



Body Worn Video Policy
Community Enforcement Team
July 2021

POLICY STATEMENT

The purpose of this Body Worn Video Camera Policy is to provide guidance as to when the use of Body Worn Video cameras is considered to be beneficial. It should always be used in conjunction with Cheshire East Council CCTV Code of Practice. Cheshire East Council is committed to maximising the use of its resources to capture the best possible evidence and protect our authorised staff and members of public. Recordings made by Body Worn Video will also provide evidence that is seen as independent and will improve the quality of compliance monitoring and prosecution evidence.

As part of this we need to make sure the use of our cameras is in line with and complies with National Legislation and any Statutory Acts that are in place to safeguard the use of Body Worn Video for overt video/audio recording.

The policy will set out the legislation we must comply with and local policies/procedures within our authority of which it will be aligned to. It will detail key areas the Body Worn Video cameras will be used, how they will be used and how we will protect and use the data captured. It will also set out governance and compliance around the use of Body Worn Video both locally and nationally.

1. Introduction

- 1.1 This policy sets out the aims, objectives, processes and procedures of Cheshire East Council in its use of Body Worn Video cameras and will be a living document that will be reviewed on a regular basis to reflect any further changes in National Legislation. This document will also be available on the Cheshire East Councils website to ensure that there is always transparency on the use of Body Worn Video in relation to our Community Enforcement Team.
- 1.2 Cheshire East Council has an obligation under the Health and Safety at Work Act 1974, to ensure the Health, Safety and Welfare of its employees. It is important that it helps to protect and support its mobile workers whilst they are carrying out their duties away from the office. We have a small team of officers who are authorised to undertake certain investigations as outlined in this policy. Due to the size of the team this often entails lone working. Unfortunately, our Community Enforcement Officers, through the nature of their work, are sometimes open to aggressive and/or abusive behaviour.
- 1.3 Cheshire East Council are responsible for providing the service of protecting the environment within the Borough. In order to support us in achieving this objective we have in place policies and procedures that allow us to engage, educate and enforce in line with National Legislation.
- 1.4 The use of Body Worn Video cameras will support our officers in obtaining the necessary evidence to assist them in their investigations under the legislation they are authorised to enforce under. In most circumstances this will allow for swifter, more streamlined and timely investigations as well as more improved compliance and complaints management in relation to complaints against officers/officers' actions.

- 1.5 The Body Worn Video cameras will not replace other mechanisms that officers already have in place to investigate and deal with incidents/undertake patrols but will act as an extra safeguarding and investigative tool.

2. National Legislation and local policy/procedure

- 2.1 The Body Worn Video cameras will be used in accordance with the following National Legislation and guidance at all times:

- General Data Protection Regulation
- Data Protection Act 2018
- Human Rights Act 1998
- Freedom of Information Act 2000
- Protection of Freedoms Act 2012
- Information Commissioners CCTV Codes of Practice
- Surveillance Camera Commissioners Codes of Practice

Website links to the above legislation and guidance can be found in the appendix.

- 2.2 This policy will be available on our website and will be in line with the following Cheshire East Council policies/documents:

- Corporate Privacy Statement and Service Specific Privacy Statement
- Data Protection asset management register (how we store and retain information)
- Corporate and Service Specific Enforcement Policies
- Cheshire East Council CCTV Code of Practice

All of the above can be accessed via our website www.cheshireeast.gov.uk.

3. Operational areas for use of the Body Worn Video Cameras

- 3.1 Our aim will be to use Body Worn Video cameras to assist in the operational enforcement duties of our Community Enforcement Officers. They will only be used in conjunction with the investigation of or instigation of an incident.

- 3.2 The Community Enforcement Team undertake a wide range of duties; however, it is anticipated that the following are the key duties where the use of Body Worn Video cameras will play an integral part:

- Protection for officers undertaking their duties and general patrols under the relevant acts in which they are authorised to and protection for members of public.
- General compliance monitoring when officers are undertaking their duties and allow for review of footages if cameras are activated to assist with investigating any complaints/incidents.
- Waste/Accumulation investigations
- Fly tipping investigations

- Littering enforcement
- Enforcement of Public Spaces Protection Orders (PSPO's)
- Enforcement of Community Protection Notices (CPN's)
- Abandoned Vehicle inspections and investigations
- Investigations involving working on a vehicle on the highway
- General reassurance patrols in line with the Anti-Social Behaviour Team priorities as and when required (Body Worn Video only activated when necessary and not part of any surveillance)

The above list of purposes highlighting where BWV might be used may be added to in the future should there be evidence to support the need. Therefore, Cheshire East Council does reserve the right to extend the use of Body Worn Video if it is necessary and proportionate.

3.3 The introduction of Body Worn Video allows enforcement personnel to record exactly what happened, what was said and when in an indisputable format. For example, it will allow officers to conduct an initial doorstep investigation which may include the cautioning of members of public so as they are aware of their rights without being solely reliant on handwriting such interactions via their pocket notebooks. The Body Worn Video will not however replace the requirement to still record such interactions in their pocket notebooks but further enhance specific details of such conversations, actions and behaviour that a pocket notebooks entry might not.

3.4 The use of Body Worn Video will be in accordance with our policy/process and should be:

- Enforcement related
- Incident specific
- Proportionate
- Legitimate
- Necessary
- Justifiable

3.5 The use of the Body Worn Video will assist officers in:

- Deterring members of the public from verbally or physically abusing our officers when they are carrying out their lawful duties
- The issuing of Fixed Penalty Notices (FPN's) and help identify offenders
- Evidence gathering for criminal and civil prosecutions for environmental or anti-social crime
- Providing the Council, and other organisations as authorised with necessary evidence upon which to take criminal and civil actions in the Courts or relevant judicial procedures.
- Providing compliance with the Council's legal obligations on the Health and Safety of its employees
- Prevention and detection of crime
- The investigation of allegations of inappropriate conduct by officers
- Reduction of complaints against officers and ease complaint management

- Supporting de-escalation and conflict management
- Preserving the reputation management of the authority

4. Body Worn Video Cameras

- 4.1 The type of Body Worn Video camera that will be used by the Community Enforcement Team is the WCCTV connect system.
- 4.2 The connect system allows for encrypted video and audio recording to be activated manually when required and once a warning has been given. It also allows for images to be taken and stored to support enforcement duties.
- 4.3 The connect system also allows for both audio and video to be streamed live from the Body Worn Video camera to the Councils CCTV Control Room where fully trained and licensed CCTV Operators can monitor any incident in real time and aid by means of Police response if required. This transmission is manually activated when required and after a warning has been given.

5. Training

- 5.1 Community Enforcement Officers, their Supervision and Management have undergone formal training in the use of Body Worn Video cameras. This will include:
- Certified training around legislative requirements and national compliance in line with the use of Body Worn Video – delivered by Tavcom training. Of which a refresh e-learning module will be completed at 12-month intervals.
 - Practical training around operational use of the Body Worn Video delivered by WCCTV
 - Local training in relation to Council policy and procedure on local use, reporting of incidents/damage/loss or faults with equipment, retention and use of data.

6. Use of BWV cameras by Community Enforcement Officers

- 6.1 Each officer should ensure that their Body Worn Video camera is always used in an overt manner and it must be worn on the front of their work ware in a camera harness. They must also have a clearly visible warning sign on the front of their work attire so that the public are fully aware when they are using BWV cameras.
- 6.2 To ensure that there are no ambiguities surrounding the use of the Body Worn Video cameras, the officer must also verbally inform the member of public before switching the Body Worn Video camera on. Specific words should be used for this announcement such as *“I am wearing a body worn video camera which is recording what we both say and do”*

- 6.3 If an officer feels threatened and has been unable to de-escalate the situation by activating their camera, they may then escalate this by switching on the streaming service which send the live audio and video direct to the CCTV Control Room who are in 24hr radio communications with Police. When doing this, a verbal warning should be made such as *“I am now streaming this footage live to the emergency control room”*
- 6.4 The Community Enforcement Officer should confirm to the member of public that they have used the Body Worn Video camera system and have available on them information they can give to the member of public detailing how they can apply for access to the recorded data or make a complaint/enquiry.
- 6.5 Body Worn Video Cameras must be left in standby mode when not in use. They must only be in record or transmit mode during a live incident when a warning has been issued. It should be understood that the camera has a 30 second pre-record in standby mode for the safety of both parties.
- 6.6 If an officer needs to stop recording for any reason during an incident, a verbal reason should be given on the recording for this before stopping the recording and or transmission. When back at base, a written report covering this should be submitted to supervision.
- 6.7 Where possible, officers should restrict recordings to areas and persons where absolutely necessary and be mindful of sensitive areas where there would be a strong expectation of privacy to minimize collateral intrusion to those not involved.

7. Data Management

- 7.1 Body Worn Video camera's will be stored within the Community Enforcement Officers work base (currently Crewe Police Station and Macclesfield Police station). The police stations themselves have secure fob access and the Partnership offices within these have networked CE ICT systems allowing for secure access to the cloud case management systems. The offices have either lockable or coded access doors, and lockable cabinets within them. The BWC's will be placed within these offices on their docks when not in use.
- 7.2 All the images recorded through the use of Body Worn Video will be downloaded onto a designated secure cloud server at the conclusion of the officer's tour of duty and the recorded data will automatically be accessible through the Council's secure network thereafter. This data will be date stamped. The officer should ensure that a report to accompany any incident is also submitted before the end of their duty period.
- 7.3 The Body Worn Video camera's themselves, if lost, stolen or damaged, do not have a play back facility, so will not allow authorised or unauthorised individuals to view, play back, edit, amend, download or share any data on the units themselves.

7.4 All images downloaded will be retained for a maximum of 31 days, whereby unless a request for a copy of the image by the officer is made to a senior/manager it will be automatically deleted. The 31-day period gives time for the following:

- An officer to request a copy of the footage is placed on their secure cloud based file as it is required for further investigation in line with the operational uses detailed in point 3 of this policy whereby it can be held for a period of up to 12 months (and in exceptional circumstances and if agreed by the councils Data Protection Manager beyond this)
- A request for a copy of the footage or request to view the footage to be made by the subject via a Subject Access Request (SAR) or a legal representative of the subject.
- A complaint to be submitted to the council's compliance department which requires reviewing and/or retention of the data to allow for council's complaints procedure processes and potential ombudsman enquiries.

7.5 Body Worn Video can collect valuable evidence for use in criminal prosecutions, therefore each individual Community Enforcement Officer should act with integrity and transparency as the data recorded could provide objective evidence of controversial events. The use of Body Worn Video offers protection for both members of the public and council staff. However, this justification may be closely scrutinised by a court, hence BWV recordings will not be retained for longer than 31 days where there is no clear evidence of an offence/contravention, unless some other good reason exists for their retention and the councils DPO has agreed to the retention reason.

7.6 Annual audits of the Body Worn Video camera's use will take place by a senior officer within the community enforcement team who will provide a report locally to managers and heads of service detailing activities such as:

- Number of activations
- Reasons for activations
- Number of retained footages
- Number of prosecutions
- Number of shared footages for criminal investigations
- Number of compliance requests
- Results of monthly dip testing for compliance around use of the cameras

7.7 Audits independent of the department may be taken by the council's CCTV SPOC or Senior Responsible Officer at any time. These audits will be documented to ensure full compliance with all relevant legislation.

8. Body Worn Video Access and Security

8.1 All requests for access to data by the individual data subject, external agencies or internal directorates will be processed through the council's Data Protection Team further information relation to this is on our website.

https://www.cheshireeast.gov.uk/council_and_democracy/council_information/data_protection/data_protection.aspx

- 8.2 The downloading of data can only be undertaken by specifically nominated officers of supervisor or above level who will be authorised to download and release the data in accordance with the protocols and procedures of the Data Protection Team. Furthermore, only the Community Enforcement Officers, their Supervisor, Manager and Senior Manager will have access to the recorded data.
- 8.3 Anyone subject to recording via the councils Body Worn Video system should (if possible) be given a card detailing the date and time of the recording and the officers identification number along with the website where the subject can gain more information regarding Body Worn Video (as detailed in 6.4). An example of this card is below:



Our Community Enforcement Officers have today used their Body Worn Video device.

To seek further information on the councils use of BWV please visit

W: www.cheshireeast.gov.uk/cctv

T: 0300 123 5500

E: @cheshireeast.gov.uk

APPENDIX – Legislation and National/Cheshire East Council guidance

Legislation

Human rights Act 1998

Criminal Procedures and investigations act 1996

Freedom of information act 2000

Protection of freedoms act 2012

Police and Criminal Evidence Act (PACE) 1984

Data Protection Act 2018

National Guidance

College of Policing BWV 2014

<https://www.college.police.uk/Pages/Home.aspx>

Information Commissioner

<https://ico.org.uk/for-organisations/guide-to-data-protection-1998/encryption/scenarios/body-worn-video/>

Surveillance Camera Commissioner

<https://www.gov.uk/government/organisations/surveillance-camera-commissioner>

BWV Steering Group – None Police entity for none police users of BWV

<https://www.bwvsg.com/>

BSI's BS8593: Code of Practice for the Effective Deployment of Body Worn Video

Council Links:

Freedom of information

https://www.cheshireeast.gov.uk/council_and_democracy/council_information/open-data-and-transparency/freedom_of_information/freedom_of_information.aspx

Cheshire East Council Complaints procedure

https://www.cheshireeast.gov.uk/council_and_democracy/customer-services/complaints_and_feedback/complaints_and_feedback.aspx

Information relating to Data Protection is available from Cheshire East Council's Compliance and Data Protection Team

https://www.cheshireeast.gov.uk/council_and_democracy/council_information/data_protection/data_protection.aspx

In compliance with Article 13 of the GDPR, further information relating to how the Community Enforcement Team use personal data, can be found at;

https://www.cheshireeast.gov.uk/council_and_democracy/council_information/website_information/privacy-notices/community-safety-privacy-notice.aspx