



DARLINGTON
Borough Council

Civic Enforcement Team

Body Worn Video Procedure

2021

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1 Introduction and Scope

- 1.1 This procedure sets out Darlington Borough Councils procedure for Body Worn Video (BWV) devices worn by its officers.
- 1.2 It has been drafted to promote public confidence by developing a safe and secure environment for members of the public and Council officers.
- 1.3 This procedure has a dual purpose, in that it will assist operators and other staff involved in the use of body worn video to understand their obligations while reassuring the public that appropriate safeguards exist.
- 1.4 This procedure will ensure staff comply with the relevant legislation relating to surveillance cameras and outline the benefits to staff and the general public.
- 1.5 BWV devices will be used to gather evidence in respect of the investigation of any offence or suspected offence for both internal and external investigations and can also act as a deterrent to acts of aggression and verbal / physical abuse towards Council officers.
- 1.6 The BWV device is issued to Council officers as part of their Personal Protective Equipment in line with their Risk Assessment as a method of mitigating potential abuse to the officers. 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.
- 1.7 For the purpose of the scheme, the Council is the Data Controller. The Council is registered with the Information Commissioners Office, Registration Number Z4765209.

2 General

- 2.1 BWV device wearers must be aware that some aspects of an incident may occur out of camera view, that sound recordings may not be complete or that other sounds at the scene may block significant statements by those present. There is also the possibility of technical failure or operator error, which may hinder the production of recorded evidence. As such, BWV device wearers must ensure that they continue to follow standard evidence gathering procedures and must not rely solely on Body Worn evidence to support enforcement action.
- 2.2 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 doctors and their patients (including visits to Occupational Health) – there is an inherent expectation of confidentiality in respect of these conversations.

2.3 BWV devices form part of the risk assessment for the Civic Enforcement Team and **must** be worn by every officer while on patrol.

3 Complaints and appeals

3.1 Whilst the primary purpose of BWV devices is to promote the safety of Officers and to enable them to collect evidence, Body Worn recordings may also be used to investigate complaints relating to officer's actions whilst on duty.

3.2 They may also be used as evidence in cases where there is an appeal regarding the issuing of Penalty Charge Notice (PCN) or Fixed Penalty Notice (FPN).

3.3 Managers may also use BWV device recordings to review and improve the way in which incidents are handled by officers.

4 Misconduct

4.1 Officers must not intentionally fail to record an incident by, for example, turning away without good cause or deliberately obstructing the camera lens. Such calculated actions may render the Body Worn user liable to a misconduct investigation.

4.2 If, during a review of Body Worn footage, there is a recording that indicates actual or potential misconduct, the reviewing officer must bring this to the attention of the ASB & Civic Enforcement Manager. Any such matters will be handled under the Council's disciplinary procedures.

5 Data Protection Act 2018

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

- Who is processing their information – i.e. Darlington Borough Council), and
- Why their information is being processed – i.e. in relation to the public, the collection of evidence to assist in taking enforcement action (up to and including prosecution).

5.2 Civic Enforcement Officers will patrol in uniform with a sign in place on their uniform informing members of the public that audio and video recordings are occurring. When recording is taking place during interaction with a member of the public, the CEO must

as soon as possible, verbally inform the member of the public that the camera is switched on and that it records both images and sound. A privacy notice covering the use of BWV devices is displayed on the appropriate Darlington Borough Council webpage.

6 Retention of footage

- 6.1 Recorded footage that is 'non-evidential' will be retained for 30 days, after which it will be destroyed. Recordings required for evidential purposes will be retained for six months from the conclusion of the legal process.

7 Regulation of Investigatory Powers Act 2000

- 7.1 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.

8 Issue of BWV Equipment

- 8.1 When not in use, all BWV devices must be placed in the docking station to allow for any footage to be automatically downloaded and for the battery to recharge.
- 8.2 The designated officer (either the ASB & Civic Enforcement Team Leader or the Senior CEO) will issue the BWV devices to CEOs as appropriate. Booking out of the devices issued should be carried out wherever practicable within the Reveal DEMS system. In the event of an issue with the DEMS system a paper record must be completed for audit and continuity of evidence purposes.
- 8.3 When issued with the equipment the CEO must ensure that it is working correctly prior to leaving the office.

9 Recording an incident

- 9.1 All recordings have the potential to be used in evidence, even if it appears to the user at the time of the incident that this is unlikely. Officers must power up the BWV device into standby mode prior to commencing any patrols.
- 9.2 Recordings should commence at the start of any enforcement and/or patrol activity (for example issuing a penalty charge notice) and should continue uninterrupted until the activity is concluded.

- 9.3 If the recording has commenced prior to arrival at the scene of an incident, 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.
- 9.4 Wherever practicable, users should restrict recording to the areas and persons necessary in order to obtain evidence and intelligence relevant to the incident; they should attempt to minimise collateral intrusion on those not involved.

10 Partial Recordings

- 10.1 There may be occasions where an incident is only partially recorded due to, for example, technical failure, equipment being knocked, covered or dislodged during a struggle or restricted view. There may also be occasions where the sound recording is unclear or verbal responses are difficult to hear because of other more prominent sounds such as radio traffic or noise created by strong winds. In such cases, the Officer is to make notes as necessary to support any Body Worn evidence.

11 Breaks in recording

- 11.1 Where an officer is moving between work locations (e.g. an Officer moving from one off-street car park to another) recordings should not be made unless a further patrol activity occurs en route (e.g. an Officer checking on-street parking between two off-street locations or an incident of abuse commences).
- 11.2 Recordings should **not** be made during times when the Body Worn wearer is taking an authorised break during their duty period.

12 Downloading of Images

- 12.1 In placing the BWV device in the docking station, all recordings are automatically downloaded from the cameras and stored within the DEMS system before being deleted from the camera.
- 12.2 Any recordings held within the DEMS system are subject to the retention periods as set out in section 5 of this document.

13 Viewing requests

- 13.1 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.
- 13.2 Only those officers who hold a Public Space Surveillance (CCTV) licence issued by the SIA are able to view footage obtained from BWV devices.

- 13.3 When viewing footage, this must be carried out in such a way that an unlicensed person is unable to view the footage. Whenever possible, viewing of footage obtained should be carried out in a secure room.
- 13.4 The viewing request log must be completed by the officer viewing the footage.
- 13.5 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.
- 13.6 If, in the opinion of the viewing officer, there is content which would assist the requesting officer within the viewed footage then a copy of the footage will be supplied to the officer on DVD.

Appendix 1



VIEWING REQUEST FOR BODY WORN CCTV RECORDED FOOTAGE OF INCIDENTS

Date:
CEO DBC Viewing Request
Request Type: Viewing request

Officer Dealing and requesting

Email address

Incident details	
Location of incident:	
Description of incident:	
Date of incident:	
Time of incident:	
Details, if repeat:	
Suspect's details (if applicable)	
Identify?	
Reported by details	
Officer Requesting	
Telephone number:	
Email address:	

Authorised by:

Requested by:

REVIEW

Review carried out by Date

Results

Following the review is footage now required? Yes No

COPY

Produced by Date
Request/Ref no Time
Date officer informed
Date officer or representative collected
