

Use of Body Worn Video Cameras Code of Practice

Contents

Use of Body Worn Video Cameras Code of Practice	1
1.0 Introduction	2
2.0 Requirement for Body Worn Video Cameras	2
3.0 Using the Body Worn Video Camera	3
4.0 FDC Use of Body Worn Cameras	4
5.0 Storing and Viewing a Recording	4
6.0 Viewing Requests	5
7.0 FDC Use of Body Worn Cameras	5
8.0 Regulation of Investigatory Powers Act 2000 (RIPA).....	5
9.0 Data Protection Act 2018.....	6
10.0 Further Information and Guidance	6
Appendix 1	7
Appendix 2	8

1.0 Introduction

This code of practice explains how Fenland District Council (FDC) will approach and use Body Worn Video (BWV) to ensure it follows relevant legislation and codes of practice.

This document and associated procedures will standardise the use of BWV and the evidential product produced. The intention is for the use of BWV to:

- Raise standards of service.
- Reduce incident escalation.
- Reduce complaints. Complaints are often generated because of visits and investigations may result in false allegations against staff and conflicting accounts of the incident.

This code of practice applies to all FDC staff that may use Body Worn Video Cameras and/or the associated data management software.

Staff are required to use the equipment in line with this code of practice, associated procedures and organisation strategies. They will receive full instructions in its use and the relevant legislation. BWV devices will be used to gather evidence in respect of the investigation of any offence or suspected offence for both internal and external complaints and can also act as a deterrent to acts of aggression and verbal / physical abuse towards Council officers. The cameras will not be used to collect inspection data and FDC will not be using BWV to evidence any housing legislation violation, this will be recorded on the Officer's tablet. BWV is only in place to reduce complaints and raise service standards.

The BWV device will be clearly worn by the officer in an overt manner, and the device will clearly show that it is a CCTV recording device by signage and verbal instruction whenever practicable. The Council will monitor the use of the BWV to ensure that the equipment is an appropriate tactic and that the use is in line with this code of practice.

For the purpose of the scheme, the Council is the Data Controller.

2.0 Requirement for Body Worn Video Cameras

FDC has an obligation under the Health and Safety at Work Act 1974, to ensure the Health, Safety and Welfare of its employees. It is particularly important that it helps to protect and support its mobile workers whilst they are carrying out their duties away from the office. Unfortunately, some staff e.g. enforcement - through the nature of their work are sometimes open to aggressive and/or abusive encounters. There are already several codes of practice and procedures in place including the Lone Working code of

practice and the Violence and Aggression code of practice to help manage the risk. In addition to this a body worn video camera can be worn. This device records sound and pictures, which will help the Officer gather unambiguous evidence and add an extra level of security.

The system acts largely as a deterrent, and the device does not record unless the Officer switches it to the 'on position.' This device will increase the health & safety of staff issued with the device; the use of the device will help to make the Council's operation more transparent to the public with the evidence being available when investigating customer complaints. Any evidence gathered can also be used by Police to substantiate a prosecution in the event of a more serious incident of abuse.

3.0 FDC Use of Body Worn Cameras

There are some circumstances where the use of Body Worn footage is not appropriate:

- Intimacy – BWV devices must not, under any circumstances, be used for the recording of intimate situations, particularly where persons are in a state of undress.
- Any conversations between legal professionals and clients (including the Council's Legal Services) or medical professionals and their patients (including visits to Occupational Health) – there is an inherent expectation of confidentiality in respect of these conversations.
- BWV devices form part of the risk assessment for certain roles within the council and relevant to every officer whilst on duty. For other teams it will be risk assessed for evidence gathering/enforcement action/inspections.
- Instructions will be to avoid the unnecessary filming of children, however, where it is unavoidable we should be able to blur their images if released to 3rd party.

Any recordings made should be captured, stored securely, and used in accordance with the General Data Protection Regulation (GDPR) and the Information Commissioner's Office (ICO) CCTV Code of Practice

4.0 Using the Body Worn Video Camera

All camera units should be stored in a secure area. An issue and returns log should be maintained by a dedicated nominated Officer(s), who will be responsible for issuing the cameras. This may be done on a daily basis, or each individual will be assigned their own camera on a permanent basis.

Once allocated, individual staff will take responsibility for the safe keeping of the unit. Before leaving the premises each day they should check that the unit is functioning

correctly and should ensure that they are wearing it at all times whilst on mobile patrols or as risk assessed for conducting inspections/enforcement action/tasks. It should be noted that the individual member of staff may be subject to disciplinary action through neglect or misuse of the device. The camera should only be switched on during a specific incident e.g. subjected to aggression/abuse or during enforcement/inspection action being conducted.

The Officer should, as soon as is practicable, announce to those persons present that recording is taking place and that actions and sounds are being recorded. Whilst it is important to ensure that the BWV is only used during the specified incidents above, it is equally important to be mindful of the impact on the Council's reputation of not recording an incident. See Appendix 2 on script for officers.

If an incident is not recorded, the Officer's rationale must be captured and documented and they are likely to have to explain this, especially if evidence is required in court. The device will only be used in overt enforcement/inspections or where a member of staff is being subjected to aggression/threats.

The device should clearly show that recording is taking place and in the event of an incident with a member of the Public, the Officer should make it quite clear that they are being recorded. The Officer should attempt to minimise intrusion of privacy on those persons who are present but not involved in an incident, by keeping the camera focused on the incident and not bystanders. Recording must continue uninterrupted from the start of the recording until the conclusion of the incident. The Officer should continue recording for a short period after any incident to clearly demonstrate that the incident has concluded.

5.0 FDC Use of Body Worn Cameras

The recordings taken will be uploaded at the end of each day and stored securely on a secure cloud software (DEMS) until an officer downloads the videos onto the FDC's SharePoint.

Any transfer to unauthorised storage facilities may result in legal or disciplinary proceedings.

6.0 Storing and Viewing a Recording

All information recorded will be encrypted so that only authorised personnel can view it. The recordings will be stored on a secure cloud software (DEMS) until an officer downloads the videos onto the council's SharePoint. The recordings will only be accessible by authorised personnel, and all non-evidential data will be maintained for a maximum of 31 days before it is deleted from the software and 1 year from the council's SharePoint. Recordings required as evidence will be kept until the complaint is resolved or until the evidence is no longer required, whichever is longer. A record or audit trail will

be kept detailing how any information required by the Police or as evidence in court has been handled (see Appendix 1).

The recording will only be viewed by authorised personnel in the following situations. Any viewings will be logged so that there is an audit trail:

- A member of staff has reported an aggressive/abusive incident which needs to be investigated further or reported to the Police.
- A complaint has been received concerning the behaviour of a Private Sector Housing Officer or other officer issued with BWV, which needs to be investigated.
- A member of the public has requested a copy of the recording that was made of them. You will be informed by the Data Protection Officer if this is the case.
- Evidence has been requested by the Police or is required as evidence in court

Recorded images will be viewed by the authorised personnel in a private/restricted area.

7.0 Viewing Requests

In order for officers to view footage captured on a BWV device a viewing request form must be completed. A copy of this form is attached to this procedure as Appendix 1.

The Council's Housing Compliance Manager or Housing & Communities Manager, Data Protection Officer or in their absence, Director of Legal Services, are the only authorised persons to be able to review footage obtained from BWV devices.

When viewing footage, this must be carried out in such a way that an unauthorised person is unable to view the footage. Whenever possible, viewing of footage obtained should be carried out in a secure office. The viewing request log must be completed by the officer viewing the footage. If the officer has requested a working copy of the footage be provided to them to assist in any enquiries, this should be recorded on the viewing request log.

8.0 FDC Use of Body Worn Cameras

If, in the opinion of the viewing officer, there is content which would assist the requesting officer, then the viewing officer would take on the complaint and process it themselves.

9.0 Regulation of Investigatory Powers Act 2000 (RIPA)

Part 2 of the Regulation of Investigatory Powers Act 2000 (RIPA) covers acts of directed and intrusive surveillance. The use of BWV devices described in this procedure is overt use. BWV devices are small; however, they are clearly visible to members of the public.

BWV devices must not be used in a covert manner, i.e. the devices must not be hidden, unless specifically authorised to do so under RIPA.

10.0 Data Protection Act 2018

The first principle of the UK GDPR states that personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject. To do this the data subject (i.e. the subject(s) of the recording) must, amongst other things, be provided with, confirmation of:

- Who is processing their information – (i.e. FDC), and
- The reason for their information being processed – i.e. in relation to the public, the collection of evidence to assist in taking enforcement action (up to and including prosecution), or due to potential threats of violence and/or aggression being made
- When recording is taking place during interaction with a member of the public, the Officer must as soon as possible, verbally inform the data subject (s) that the camera is to be switched on and that it records both images and sound. A privacy notice covering the use of BWV devices is displayed on the FDC website.

11.0 Further Information and Guidance

SET UP LINKS

- General Data Protection Regulation (GDPR)
- Human Rights Act 1998
- Information Commissioner's Office (ICO) Guidance on Video Surveillance including CCTV

FDC | Use of Body Worn Cameras

Appendix 1

VIEWING REQUEST FOR BODY WORN CCTV RECORDED FOOTAGE OF INCIDENTS

Date of request:

Officer dealing and requesting:

Email address:

INCIDENT DETAILS	
Reason for request:	
Location of incident:	
Description of incident:	
Date of incident:	
Time of incident:	
Suspect details (if applicable)	
Identity?	
Reported by details:	
Officer requesting:	
Telephone number:	
E mail:	

Authorised by (Line Manager)

Requested by:

Appendix 2 – Officer Script for the use of BWC

Hello, I just want to let you know that I'm wearing a Body Worn Camera today. These cameras are used by our housing team to help improve the quality of our service and to ensure the safety of both you and our staff during visits.

"The camera may be switched on during our interaction, but I'll always let you know before recording begins. The footage is stored securely and only accessed, when necessary, such as for reviewing incidents or improving how we work.

We're committed to being transparent and respectful, and using these cameras helps us maintain high standards while keeping everyone safe. I will make every attempt not to film any children, who might be present, during my inspection, however, sometimes it will be unavoidable. Therefore, if you want to reduce the risk of them being filmed, please ensure they are supervised by you or another adult whilst the camera is on.

If you have any questions about how the cameras are used or how the footage is handled, I'll be happy to explain. More information can be found on the council's website at <https://www.fenland.gov.uk/policies>.

Thank you for your understanding.