



Telford & Wrekin
COUNCIL

Telford and Wrekin Council

Policy and Operational Procedural Guidelines

For the use of

BODYWORN CCTV CAMERAS

By ENFORCEMENT OFFICERS

1. Introduction

1.1 This document sets out the Council's Policy and Procedural Guidelines for the use of Body worn CCTV cameras by Enforcement Officers. It will enable employees to comply with the relevant legislation relating to video recording and outline the associated benefits to Enforcement Officers 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 toward Enforcement Officers, and providing evidence to support Police investigations.

1.3 Body worn CCTV forms part of a Enforcement Officers' Personal Protective Equipment and is provided solely for Health and Safety purposes. It will be used in an overt manner and emphasized by Enforcement Officers wearing clear identification that it is a CCTV device. Prior to commencement of any recording, where possible, Enforcement Officers will give a clear verbal instruction that recording is taking place.

1.4 Body worn CCTV will not be used to monitor a member of staff in any circumstances.

2. Legislation

2.1 The integrity of any video data recorded will be considered in accordance with the following legislation:

Data Protection Act 2018

Freedom of Information Act 2000

Human Rights Act 1998

CCTV Code of practice 2014

2.1 Data Protection Act 2018

The Information Commissioner's Office is the regulator for the Act and has given guidance with regard to Enforcement Officers use of Body worn 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. 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 equipment. The use of Body worn CCTV in this guidance is 'overt use' meaning that equipment is not to be worn or used in a hidden or covert manner.

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.

2.2 Freedom of Information Act 2000

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.

2.3 Human Rights Act 1998

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.

Article 8 of the Human Rights Act 1998 concerns the right for private and family life, home and correspondence. Recordings of persons 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.

The Council will further ensure that the use of Body worn CCTV is emphasized by Enforcement Officers wearing it in a prominent position (normally on their chest) and that its forward facing display is visible to anyone being recorded. Additionally, Enforcement Officers will wear identification that it is a CCTV device and make a verbal announcement, where practicable, prior to commencement of any recording. The Council will adhere to the CCTV code of practice 2014 in all aspects referring to Body Worn Cameras.

2. On Street Operational Guidance and Best Practice

3.1 Training

All Enforcement Officers will receive full training in the use of Body worn CCTV. 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. Additionally, Enforcement Officers may receive appropriate training linked to the Security Industry Association.

3.2 Daily Use

Body worn CCTV will be used as part of their daily duties and placed to record where Enforcement Officers find themselves in a confrontational situation where they are subject to, or feel that they are likely to be subject to, verbal or physical abuse.

Recordings may commence upon the discretion of a Manager on an area which has been assessed and evidenced as high risk.

Recordings will not commence until the Enforcement Officers has issued a verbal warning, where possible, of their intention to turn on the Body worn device.

Recordings will not be made whilst performing normal patrolling duties.

All recordings will be held securely.

Access to recordings will be restricted to authorized colleagues within the relevant teams to include Managers.

3.3 Starting Procedure

All Enforcement Officers will be issued with their own Body worn CCTV device. At the commencement of each shift the Enforcement Officer(s) will ensure that the unit is fully functioning. It will be the Enforcement Officers responsibility to advise a Team Manager of any malfunction with the Body Worn camera. The check will also include verifying that the unit is fully charged and that the date and time displayed is correct by comparing it to an appropriate time source.

3.4 Recording

Recording must be incident specific. Enforcement Officers must not indiscriminately record entire duties or patrols and must only use recording to capture video and audio of specific incidents / upon discretion of Manager. For the purposes of this guidance an 'incident' is defined as:

- a) An engagement with a member of the public which in the opinion of the Enforcement Officer is confrontational, and where the Enforcement Officer believes they may be subject to physical or verbal abuse.
- b) The Enforcement Officer is approached by a member of the public in a manner perceived as aggressive or threatening.
- c) The Enforcement Officer is entering into an area that has been subject to ongoing issues / increased risk of confrontation.

At the commencement of any recording the Enforcement Officer should, where possible, make a verbal announcement to indicate why recording has been activated.

The purpose of issuing a verbal warning is to allow a member of the public to modify any unacceptable confrontational or aggressive and threatening behavior. If, at any time during an incident the Enforcement Officer considers that the use of Body worn CCTV or the issuing of a verbal warning, is likely to inflame a confrontational situation, the Enforcement Officer may use discretion to disengage from further discussion and withdraw from the incident.

A specific form of words to be used in any warning to a member of the public has not been prescribed, but Enforcement Officer should use straightforward speech that can be easily understood by those present such as

'I am wearing a Body worn CCTV camera and I am now recording '

3.5 Playback

Enforcement Officers will need to be fully aware of the legal implications once digital images and audio have been recorded. To this end playback should only be at the request of a Police Officer attending the incident or by another police officer subsequently involved in the investigation of the incident. Any request to view captured video by a member of the public, will need to be made in writing to Telford and Wrekin Council's Information Governance Team.

3.6 End of Shift

Enforcement Officers should ensure that any CCTV footage required for evidential purposes has been correctly bookmarked and that any Incident Reports have been completed.

Enforcement Officers will be responsible for ensuring all Body worn devices have been connected correctly to the docking station to enable downloading and charging.

3.7 Storage of Data

All recorded footage will be uploaded to the parking I.T. system by the Team Manager on duty.

The Team Manager on duty will ensure that any footage to be retained has been correctly bookmarked and that supporting Incident Reports have been completed.

For Incidents where the Police have not been in attendance, the Enforcement Manager or Authorized personnel will review the recording and in consultation with the Enforcement Officers operating the device a decision will be made on whether referral to the Police is appropriate.

The data will be transferred from the IT system on to a secure encrypted external hard drive and complete the relevant Log. All retained data will be kept until all investigations have been

completed or a prosecution has taken place. Any other data not required for evidential purposes will be deleted by as soon as possible.

3.8 Authorized Personnel

Team Manager / Enforcement Manager