislation and current guidance. Forces must be able to ensure the integrity of the data throughout the process and have due regard for the Surveillance Camera Code of Practice.

#### **Principle Three - The normal use of BWV will be overt.**

Chief Officers must ensure that the capabilities of the BWV equipment are clear to the public. This includes its ability to capture audio as well as visual imagery. [REDACTED]

[REDACTED]

#### **Principle Four - The operational use of BWV must be proportionate, legitimate and necessary.**

Compliance with the Human Rights ACT 1998 (HRA), Data Protection Act 2018 (DPA) and the Surveillance Camera Code of Practice will ensure that the use of BWV is always proportionate, legitimate and necessary. Continuous, non-specific recording is not permitted.

#### **Principle Five - Use of BWV will be incident specific. Officers will use common sense and sound judgement when using BWV, in support of the principles of best evidence.**

Officers are required to justify their use of BWV. There should be a tendency towards capturing audio/visual evidence when deciding whether to record. Nevertheless, there are several limitations.

#### **Principle Six - BWV does not replace conventional forms of evidence gathering (such as written statements and PACE 1984 interviews), it supports them.**

Officers will continue to follow current practices for achieving best evidence.

**Principle Seven - Force will consult locally with their communities on the use of BWV. Engagement will be proportionate to the level of local impact, which will be influenced by a force's decision to deploy BWV.**

Forces should carry out consultation to show due regard for the Public Sector Equality Duty and the Surveillance Camera Code of Practice. Consultation is also required for completing a Data Protection Impact assessment and to comply with fair processing regulations in accordance with the DPIA.

South Yorkshire Police is using its districts to consult and inform local communities, local authorities and other partners. This consultation is co-ordinated through a SPOC at each of the four districts who is an officer of Chief Inspector rank. The consultation will be both face to face and also online and via social media. The overwhelming response thus far from the public has been positive. SYP are also consulting with the office of the Police and Crime Commissioner and contacts and partners through this office.

### **Scope**

This procedural instruction:

Relates to crime reduction and investigation strategies and should not be confused with the deployment of public order trained evidence gatherers; and

- Applies to all Police Officers, Special Constables, Authorised Firearms Officers, Police Staff and Police Community Support Officers (PCSOs) who use body worn video during the course of their duties or come into contact with material recorded by BWVs.

### **"Meta data"**

This refers to the supporting information that accompanies a piece of evidential footage. It is vitally important that this data is accurate and comprehensive and recorded by the user as soon as possible. It will materially assist with the searching, retrieval and also disclosure issues, therefore as a minimum users should record the following.

- The incident number associated with the incident if known
- CONNECT reference number
- Key details of witness or suspect, name and date of birth
- Address / location where the incident / occurrence took place
- The type of incident, for example, Taser, assault, theft
- Any matters that are sensitive regarding the circumstances or need to be highlighted for disclosure purposes, such as names and locations of victims or witnesses.

### **Storage of Video Captured**

BWV footage that has been recorded but not saved as evidential will be retained by the system for 90 days and then will be automatically deleted.

[REDACTED]

BWV footage that has been saved as evidential will be subject to the MOPI classification and retained, reviewed and weeded accordingly.

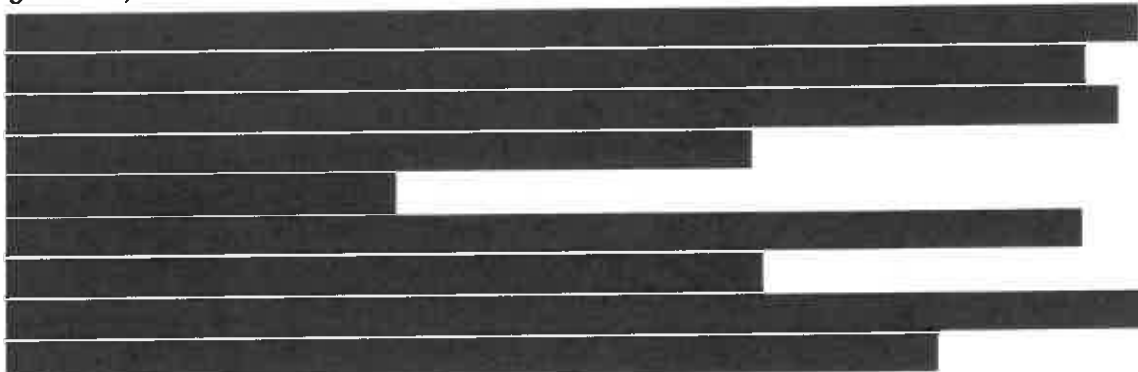
The MOPI classifications are as follows:

MoPI 1 – 100 years

MoPI 2 – 10 years

MoPI 3 – 6 years plus the current year, ie, 7 years

MoPI 4 – missing from home (held for 7 years – but stored separately as per national guidance)



### **Freedom of Information and Subject Access**

BWV footage falls under the same regulations and will be treated in exactly the same way as any other form of information. If, during the 90 day period, any request is made for a copy of the information by a data subject exercising their information rights under the Data Protection Act 2018 and GDPR, steps must be taken to preserve the relevant footage to enable the request to be processed.

### **Disclosure**

BWV is subject to all of the regulations covering disclosure within criminal proceedings, this is a personal responsibility for all officers and staff.

### **Training and Development**

PLP – Pre-requisite Learning Package / Classroom Module. Training in the use of the BWV device will be available via a Pre-requisite Learning Package (PLP). This is a mandatory requirement to allow qualification to attend the subsequent classroom based module, delivered in a 3-hour practical input. Once the student has completed the PLP and passed the knowledge check, the details will be collated for allocation of the classroom module. Course students will be checked as to whether they have completed the PLP and will not continue with the training if they have not completed the PLP.

The Pre-requisite Learning Package includes:

- Why we are using Body Worn Video / Benefits
- Compliance with legislation and guidance
- The camera operation
- Data Management
- Considerations on when and when not to record
- Community Sensitivities
- Criminal Justice / file preparation
- Disclosure

### **Additional guidance**

Learning and Development Section at the Force Training School will provide training on the [REDACTED] Software ([REDACTED]) during the classroom module. Only when

the PLP and classroom module have been completed, will the student's log on details be recognised by [REDACTED] After this process, BWV will be used.

Further advice, FAQ, training videos and further materials will be contained in the Body Worn Video on line learning.

Improving performance. It is expected that Officers and Staff will review their own recordings. Supervisors should review the use of BWV by their team members to assess performance, compliance with policy and improve the way incidents are dealt with. BWV training is mandatory for all officers and staff of Chief Inspector level and below.

### **Professional Standards**

The use of BWV footage records accurately the actions of users were and also that of the member of the public. One of the key benefits is that complaints are either less likely to arise or be resolved much more quickly.

Professional standards will only review footage if they have a cause to do so. Footage will not be reviewed speculatively. If any conduct matters are found incidental to an enquiry, that conduct must be dealt with but proportionately and in line with the Organisational Justice Model.

### **BWV Footage**

#### **Definition**

BWV footage is, although not exhaustive, any recording that supports:

- Evidence of an offence.
- Supporting evidence for any process - i.e. charge, Fixed Penalty Notice, Penalty Notice for Disorder etc.
- Footage that is required for a relevant and proportionate policing purpose, i.e. footage taken of an overcrowded town centre taxi-rank to highlight the need for an extended facility to Local Authority partners.
- Footage which is required to be disclosed under the Criminal Procedure and Investigations Act 1996.
- Stopping a motor vehicle in relation to an offence.
- Attending premises in order to effect an arrest.
- Searching premises/land/vehicles.
- Stop/Search.
- An interaction believed to be a risk to safety (to the individual, public and police).
- Use of force against persons or property.
- Where a user gives a direction to an individual or group under any statutory power.
- Any incident where the officer would normally consider a pocketbook entry whether this ultimately becomes non-evidential or not.
- However footage that is not marked as evidential i.e. not connected to an offence or any proceedings, will be deleted after 90 days, in line with South Yorkshire Police guidance.

#### **General**

- Frontline Police and Staff including Response, NPT and in addition non-uniformed officers such as CID and Safeguarding et al will be trained in the use of the equipment to ensure the devices are used proportionately in compliance with legislation and codes of practice.
- Additional training will focus on necessity, proportionality, including community sensitivities and issues around diversity and disability.

- There is an expectation that all trained officers and staff in relevant roles will deploy with BWV. There is an expectation that BWV will be used in every case where there is public contact for a policing purpose. This means where a degree of investigation or the exercise of Police powers is required, unless there is a good reason not to. [REDACTED]
- Staff on plain clothes duties should carefully consider the nature of their duties and plan for the availability and use of BWV where there is a foreseeable opportunity to use it [REDACTED]
- BWV does not need to be activated at community engagement events such as open days or for basic interactions such as giving street directions.
- Supervisors and Leadership Teams have a duty to enforce the use of BWV, it should be carried as standard kit at all times (such as an Airwave terminal) and it supports the integrity of both the public and the organisation. The Single Point of Contact in any district / department will be at Chief Inspector rank.
- Officers have a positive duty to collect the best available evidence and could face disciplinary action if they fail to do so.
- Cameras should be activated to record as soon as it becomes apparent an incident is starting. In some cases, this may be whilst on route to an incident so that NDM information and decisions can be captured and verbalised to take in to account changing information. [REDACTED]
- Officers and Staff must complete all training in order to become an authorised user and able to self-issue BWV kit.
- Devices will be allocated using [REDACTED] software which will also:
  - be used to upload and subsequently handle the footage; and
  - provide a full audit trail to maintain evidential continuity.
- Each image file carries a unique identifier and is time and date stamped throughout. Once recorded, the original footage cannot be amended or deleted by the user.
- All images recorded are the property of the Force and will only be uploaded via purpose built 'kiosks' (standalone computers specifically designed for use with the camera devices) and retained on the South Yorkshire Police storage network.
- Non-evidential recordings will be uploaded and retained for 90 days, in line with South Yorkshire Police guidance. During that time they are searchable and can be retrieved and marked as evidential if circumstances dictate. If unmarked, the footage will be deleted automatically after this 90-day period and will not be retrievable.
- Evidential recordings will be retained in line with the Authorised Professional Practice – Information Management.
- Images are recorded and retained for policing purposes and as such will not be shown or given to unauthorised persons.
- When not in use, BWV equipment will be securely stored in the docking stations connected to the 'kiosks' in the designated rooms in secure shared premises or police premises.

### **Recording an Incident**

BWV is an overt recording medium and can be used across a wide range of policing incidents, although there are a few situations where the use of BWV would not be appropriate.

In all cases, Officers and Staff must use their professional judgement with regard to recording. Recording must be:

- incident specific;
- in pursuit of a legitimate policing aim; and

- necessary to meet a pressing social need.
- The decision to record must be proportionate, taking into account its effect on the individuals involved and their privacy.
- Officers and Staff must not indiscriminately record entire duties or patrols and only use the recording to capture video and audio at incidents that would normally be the subject of a pocket notebook (PNB) entry or as 'professional observations,' regardless of whether these are ultimately used as evidence.
- It is evidentially important to record as much of an incident as possible, therefore, it must begin at the earliest opportunity i.e. on arrival at the 'garden gate'.
- Announcements made to those present must use straightforward (plain English) at the time of activation or as soon as practicable after the incident which can easily be understood by those present, e.g. **"I am wearing and using body worn video, I just need to tell you that you're being video and audio recorded."**
- All significant comments must be recorded in writing in a PNB and offered to the individual to sign, even if they are recorded using BWV (PACE Act 1984).
- Completed recordings must be retained and handled in accordance with the APP – Information Management. Any breach of the APP or this policy may render the user liable to disciplinary action and/or adverse comment in criminal proceedings.

**Once the record button is pressed, the audio and visual data captured will start from 60 seconds prior to activation. This will ensure that in spontaneous events that matters can be fully captured.**

#### **Private Dwellings**

The police service has the power to use body worn video devices under common law. If employees find that one party objects to them recording in a private dwelling and, e.g. domestic abuse is apparent, they will continue to record and explain their reasons for doing so. These include:

- That an incident has occurred requiring police to attend.
- That the Officer's presence might be required to prevent a Breach of the Peace or injury to any person.
- The requirement to secure best evidence of any offences that have occurred, whether this is in writing or on video, and the video evidence will be more accurate and of higher quality and, therefore, in the interests of all parties.
- Continuing to record would safeguard both parties with true and accurate recording of any significant statement made by either party.
- An incident having previously taken place may recur in the immediate future.
- Continuing to record will safeguard the Officer or Staff against any potential allegations from either party.
- Officers and Staff must consider article 8 of the Human Rights Act 1998 - the right to private and family life, if conducting recordings in dwellings and must not record beyond what is necessary for the evidential requirements of a case.

#### **Use on Court Premises**

- The camera should not be turned on within the Court precincts unless there is an incident which Officers are called to deal/assist with. Once the incident has been brought to a conclusion the camera should be turned off.
- In relation to incidents within the Court Room whilst it is in session, officers should not switch the camera on unless directed to do so by the Judge or Magistrates.

Failure of officers to follow this guidance may mean they breach Sec. 41 of the Criminal Justice Act 1925 and Sec. 9 of the Contempt of Court Act 1925

### **When to use BWV**

The general principle of using BWV is that the user will have cause to do so. "With cause" has a wide interpretation but the user must be able to describe why they operated their equipment, and in certain circumstances why they have not and in particular if they start recording why they stop doing so. The description of this should be carried out on camera / audio for clarity.

There are some circumstances where camera use is expected and clearly describes "with cause". Users may consider other circumstances are applicable.

### **Although not exhaustive, you should use BWV at the following types of incidents unless there are strong reasons not to:**

#### **Domestic Abuse**

All domestic abuse incidents will be recorded unless it is particularly distressing to the victim. Body worn footage is invaluable to capture first accounts, injuries, evidence of control or coercion and disturbances at scenes. Footage will support the officer's observations and charging decisions along with case progression where the victim may be reluctant to attend Court. BWV should not routinely be used to film children for the purpose of making a DASH assessment. This should be done by officer observation so as to minimise any impact on the child.

#### **Scenes (Crime or other)**

**The recording of scenes is useful to any subsequent investigation whether it is crime, a road traffic collision or other incident. Footage of the exact location of objects and evidence is very effective for subsequent review. In addition, the conduct of the search is recorded and any significant statements made during the search.**

You should treat the scene as an evidential recording and, where possible, you should provide a running commentary of factual information to assist subsequent review. However, you should ensure the commentary is concise and factual rather than opinion or conjecture. When filming scenes, officers must be mindful however of potential scene contamination, judging the necessity on its merits and where appropriate secure the scene and notify CSI as normal.

#### **Stop and Search**

All stop and search encounters will be recorded unless the search is an 'intimate search' or 'strip search' or if the search requires removal of more than outer clothing. Footage can be viewed by the Stop and Search Scrutiny Panel. Unless an arrest is made, footage will be non-evidential. Should an officer be concerned about a potential complaint, a supervisor should view the footage to confirm the actions taken prior to automatic deletion after 90 days.

A video recording does not replace the need for you to complete a 'record of search.' This must occur in all circumstances.

There is currently no specific power within PACE to take a photographic or video image of a person during a stop search, although such action is not explicitly prohibited either.



[REDACTED]. Officers may not use body worn video for the sole purpose of identifying the subject.

### **Private Dwellings**

Officers will record in private dwellings where there is a report of domestic abuse, injured parties or for arrest purposes etc. They are entitled to under Common Law. During other interactions where a pocket notebook entry would be made, then officers should record but do need to be mindful of Article 8 ECHR (respect for private and family life) and be able to justify why a recording was made or why it was not.

### **Traffic stops**

This may lead to evidential footage such as fixed penalty tickets, demeanour of the driver or driving for drink/drug drive cases.

### **Initial Phase Pursuit**

A dynamic risk assessment must be undertaken by the driver as to whether under the prevailing circumstances it is safe to activate the body worn camera in order to capture evidence. Priority must be given to ensuring any pursuit takes place in compliance with NPCC pursuit guidance. All marked vehicles also have DASHCAMs but Officers may determine that recording on BWV is also appropriate.

### **Blue Light Runs**

A dynamic risk assessment must be undertaken by the driver as to whether under the prevailing circumstances it is safe to activate the body worn camera. Recording will capture updates in changing circumstances for NDM decisions and show prevailing circumstances whilst en route.

### **Premises Searches**

On searching premises, footage is valuable for recording the condition of the premises on arrival and departure, the initial positions of objects, the service of paperwork and to negate complaints in respect of necessity and proportionality, any damage caused and support the integrity of exhibit handling.

### **Victim / Witness first accounts, post incident**

Officers should seek permission from victims and witnesses prior to recording first accounts. Vulnerable adults and children must not be recorded without express permission from a parent or guardian, as they may be eligible for special measures at a later stage. Such recordings do not replace the need for formal written statements.

### **Public Order incidents**

Body worn footage is valuable for spontaneous public order incidents at a time when evidence gatherers may not yet have been deployed. In terms of planned events the decision as to which officers are deployed with BWV lies with the Silver Public Order Commander who has responsibility for the overall tactical plan.

### **Taser deployment**

Body worn footage is valuable for all spontaneous / planned deployments where Taser Officers use the device in any of the prescribed modes of use ranging from the device being drawn up to the device being fired.

### **Anti-Social behaviour**

Body worn video footage is valuable for supporting police action. Evidence captured can be used in police proceedings against anti-social behaviour, supporting applications for injunctions, licensed premises matters and associated orders.

#### **Cash Seizures**

The use of BWV would be seen as best practice as it could potentially negate future complaints. You should refer to the Force policy on cash handling.

#### **Child at risk of sexual exploitation**

When conducting a return home interview, officers should use BWV [REDACTED]

However unless the circumstances are connected to an offence, the footage will be non-evidential and deleted after 90 days in compliance with SYP guidelines and the Data Protection Act 1998.

#### **Hearsay evidence**

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

#### **High Risk Missing Persons**

When conducting a return home interview, officers should use BWV [REDACTED]

[REDACTED]. However, unless the circumstances are connected to an offence, the footage will be non-evidential and deleted after 90 days in compliance with SYP guidelines and the Data Protection Act 1998.

#### **Media**

BWV footage has the potential to be used in a variety of circumstances, e.g. identifying persons at scenes, prevention / dissuasion, multimedia release of real events, good news stories, victim accounts etc.

Images and footage will only be released following consultation with Corporate Communications Department and in accordance with appropriate Force Policy, i.e.: Force web and social media sites.

#### **Media /Out of Court Disposals**

Using images to identify suspects (Caught on Camera) Wanted on Warrant BWV footage can be used to engage the public at large in the identification of unknown suspects and generate intelligence. Article 8 ECHR must be considered before the release of footage.

#### **Out of Court Disposals**

Publicising convictions, photographs of offenders and sentencing outcomes in order to increase transparency and public trust in the criminal justice process. 'Justice Seen, Justice Done'.

BWV provides a further element to the evidential picture for use in determining decisions around appropriate out of court disposals. BWV footage can be used as evidence of an individual's behaviour / conduct when making decisions about alternative disposals. [REDACTED]

[REDACTED]

**You should not use BWV in the following types of incidents:**

**Rape or Serious Sexual Offences**

In line with National guidelines BWV is not to be used to record first accounts relating to rape or serious sexual assault including historic allegations.

**Confidential Personal Information**

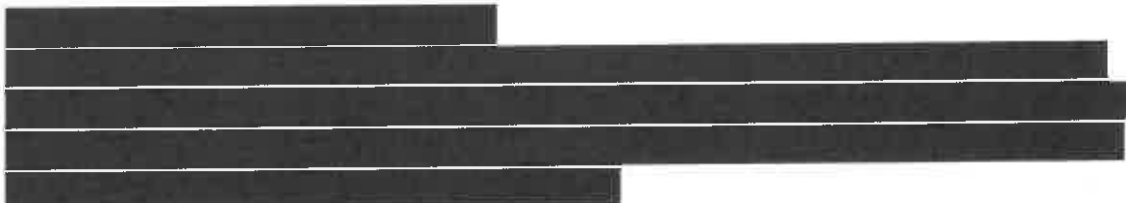
This is information held in confidence relating to the physical or mental health or spiritual counselling of a person (whether living or dead) who can be identified from it. (Considerations as per legal privilege below).

**Confidential Journalistic Information**

This is material acquired or created for the purposes of journalism and held subject to an undertaking to hold it in confidence. (Considerations as per legal below).

**Explosive Devices**

BWV cameras can cause electrostatic interference which may trigger explosive devices. Therefore, BWV equipment must not be used in an area where it is believed that explosive devices may be present.



**Intimate Search**

You must not use BWV under any circumstances to make a video or photographic recording of an intimate search.

**Legal Privilege**

You must be careful to respect legal privilege and not record material that is, or is likely to be subject of, such protections.

**Strip Search**

You must not use BWV under any circumstances to make a video or photographic recording of a strip search. However in certain circumstances, audio only can be used to capture the words spoken, if the camera lens has been suitably obscured, practically this can be achieved by turning the lens to face the officer's vest or straight up.

**Vulnerable Witness Interview (VWI)**

When dealing with a vulnerable adult or a child (person under 18), as a witness or victim, the initial contact should not be recorded using BWV without obtaining appropriate consent. This evidence is disclosable to the defence and to do otherwise, prevents the person opting out from being visually recorded and ultimately the provision of special measures at court e.g. identity concealed by a screen.

BWV is not a replacement for interviews that would normally take place in a video interview suite for achieving best evidence in criminal proceedings and vulnerable victims must be dealt with in accordance with Force policies including Investigative interviewing, safeguarding vulnerable adults and visual recorded interviews with a child.

**Attendance at Court**

- The camera should not be turned on within the Court precincts unless there is an incident which Officers are called to deal/assist with. Once the incident has been brought to a conclusion the camera should be turned off.
- In relation to incidents within the Court Room whilst it is in session, officers should not switch the camera on unless directed to do so by the Judge or Magistrates.

Failure of officers to follow this guidance may mean they breach Sec. 41 of the Criminal Justice Act 1925 and Sec. 9 of the Contempt of Court Act 1925.

### **To film CCTV Footage**

This might seem practical but best evidence will always be the copy of the original.

### **Witness First Accounts**

If you are approached by victims or witnesses who are giving their first account of the crime, you may record the encounter using BWV but you should consider this against the needs of the individual with due sensitivity to the nature of the offence being reported.

Any initial disclosure from victims and witnesses, e.g. providing a 'first description' of the offender on video, this should be treated as an evidential recording and submitted to the investigating officer. This is important to ensure compliance with statutory identification procedures under PACE Code D.

Formal written statement - these recordings do not replace the need for formal written statements from victims or witnesses but they can be used as supporting evidence for the statements and can be considered as hearsay evidence and used in accordance with the provisions of the Criminal Justice Act 2003.

Reviewing the footage for the statement - If this recording amounts to the victim's first notes or initial description of suspects, they may refer to the relevant section of the video when making their written statement.

You must take care to ensure that only the witness's account is reviewed by them. You must not allow them access to other sections of the recording.

The extent of any review by the witness to assist with making their statement must be recorded in their statement.

### **Serious Sexual Offences**

In the case of victims of serious sexual offences, you must consider the guidance in ACPO (2009) Guidance on Investigating and Prosecuting Rape.

You should not record the initial accounts of victims of rape or serious sexual assault (including historic allegations) with BWV.

### **Victim Does Not Consent**

If the victim does not consent to being video recorded, you may consider diverting the camera away from the victim or obscuring the lens and record the encounter using the audio only facility. Ensure the victim is aware of this.

You must still obtain the explicit consent of the victim before making an audio only recording.

### **Initial Accounts**

Initial accounts from the victim or witness should be limited to determine what action is needed to be taken:

- Establish if an offence has been committed
- Establish where it occurred and who was responsible

- Assess the current risk to the victim(s) and witness(es)
- Identify and prioritise areas of the investigation

### **Responsibilities – Officers and Staff**

Start of duty Officers and Staff are responsible for:

- Ensuring BWV equipment is booked out to them via the [REDACTED] system.
- Ensuring that the device is working correctly before leaving police premises, i.e. the battery is fully charged and the date and time stamp is accurate and that no previous footage remains.
- If the device is found to be faulty, reporting the fault via the IT [REDACTED] and District Custodian.

### **Before attending an incident**

Officers and Staff are responsible for:

- Exercising their professional judgement in deciding whether to record all or part of an incident or not record at all, and switching on their BWV camera where footage might support their 'professional observations' or corroborate what they would normally write in a PNB.
- If the recording starts before they arrive at the scene of the incident, announcing to those present at the incident that the BWV is being used and that an audio and video recording of the actions and sounds is being made. Otherwise this must be done as soon as practicable.
- Ensuring they provide a rationale for their decision making (based on the NDM) and record this as commentary with the footage.

NB They must bear in mind that failing to record incidents that are of evidential value may require explanation in Court at a later date. Officers and Staff must not intentionally fail to record an incident by, e.g. turning away without good cause or deliberately obstructing the camera lens. Such calculated actions may render the BWV user liable to disciplinary action.

### **At the incident**

Officers and Staff are responsible for:

- Ensuring that the control room are aware that BWV has been used and the incident log endorsed.
- Making a verbal announcement, where practicable, at the start of a recording to indicate why the recording has been activated. This should state:
- date, time and location; and
- Confirmation that the incident is now being recorded using both the video and audio facilities.
- As far as practicable, avoiding collateral intrusion by restricting the recording to areas and persons necessary in order to obtain evidence and intelligence relevant to the incident.
- Being aware of personal and community sensitivities and the necessity to record. Guidance on this is given in the pre-requisite learning package.
- Recording continuously, i.e. without interruption, from the start of the incident to its end and the resumption of normal duties, unless the incident has ended before they arrive or the specific nature of the incident makes them re-consider the rationale for recording it, e.g. incidents of a sensitive nature.

- Before temporarily suspending or interrupting a recording for bookmarking (method of starting and finishing recordings to separate footage during an incident):
- Making a verbal announcement, for the purpose of the BWV, clearly stating the reason for ending the recording; and
- Announcing that they have restarted BWV at the same incident when recording is resumed.
- Where the recording of an ongoing incident is interrupted or stopped, recording their decision in a PNB or similar log and including their rationale.
- Where more than one BWV device is present at the scene of an incident or the area of the incident is also covered by a CCTV system, ensuring (as the officer in the case (OIC)) that all available footage of the incident is secured as exhibits in preparation for any defence arguments that may be presented.

### Post incident

Officers and Staff are responsible for:

- Continuing to record for a short period after the incident to clearly demonstrate to any subsequent viewer that the incident has concluded and they have resumed other duties or activities, e.g. custody suite where other devices take over the recording.
- Before ending recording, making a verbal announcement to indicate the reason for ending the recording. This should state:
  - Date, time and location; and
  - Reason for concluding recording.
- NB To avoid issues later at Court, all of those attending the scene of an incident should account for themselves.
- Ensure that the metadata is fully completed to assist with [REDACTED] searching by colleagues.
- Ensure that any confidential personal information is not revealed at the disclosure or interview stage to the suspect or solicitor.
- [REDACTED] staff are asked to identify in the incident write off that BWV footage is available.
- [REDACTED]
- Officers and staff may have concerns that a possible complaint may be forthcoming due to an incident. Staff are advised that this should be brought to the attention of a supervisor who should review the footage, unless justified the footage will be deleted at 90 days.
- In circumstances where there is multiple BWV footage from several cameras all linked to the same incident, a "case" can be created on [REDACTED] to draw together the related footage for ease of collation and investigation.

### Exhibits and statements

Officers and Staff are responsible for:

- Uploading all footage recorded on the device to the server [REDACTED]
- Identifying evidential footage and include relevant metadata.
- [REDACTED] comprises of a fully auditable networked system. Footage can be viewed via standard computers where footage cropping can take place. This footage is viewable by others involved in the investigation process.

- Only producing a DVD if authorised. The master copy will be retained on the South Yorkshire Police secure server and the working copy (DVD) forwarded with the case file.
- Ensuring they are aware of all content on the footage prior to any disclosure. If the working copy contains sensitive information, ensuring the DVD is marked 'DO NOT DISCLOSE'. Or consider using several clips to protect sensitive information. Footage that is confidential can then be outlined on the sensitive material schedule.
- The production of DVDs and their secure transfer to other partners, must be recorded to ensure compliance with the Data Protection Act and in accordance with Information Sharing Agreements. This process serves to protect the individuals involved and the Organisation in the event of a data breach.
- DVDs intended for CPS must be transferred via SYP internal courier. and transferred within the dedicated mail bag which will display a Body Worn Video DVD label. This bag must not be used for other mail elsewhere.
- Returning the device to the original docking location on police premises.
- Providing written statements which must include the audit trail for the capture of the footage and the subsequent production of the working DVD. Both the networked stored master copy and any subsequent cropped copies require exhibiting along with any DVDs produced. For copies stored on the secure server, this can be achieved by using the [REDACTED]
- Indicating that they have viewed the footage before writing their notes, if they have done this.
- Provide a single witness statement in relation to the incident and including the BWV footage and subsequent handling.

#### **Lack of, faulty equipment, damage or theft**

Officers and Staff are responsible for:

- Notifying District supervision immediately if a camera is damaged, lost or stolen. Additionally record this on any ongoing incident log. [REDACTED] is also to be logged.
- Notifying the District Business Support unit if resources, e.g. DVDs, are running low. The DVDs will be marked as 'BODY WORN VIDEO FOOTAGE.'
- Reporting any malfunction of the equipment immediately to the IT service desk [REDACTED] and District Custodian for repair and replacement.
- if a damaged camera has evidential footage on it and it cannot be downloaded, report this to supervision, the advice is to treat the camera as an exhibit until the manufacturer can be contacted and retrieval of the footage arranged.

#### **Responsibilities – Other Supervisors**

Supervisors are responsible for:

- Ensuring staff are sure of their obligation to carry and use the device proportionately when circumstances arise.
- Reviewing recordings of incidents for development purposes, i.e. assess the employee's performance and how they could improve the ways they deal with them.
- On receiving a complaint, ascertaining if BWV was present during the incident. If yes:
- ensure the recordings are marked as evidential;
- informing the complainant;
- endorsing the incident log; and
- making the log and the information about the use of BWV available to the person reviewing the complaint.

- [REDACTED]

- Ensuring any footage used in interview/proceedings has been considered and redacted to safeguard inappropriate disclosure of sensitive personal information. This could be during the quality assurance of file submissions.

### **Responsibilities – District Custodians**

District custodians are responsible for:

- Ensuring the BWV rooms are operating well and any issues such as high temperatures or air conditioning failures are immediately reported to the District SPOC.
- Maintaining records of the serial numbers and locations of cameras in their District, supported by their District SLT SPOC.
- Ensuring that there are sufficient DVDs available for use.
- Ensuring there are sufficient devices available for effective deployment and that the fault procedure is being adhered to.
- Returning broken devices to IT as per the administration process or seeking simple local fault resolution.
- In liaison with SLT SPOC, ensuring the cost of repair or replacement is met.

### **Responsibilities – Single points of contact District SLT (SPOCs)**

SPOCs are responsible for:

- Ensuring the use of the devices is in line with legislation and codes of practice.
- Collecting usage data for performance monitoring.
- Monitoring and reviewing operation of the policy locally.
- Investigating any breaches of security and reporting them to the Information Management Department Headquarters.
- Ensuring any newly appointed or returning Officers or Staff / transferees are trained in the use of the device.
- In liaison with the District Custodian, ensuring there are sufficient devices available for effective deployment and authorising the necessary costs of repair and replacement.
- Ensuring that any faults are escalated in the appropriate manner.
- Set the appropriate level of burn users to minimise risk of removable media but sustain operational effectiveness.

### **Responsibilities – District Super Users**

This will be an officer or member of staff who has been trained in the use of BWV and has been identified by the District for this role. It is someone who frequently uses BWV. They will have a greater understanding of the physical use of the device, the principles and legislative considerations, a strong understanding of [REDACTED] and be somebody who is confident and willing to support and guide colleagues. A super-user will also have the authority to burn discs for file submission purposes.

### **Responsibilities – Professional Standards Department**

Professional Standards Department is responsible for:

- Adhering with the national direction on dip sampling; Interrogating the system only if a complaint is received and this is an appropriate line of enquiry. Otherwise, PSD will NOT routinely search the back office system for misdemeanours or offences committed by users.

### **Responsibilities – Post Incident Procedure Manager**



To ensure that all BWV footage is handled at the designated [REDACTED] in line with the PIP procedure.

### **Additional Information**

#### **Compliance**

This document complies with the following legislation, policy and explanatory notes:

- [College of Policing Body Worn Video Guidance 2014](#)
- [Protection of Freedoms Act 2012](#)
- [Freedom of Information Act 2000](#)
- [Regulation of Investigatory Powers Act 2000](#)
- [Data Protection Act 1998](#)
- [Human Rights Act 1998](#)
- [Criminal Procedures and Investigations Act 1996](#)
- [Police and Criminal Evidence Act 1984](#)
- [Surveillance Camera Code of Practice June 2013](#)
- [Information Commissioner's Guide to Data Protection](#) (see also [A Data Protection Code of Practice for Surveillance Cameras and Personal Information](#))
- Information Commissioner's Code of Practice – Conducting [Privacy Impact Assessments](#) (see also new GDPR guidance around [DPIA](#))
- [NPIA Practice Advice on Police use of Digital Images 2007](#)

#### **Do's and Don'ts Quick Guide**

Please click the link to download a [BWV Quick Guide](#).

#### **Lost/Stolen Camera**

Please see the following flowchart for the procedure if your camera is lost or stolen:

[Lost/Stolen Camera](#).

#### **Equality Act 2010**

The Act creates a statutory requirement for all Functions and Policies (Including Procedural Instructions) to be analysed for their effect on equality, diversity and human rights, with due regard to the [General Equality Duty](#).

In principle, this document has been assessed for discrimination, which cannot be justified, among other diverse groups.

The [Code of Ethics](#) published in 2014 by the College of Policing requires us all to do the right thing in the right way. It also recognises that the use of discretion in Policing is necessary but in using discretion, states that you should, "*take into account any relevant policing codes, guidance, policies and procedures*."

