



Policy For the use of Body Worn Video Cameras (BWVC)

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Section 1

Policy Aim

This document explains how Mid Sussex District Council will approach and use Body Worn Video Cameras (BWVC) to ensure they are in compliance with relevant legislation and codes of practice. This document and associated procedures will standardise the use of BWVC and the evidential product produced.

The intention is for the use of BWVC to:

- Raise standards of service
- Reduce incident escalation
- Be used in the process of civil enforcement to ensure that it is accurate and transparent
- Reduce complaints

This policy applies to all MSDC 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 policy, associated procedures and organisation strategies. They will receive full instructions in its use and the relevant legislation.

The Council will monitor the use of the BWVC to ensure that the equipment is an appropriate tactic and that the use is in line with policy and procedure.

Section 2

Introduction

Mid Sussex District Council 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, Civil Enforcement Officers (CEOs), through the nature of their work, are sometimes open to aggressive and/or abusive encounters.

There are already several policies and procedures in place including the Lone Working Policy and the use of mobile phones and/or radio communication systems to help manage the risk. In addition to this a body worn video camera (BWVC) 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.

In addition to increasing the health & safety of the CEOs, 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.

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.

Section 3

Using the BWVC

1. All camera units should be stored in a secure area. An issue and returns log should be maintained by a dedicated Senior 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.
2. Once allocated, the CEO 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. It should be noted that the CEO may be liable for any repair/replacement costs incurred through neglect or misuse of the device.
3. The camera should only be switched on during a specific incident. For CEOs this will be whilst issuing a penalty charge notice (PCN) or during an incident of aggression/abuse.
4. Whilst it is important to ensure that the BWVC 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. If an incident is not recorded, the Officer's rationale must be captured in their pocket book and they are likely to have to explain this, especially if evidence is required in court.
5. The device will only be used in overt civil enforcement. 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. Some cameras will also have the benefit of a small screen which enables the member of the public to view the recording as it is taking place.
6. In the event that a recording has already started prior to the arrival of a member of public, the Officer should tell them straight away that recording is in operation.
7. 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.
8. 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.
9. The recordings taken will be downloaded at the end of each day and stored securely on a Council approved device. Any transfer to unauthorised storage facilities may result in legal or disciplinary proceedings.

Section 4

Storing and Viewing a Recording

1. All information recorded will be encrypted so that only authorised personnel can view it.
2. The recordings will be stored on a secure Council approved device.

3. The recordings will only be accessible by authorised personnel and all non-evidential data will be maintained for a maximum of 60 days before it is deleted. Recordings required as evidence will be kept for a maximum of 6 months or until the evidence is no longer required, whichever is longer.
4. A record or audit trail will be kept detailing how any information required by the Police or as evidence in court has been handled.
5. Any evidential data will be deleted once it is no longer required. A record or audit trail of this process will also be captured.
6. 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. A CEO has reported an aggressive/abusive incident which needs to be investigated further or reported to the Police.
 - b. A complaint has been received concerning the manner in which a PCN has been issued or the behaviour of a Civil Enforcement Officer, which needs to be investigated.
 - c. 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.
 - d. Evidence has been requested by the Police or is required as evidence in court.
 - e. Where the footage may assist in upholding a PCN by the parking appeals team.
 - f. Where the footage will assist in the way an issued PCN is dealt with.
7. Recorded images will be viewed by the authorised personnel in a private/restricted area.

Section 5

Other Relevant Documents/Legislation/References

General Data Protection Regulation (GDPR)

Human Rights Act 1998

Information Commissioner's Office (ICO) CCTV Code of Practice

Surveillance Camera code of Practice

Reveal Media's Guidance for the Non-Police Use of Overt Body Worn Video Devices

MSDC Procedures for the Use of Body Worn Video Cameras