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KINGDOM

Service with **Care**

DEPLOYMENT AND USE OF BODY WORN VIDEO (BWV) POLICY

Issues And Updates Document Owner – Compliance Centre

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KINGDOM

Contents

1. Introduction

Kingdom works in partnership with over 30 local authorities providing front line support services in the enforcement sector. This document sets out Kingdom's Policy and Procedural Guidelines for the use of body-worn cameras and video by Kingdom officers who operate under contract in partnership with the Local Authority.

It will ensure employees comply with relevant legislation and best practice relating to body worn video recording and outline the associated benefits to staff 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.

2. Purpose, Scope and Use

The use of body-worn cameras can provide a number of benefits which include a deterrent to acts of aggression or verbal and physical abuse toward Kingdom staff, in addition to providing evidence to support complaints, investigations and ICO breaches or subject access requests.

Body-worn cameras form part of an employee's personal protective equipment and is provided solely for health and safety purposes as a deterrent. It will be used in an overt manner and reiterated by users wearing clear identification that it is a CCTV device.

Recording shall begin once an employee has reason to believe a crime has been committed and, after introducing themselves to a suspected offender, they will give a clear verbal instruction that recording is taking place.

Body-worn video will not be used as a tool to assist in the ad-hoc monitoring of staff, unless notified to staff in writing. Other circumstantial use of body worn video will only be used where its use is in the bests interests of the public or used to report a crime or apprehend an offender.

3. Legislation, British Standards & Statutory Guidance

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

- Data Protection Act 2018 & GDPR
- Freedom of Information Act 2000
- Human Rights Act 1998
- Protection of Freedoms Act 2012
- BS8593:2017 Code of practice for the deployment and use of Body Worn Video (BWV)
- Home Office Surveillance Camera Code of Practice Information Commissioners Code of Practice

3.1 Data Protection Act 2018 and GDPR

The Information Commissioner's Office is the regulator for the Act and has given guidance with regard to the use of Body-worn CCTV equipment. This legislation regulates the processing of 'personal data' or 'special category 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 CCTV 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.

3.2 Freedom of Information Act 2000

This act grants a general right of access to information held by public bodies, which is not necessarily personal data. Information released under Freedom of Information (FOI) can include statistical and other non-personal information.

It should be pointed out that freedom of information requests can only be directed towards public authorities, other than those where this act has limited application.

Information should only be given where the public authority has that information. Where the public authority does not have the information, there is no requirement to supply it. Kingdom will endeavour to support its customers in providing information to local authorities unless there is a legitimate reason to refuse it.

3.3 Human Rights Act 1998

Article 6 provides for the right to a fair trial. All images captured through the use of a body-worn CCTV device have the potential for use 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 CCTV equipment should not record beyond what is necessary when recording the issuing of a Fixed Penalty Notice and a potentially confrontational situation.

Kingdom will ensure that the use of body-worn CCTV equipment used by its staff is widely advertised prior to commencement of a contract. The initial press campaign launching the partnership with the local authority will clearly indicate the use of Body Worn CCTV Camera's, in addition the local authority will be requested to publish information on its web site.

Kingdom will further ensure that the use of Body-worn CCTV is reiterated by staff wearing it in a prominent position (normally on their chest) and that its forward-facing display is visible to anyone being recorded. Additionally, the body-worn camera shall clearly display the wording "CCTV" in large writing on the front of the device. Users will make a verbal announcement at the commencement of any recording.

3.4 Protection of Freedoms Act 2012

This creates new regulation that instructs the Secretary of State to prepare a code of practice towards closed-circuit television and automatic number plate recognition. Amongst other things, it gives the full regulatory legislation of CCTV and other surveillance camera technology which relates to a Code of Practice and interpretations and the appointment of a CCTV Commissioner, responsible for viewing and reporting on the code.

3.5 BS8593:2017 Code of practice for the deployment and use of Body Worn Video (BWV)

This standard was introduced in June 2017 and takes account of the need to introduce best practice guidance when using body worn CCTV as its use becomes more prevalent in the public and private sectors. The standard takes into account new technological developments, the current legislative framework and a basic set of best practice recommendations that enable users to operate appropriately and proportionately. Kingdom work towards the recommendations laid out in this British Standard.

3.6 Home Office Surveillance Camera Code of Practice

The integrity of any video data recorded will be considered in accordance with this Statutory Guidance.

The Home Office is the regulator for this guidance with regard to the use of Body-worn CCTV equipment. This guidance is centred around "12 Guiding Principles" which Kingdom will adopt and adhere to at all times.

3.7 Information Commissioners Code of Practice

The Information Commissioners Code of Practice is the Statutory Guidance issued that runs in conjunction with the Surveillance Code of Practice issued with regard to the use of Body-worn CCTV equipment

4. Operational Guidance and Best Practic

4.1 Training

All users 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. We will supplement this training with GDPR training through our Learn Box training platform.
Additionally, users will receive ongoing refresher training in 'Conflict Awareness' and get regular
updates on new technologies, legislation, processes or practices.

4.2 Daily Use

Body-worn CCTV will only be used in the event that a user has reason to believe a crime has been committed or where they find themselves in a confrontational situation they are subject to, or feel that they are likely to be subject to, verbal or physical abuse.

Recording will commence after introducing themselves to a suspected offender they will give a clear verbal instruction that recording is taking place and why.

Recordings will not be made whilst performing normal patrolling duties or for the gathering of
any evidence related to a particular crime.

Recordings shall be held securely on encrypted drives and/or uploaded to cloud as soon as is technologically possible. Different devices will have different processing capabilities and users should make themselves aware of any risk to processing body worn camera data. Under most circumstances, users will operate in accordance with the device manufacturers recommendations.

4.3 Start of Shift Procedure

All users will be issued with their own Body-worn CCTV device. At the commencement of each shift the user will ensure that the unit is fully functioning and that it has been cleared of all previous recordings.

The check will also include verifying that the unit is fully charged and that the date and time displayed is correct.

Any discrepancy shall be immediately notified to Supervision and alternative arrangements sort.

4.4 Recording

Recording must be incident specific. Staff must not indiscriminately record entire duties

or patrols and must only use recording to capture video and audio when a specific incident occurs. For the purposes of this guidance an 'incident' is defined as:

- If the user has reason to believe a member of the public has committed a crime of which Kingdom are contracted to enforce.
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- An engagement with a member of the public which, in the opinion of the user, is confrontational and where the user believes that they may be subject to physical or verbal abuse or
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- the user is approached by a member of the public in a manner perceived as aggressive or threatening.

At the commencement of any recording the user should, where practicable, introduce themselves and 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 what would otherwise be regarded as unacceptable confrontational or aggressive and threatening behaviour. If, at any time during an incident the user considers that the use of Body-worn CCTV is likely to inflame a confrontational situation the user may use discretion to disengage from further discussion and withdraw from the incident.

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

"Sir / Madam, as part of our policy I would like to inform you that I will be recording this conversation"

4.5 Viewing and Copying Footage

Users will need to be fully aware of the legal implications once digital images and audio have been recorded. Any request to view captured video by a member of the public will need to be made in writing to Kingdom in line with the 'subject access request procedure'. Evidence of identity prior to viewing must also be provided.

Viewings can be arranged where persons captured on body worn video can view the interaction between themselves and the Kingdom Officer at a Kingdom site overseen by a member of the Kingdom enforcement team.

Where a person enacts their rights to a copy of the footage under GDPR and the Data Protection Act 2018, then this should be documented on the prescribed forms and the footage sent for redaction. Footage should not be copied onto drives, USB devices or other until redaction has taken place and approval given by the Kingdom Data Protection Officer. Th need to respect the rights and freedoms of our own staff is important and copies of any footage should not be given out until Kingdom staff have been redacted from the footage,

4.6 End of Shift

Users should ensure that any CCTV footage required for evidential purposes is accompanied by an issued Fixed Penalty Notice, notebook entry or incident report. All incident reports must be fully compiled.

In the absence of a Team Leader it will be the users responsibility to ensure that their Body-worn CCTV device is placed on charge at the end of their shift.

4.7 Storage of Data

All recorded footage will be downloaded to the encrypted hard drive or onto the Cloud system (dependant on which system is being used by that site) by the Team Leader or Administrative Coordinator on duty at the end of the shift.

The Team Leader on duty will ensure that any footage to be retained, has been correctly archived away and that and that all Fixed Penalty Notices, notebook entries and incident reports have been fully completed.

For Incidents where the Police have not been in attendance The Team Leader will review the recording and a decision made on whether referral to the Police is appropriate.

The Team Leader will then transfer the data to a secure folder within the encrypted hard drive or onto the Cloud system and name the footage as an exhibit using the initials of the officer and the number of the exhibit, as example JD/01. The folder containing the footage will be named using the FPN number and the offender's title, first name and surname.

All retained data will be held in accordance with the Kingdom Data Retention Policy.

2.8 Access to Data by Authorised Bodie

Any footage requested by an authorised body as part of their investigation will be transferred by secure and agreeable means, labelled as an official exhibit and handed to them. Once in their possession the footage will fall under the authority policy and guidelines for Data Protection.

Details of this process and any relevant information i.e. name of police officer (including collar number), date, time etc will be logged onto our Fixed Penalty Management System under the Fixed Penalty Notice number of the incident. A subject access request form shall be used to record the transaction.