

Protocol for the use of Body Worn Video Cameras

Coventry City Council, Parking Services

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Introduction

The use of body-worn video (BWV) has a number of benefits; primarily to reduce the number of confrontational situations and to provide evidence of any such incident should it be required. It allows the CEO to maintain the use of their hands and peripheral senses while recording an incident. A video recording from the scene of an incident may capture evidence of the activities of anyone involved and enable the raw emotion and action from the scene to be replayed in court in a manner that is not possible with written statements. Anyone reviewing the recording can see and hear the incident through the eyes of the CEO, thereby gaining a real understanding of the incident.

Background

Due to a spate of incidents, near misses and assaults against CEOs, and following consultation and agreement with staff and Trade Union colleagues, BWV devices are being introduced within Parking Services in order to minimise the potential for aggressive and threatening behaviour towards the CEO.

Body worn video (BWV), also known as body cameras and body-worn cameras, is a video recording system that is typically used by law enforcement services to record their interactions with the public or to gather video evidence at crime scenes, and has been known to increase both officer and public accountability.

BWVs were initially adopted to help protect Police Officers but nowadays many Civil Parking Enforcement authorities are using them to help capture evidence of assaults and to provide information as part of complaint investigations.

Essentially, BWV is a form of closed circuit television.

The BWV device is considered to be a proactive and essential part of the CEO's work equipment. The devices are considered Personal Protective Equipment that is provided in line with the requirements of the Health and Safety at Work Policy to help minimise risks to CEOs. As such, the devices will be worn by CEOs at all times whilst undertaking parking enforcement activities.

Limitations

Recordings from BWV devices provide an account of what the CEO saw and heard at an incident. There are however limitations to the technology and CEOs must be aware that some aspects of incidents that may be vital evidence 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. Importantly there

is the possibility of other technical failures or operator errors that may hinder the production of the recording.

CEOs need to ensure that they continue to gather evidence in line with standard practices and procedures and do not rely solely on the BWV evidence.

There are some examples of situations where the use of BWV devices is not appropriate; the following list is for guidance only and is not exhaustive.

- Intimacy – BWV must not under any circumstances be used for the recording of intimate circumstances where persons are in a state of undress.
- Legal privilege – users must be careful to respect legal privilege and must not record material that is or is likely to be subject to such protections.
- Private dwellings – users must consider the right to private and family life and must not record beyond what is necessary for the evidential requirements of the incident.

Responsibility

The Parking Manager is the single point of contact and the single responsible officer for the operation of Body Worn Video Cameras used by Coventry City Council's Civil Enforcement Officers.

Operational Considerations

- It is crucial that the wider use of BWV evidence does not negate the need for other types of evidence, such as statements from other CEOs or eyewitnesses.
- The incident is recorded in real-time and is limited to the field of view and audio range of the device.
- In keeping with providing traditional supporting evidence, the CEO is required to make a written record of the incident, including direct speech quotations, as soon as possible after the incident occurs.
- BWV evidence is far more accurate than was previously possible using traditional methods and doubts as to what was done or said by any person present are minimised.
- Using BWV at incidents enables CEOs to present their evidence in a consistent and an accurate manner.
- BWV recordings may be used to investigate complaints relating to a CEO's actions whilst on duty.

- When used effectively, BWV can promote reassurance to the CEO while reducing antisocial or abusive behaviour from members of public.
- Recordings will provide irrefutable evidence that should improve the quality of responses to complaints and may reduce the reliance on other evidence.
- Using recordings can assist in the portrayal of the professionalism of Civil Parking Enforcement and the CEOs.
- Supervisors, Managers and Training Officers may use BWV recordings to review and improve how incidents are dealt with.

Use of BWV – Warning to Data Subject

The use of BWV described in this protocol document is intended for “overt use” only and as such, they are not to be worn or used in a hidden or covert manner.

Principle 1 of the Data Protection Act 1998 (fair processing) requires that the data subject must be informed of:

- The identity of the Data Controller – which is Coventry City Council
- The purpose or purposes for which the footage is intended to be processed;
- Any further information that is necessary for processing to be fair

If possible, this information should be provided at the time they are being recorded or if this is not practicable due to an on-going incident then as soon as possible afterwards. The CEO’s uniform includes a Hi-visibility armband that states that Body Worn CCTV Video is in use. In addition, the device also shows that CCTV Recording is in progress. Consequently, and as a general rule where a CEO is in uniform and is clearly wearing a camera, the condition has been satisfied.

Members of the public may be unaware that the camera is capable of recording sound. CEOs should therefore, consider the reasonable expectations of the public (e.g. if a member of the public approaches a CEO to ask a question they may not expect to be recorded and it is good practice for the CEO to inform them that the device is switched on.

Recorded footage that is initially considered to be “non-evidential” should not be retained beyond the time where it is reasonably expected that it may be identified as being used for an investigation. Home Office guidance indicates that footage be retained for a period of 31 days for any investigation to become apparent after which it should be deleted.

Regulation of Investigatory Powers Act (RIPA) 2000

Part 2 of the Regulation of Investigatory Powers Act 2000 covers acts of directed and intrusive surveillance. The Act identifies the procedures and authorities required in these circumstances. Guidance is intended to provide direction in respect of the overt use of BWV by CEOs during the course of their duty. Therefore, the provisions of RIPA are not applicable to the use of BWV provided it is used overtly.

Evidential Statements

Using BWV equipment the CEO is able to produce a “perfect memory” of everything they saw and heard at an incident. Any video recording of an incident is likely to provide better evidence than a CEO’s recollection and subsequent note or statement making.

If the recording covers the whole incident, it is not essential for the CEO(s) to produce a written statement detailing the entire nature of the interactions contained in the video footage as this is avoidable duplication.

If two CEOs are present at the same incident and one of the CEOs records the whole incident while the other actually deals with the incident, the resultant recording can be used as the evidence for both officers as long as it shows the entire incident.

The CEO recording the incident should also make notes to cover any additional points that may be outside the view of the camera as well as all evidential information required in the event of technical failure.

If there is any break in the recording details, the reason for this must be included in the CEO statement.

Technical failure

In the event of a technical failure of BWV equipment either through accidental damage or malfunction it is vital that the CEO is still able to provide the best possible evidence through a traditional incident report. It is therefore crucial that users of BWV remain attentive throughout the incident and if required are able to recall evidential aspects of the encounter.

If the event is partially recorded prior to the equipment failure, the CEO should produce the recorded evidence as usual and provide a statement covering the entire incident including the reason if known

for the equipment failure. If the reason for failure is not apparent then a statement from a suitable engineer should be obtained at the earliest opportunity. This is equally true for the cases where the camera is knocked out of alignment or dislodged during the incident.

CEOs must ensure they do not rely solely on the equipment to gather evidence – they must still be able to provide an evidential account proving any alleged offence without reliance on any BWV recording.

BWV Equipment Issue

- When not in use all equipment must be securely stored in the Parking Operations Control Room.
- The Parking Supervisor will maintain an 'Issue and Return' log in order to demonstrate evidential continuity if required.
- The Parking Supervisor or their appointed deputy will issue the equipment to the CEOs as appropriate.
- When issued with the equipment the CEO is responsible for ensuring that it is working correctly prior to leaving the operational base. The CEO must immediately report to the Supervisor if the device is not working.
- The BWV device should then be left to record throughout the course of the day.

Maintenance

- Equipment must be kept in good working order and it is the responsibility of each user to ensure that the equipment is well maintained.
- Units must be checked prior to deployment to ensure that they are working correctly and this should be confirmed when the unit is returned to base at the end of the shift.
- At the start of the shift the CEO must collect the BWV device from the docking station and check it before leaving the operational base to establish that it is fully operational and that it is recording correctly (e.g. include checking that batteries are fully charged, images are being recorded the correct way up and are clear, camera lenses are clean).
- Any defects with the equipment should be reported to the CEO's line manager immediately and the defects log should be completed.
- The CEO should return the BWV device to the docking station at the end of the shift so that it is fully charged ready for use during the next shift.

Recording an Incident

- Recordings should commence at the start of any enforcement activity and must be incident specific. The recording should continue uninterrupted whilst the incident / enforcement is taking place.
 - 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.
- CEOs should concentrate the recording on the incident wherever possible and practical to do so in order to avoid / minimise any collateral intrusion.
- Devices should **not** be switched on when travelling to / from the patrol location or when travelling or walking through pedestrianized areas unless the CEO believes that they may become the target of a physical or verbal assault from a member of the public.
- CEOs should, where possible and practical, announce to the individual that video and audio recordings are taking place using BWV.
- Video recordings must not be made indiscriminately during shift times when the CEO is taking a legitimate rest or comfort break as this does not constitute enforcement activity.
- Where a video recording is required as evidence for a complaint investigation into alleged employee misconduct, the Council's procedures for obtaining authorisation to access and review CCTV footage must be followed in all instances.
http://beacon.coventry.gov.uk/download/downloads/id/4941/processing_cctv_procedure
- When approached by a member of the public and in particular at the commencement of any incident the user should, where practicable make a verbal statement to indicate that recording is taking place. If possible this should include:
 - The date, time and location
 - Confirmation to those present that the incident is being recorded using both audio and video
- CEOs should use straight forwarded speech that can be easily understood by those present such as *"I am video recording you"*, *"I am video recording this incident"* or *"everything you say and do is being recorded on video"*.
- 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 the risk of intrusion on those not involved.

Partial Recordings

There may be occasions where an incident is only partially recorded, such as through technical failure, the equipment being knocked, covered or dislodged during a struggle or through the nature of the incident where the camera view is restricted. 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 this case, the CEO is to make notes as necessary to support any BWV evidence.

Downloading of Images (Quick Guide)

Supervisors are to download the BWV unit to the PC located in the Operations Room at the end of the shift. The BWV device is encrypted ensuring that viewing of the footage can only be accessed by authorised persons.

Use of BWV and Potential Misuse

If a CEO attends an incident and is recording evidence using a BWV camera, the whole incident should be recorded. CEOs must not intentionally fail to record an incident for example, by turning away without good cause or deliberately obstructing the camera lens. Such calculated actions may lead to an investigation into potential employee misconduct.

Misconduct Identified During Review

Recordings may be reviewed by authorised staff only.

If during a review, evidence is identified that indicates actual or potential misconduct, the person who has witnessed the conduct must bring this to the immediate attention of the Parking Supervisor or the Parking Manager. The Supervisor or Manager should then consider the nature of the recorded conduct and deal with the matter as appropriate in accordance with the relevant Council procedures (e.g. Conduct and Capability or Disciplinary). In any event, where there is a potential issue or allegation of employee misconduct, the Council's Procedure for requesting, accessing and reviewing CCTV footage must be followed:

http://beacon.coventry.gov.uk/download/downloads/id/4941/processing_cctv_procedure

Deletion of Footage

Footage of all BWV badges that is no longer required is automatically deleted after 30 days. Any footage that is used as evidence in regard to an incident is deleted once the case is resolved and the details are no longer required.

Any incident that is required for criminal purposes e.g. the alleged misuse of a Disabled Person's blue badge should be deleted after a 3 year period or when the blue badge expires.

The Parking Manager is authorised to delete footage through password protection.

Data Storage

Access to stored data is limited to authorised personnel through an encrypted laptop on the Council's corporate network.

Protection of Data

The BWV system is supported and maintains an automatic audit log from the date of installation.

All BWV is encrypted via a software key which is assigned to a specific device. It cannot be downloaded or read by any other computer system. Access to the data is restricted by individual password access. Any access is logged by the automatic audit log.

Retention of Data

BWV is automatically deleted after 30 days. Any incident cases created are kept up to the point of the incident being resolved and the case being closed within a reasonable period of time. Blue Badge incidents are kept for a period of 3 years in line with the validity of the blue badge.

Data sharing and Requests to view footage

Coventry City Council's Parking Manager is authorised to access and view the footage of any BWV.

If a request for video footage is received from a member of the public, it will be referred to the Council's Information Governance team for approval in line with the relevant Council Policy:

http://beacon.coventry.gov.uk/downloads/download/918/cctv_procedures

Subject to the relevant permissions and approvals, the Parking Manager will identify and review the day's recordings and create an incident file within the BWV back office. This file can then be viewed by the Parking Manager in a controlled and secure environment and if deemed necessary a DVD can be produced of the incident. If appropriate, arrangements can be made by the Council's Information

Governance for the member of public to view the footage securely at an agreed time. Footage deemed to show any criminal act can be shared with West Midlands Police subject to the necessary permissions and approval process.

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Friday, 19 February 2021