



**Parking Services
Operational Procedural Guidelines
For the use of
BODY WORN VIDEO DEVICES (BWVD)**

Wiltshire Council- Body worn Video Devices

1. Introduction

This document sets out Wiltshire Council's Procedural Guidelines for the use of Body-worn video devices (BWVD) by Civil Enforcement Officers (CEOs) Whilst undertaking their duties.

It will enable CEOs to comply with relevant legislation relating to video recording and outline the associated benefits to CEO's and the general public. It also documents best practice procedures with regard to legislation, integrity of data, images and video as well as its security and use.

The use of BWVD can provide several benefits which include a deterrent to acts of aggression or verbal and physical abuse toward CEO's and the provision of evidence to support complaints made by the public, internal disciplinary investigations and/or Police investigations.

BWVDS form part of a CEO's Personal Protective Equipment and is provided solely for Health and Safety purposes. It will be used in an overt manner and emphasised by CEOs wearing clear identification that it is a CCTV device.

CEOs may start recording once they have reason to believe that they are in, or about to be in a confrontational situation, where possible, they will give a clear verbal instruction that recording is taking place.

BWC will not be used to gather evidence for traffic enforcement purposes nor will it be used as a tool to assist in the ad-hoc monitoring of staff.

2. Legislation & Statutory Guidance

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

Legislation and Statutory Guidance:

2.1 Data protection legislation

2.2 Freedom of Information Act 2000

2.3 Human Rights Act 1998

2.4 Protection of Freedoms Act 2012

2.5 Home Office Surveillance Camera Code of Practice Information
Commissioners Code of Practice

2.1 Data Protection Legislation

The Information Commissioner's Office is the regulator for the act and has given guidance with regards to CEO use of BWVD equipment. This legislation regulates the processing of 'personal data' or 'sensitive personal data' whether processed on computer, BWVD, 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 a BWVC 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 ask 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. It should be noted that there may be circumstances in which the footage will not be released.

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 Freedom of Information (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 BWVD 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 BWC equipment should not record beyond what is necessary when recording a potentially confrontational situation.

Wiltshire Council will ensure that the use of BWVD equipment by its CEO's is emphasised by wearing it in a prominent position (normally on their chest or shoulder area) and that it is forward-facing and is visible to anyone being recorded. Additionally, the BWVD is a Pinnacle Response (PR5) which clearly has the wording "CCTV" in large writing on the front of the device. The CEOs will, where possible, make a verbal announcement at the commencement of any recording.

2.4 Protection of Freedoms Act 2012

Part 2 creates new regulation for and instructs the Secretary of State to prepare a code of practice towards, closed-circuit television and automatic number plate recognition. Chapter 1 gives the full regulatory legislation of CCTV and other surveillance camera technology which relates to a Code of Practice and interpretations.

2.5 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 CEO's use of BWVD equipment. This guidance is centred on "12 Guiding Principles" which Wiltshire Council will adhere to at all times.

2.6 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 CEOs use of BWVC equipment.

3. On Street Operational Guidance and Best Practice

3.1 Training

All CEO's will receive full training in the use of BWC. 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, CEO's receive ongoing refresher training in 'Conflict Awareness'. CEO's will not be deployed with BWC until training has been undertaken. A training document has been produced to ensure consistent practice amongst CEOS.

Officers will be trained in the correct procedure if a camera is lost or stolen. Wiltshire Councils incident reporting procedure MUST be followed.

3.2 Daily Use

BWVDS will only be used in the event that a CEO/ has reason to believe they are in or about to be in a confrontational situation and/or they are subject to or feel that they are likely to be subject to, verbal or physical abuse.

Recording will commence when the CEO has reason to believe they find themselves in a confrontational situation or believe a situation may become confrontational. Where possible, they will give a clear verbal instruction that recording is taking place.

Recordings will not be made whilst performing normal patrolling duties.

All recordings will be clearly archived in designated electronic folders and held on an encrypted hard drive or on the Cloud system, which can only be accessed using a password protected laptop. Access to recordings will be restricted to the Parking Services Management.

3.3 Start of Shift Procedure

All CEO's will be issued with their own BWVD device each shift.

At the commencement of each shift/Patrol the CEO 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. This check will be logged on a Daily BWVD log.

3.4 Recording

Recording must be incident specific. CEO's 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:

An engagement with a member of the public which, in the opinion of the CEO, is confrontational or about to be confrontational or where the CEO believes that they may be subject to physical or verbal abuse or the CEO is approached by a member of the public in a manner perceived by the CEO as aggressive or threatening.

At the commencement of any recording the CEO should, where practicable, confirm their position as a CEO 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 CEO considers that the use of BWVD is likely to inflame a confrontational situation the CEO 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 CEO's should use straightforward speech that can be easily understood by those present such as:

“Sir / Madam, I would like to inform you that I am wearing a Body worn Camera and I am now recording this conversation”

3.5 Playback

CEOS will need to be fully aware of the legal implications once digital images and audio have been recorded. The Pinnacle Response BWVD is a closed unit and does not have the option to play the footage back to an offender or a Police Officer attending the incident.

Any request to view captured video by a member of the public will need to be made in writing to Wiltshire Council in line with the General Data Protection Regulation ‘Subject Access Procedure’.

Evidence of identity prior to viewing must also be provided.

If the incident is reported to police, then the footage may be provided to them but through the management team only.

3.6 End of Shift

CEO'S should ensure that all incident reports must be fully compiled. In the event of an incident the camera would be downloaded by a manger/supervisor or locked in a secure location until this was achieved. It will be the CEO's responsibility to ensure that their BWVD device is placed on charge at the end of their shift/patrol.

If the camera is activated during a shift but no further action is required, this will be cleared from the device before the camera is used again by a member of Parking Services management team.

CEOS should then complete the rest of the daily BWVD sheet. If an incident has been captured, then this should be noted within the incident log.

3.7 Storage of Data

All recorded footage will be downloaded by a member of the parking services management team only to a secure network file.

If there are no members of the management team on site at the time the CEO returns with the footage, then the CEO will post the camera into a specific designed anti fishing post box purely for body cameras. Only the management team will hold the keys and will download footage at the earliest opportunity. There will be two post boxes, one located at Monkton Park, Chippenham and one at Salisbury Library parking office.

For Incidents where the Police have not been in attendance, the parking management team will review the recording and a decision made on whether referral to the Police is appropriate.

The parking management team will then transfer the data to a secure folder within the encrypted hard drive and name the footage as an exhibit using the initials of the officer and the number of the exhibit, as example JD/01.

All retained data will be kept until all investigations have been completed or prosecution has taken place before deletion. Once the case has been closed the footage will be deleted after 28 days. All data not required for evidential purposes will be deleted after download as part of standard operating procedures.

3.8 Transfer of data

Any footage requested by the police as part of their investigation will be stored digitally on an encrypted network and transferred via email on a secure network server where possible. If we are unable to transfer via email we will transfer footage onto a disc and either hand to a police officer or place in the secure police internal post. Once in their possession this will fall under the police policy and guidelines for Data Protection.

3.9 Access to retained images and information

This should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.

3.10 Surveillance camera system images and information

All images/recordings should be subject to appropriate security measures against unauthorised access and use.

3.11 Reviews/Audits

There should be effective review and audit mechanisms in place to ensure legal requirements, policies and standards are complied with.

The cameras will be listed as an asset under the Health & Safety Personal Protective equipment

List and the users will be referred to a disclaimer covering their responsibilities of all correct equipment usage. This will be extended to cover body cameras and the users will have to ensure that they will comply with the Operational Guidelines and any other training or guidance documents provided.

3.12 When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and evidential value

3.13 Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.

It will be noted on incident reports completed by CEOs that a recording has been taken of the incident.

3.14 All cameras will be logged with every use and signed in and out when they leave a secure area. Any use of the cameras will be noted and monitored.