



NORTHAMPTON BOROUGH COUNCIL

BODY-WORN VIDEO POLICY

1. INTRODUCTION

- 1.1. This document sets out Northampton Borough Council's policy and procedural guidelines for the use of body-worn video by Nominated Officers within the Borough of Northampton. It will enable employees to comply with the relevant legislation relating to video recording and outline the associated benefits to Nominated Officers and the general public. It also documents best practice procedures with regard to integrity of data images and video as well as its security and use.
- 1.2. The use of body-worn video by Nominated Officers within the Borough of Northampton is to act as a deterrent to acts of aggression or verbal and physical abuse towards Nominated Officers and where necessary to provide evidence to support Police investigations.
- 1.3. Body-worn video forms part of a Nominated Officers personal protective equipment and is provided solely for health and safety purposes. It will be used in an overt manner and Nominated Officers will give clear warnings to members of the public that video and/or audio recordings may be taken of them and used as evidence by the Police if necessary. Nominated Officers will also be wearing bright yellow arm bands visually displaying that "BODY-WORN VIDEO IN USE".
- 1.4. Body-worn video will not be used to gather evidence for any other enforcement offences nor will it be used as evidence in proceedings against any member of staff.

2. LEGISLATION

- 2.1. The integrity of any video data recorded will be considered in accordance with the following legislation and statutory guidance:
 - Data Protection Act 1998
 - Freedom of Information Act 2000
 - Human Rights Act 1998
 - Protection of Freedoms Act 2012
 - Home Office Surveillance Camera Code of Practice
 - Information Commissioners Code of Practice
- 2.2. Data Protection Act 1998

The Information Commissioner's Office is the regulator for this Act and has given guidance with regard to Nominated Officers' use of body-worn video equipment. This legislation regulates the processing of 'personal data' and

'sensitive personal data' whether processed on computer, CCTV, 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 video. The use of body-worn video 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 asks 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.

2.3 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 FOI can include statistical and other non-personal information.

2.4 Human Rights Act 1998

Article 6 provides for the right to a fair trial. All images captured through the use of a body-worn 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 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 body-worn video should not record beyond what is necessary when recording a confrontational situation.

The Council will ensure that the use of body-worn video by its Nominated Officers is widely advertised prior to commencement. The Council will issue a formal press release in addition to publishing information on its website.

Northampton Borough Council will further ensure that the use of body-worn video is emphasized by Nominated Officers wearing it in a prominent position (normally on their chest) and that its forward facing display is visible to anyone being recorded. Additionally, Nominated Officers will wear identification that it is a video device and make a verbal announcement, where practicable, prior to commencement of any recording.

2.5 Protection of Freedoms Act 2012

Part 2 of the Act creates new regulation for, and instructs the Secretary of State to prepare, a code of practice towards CCTV 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.

2.6 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 Nominated Officers use of body-worn video. This guidance is centred around “12 Guiding Principles” which Northampton Borough Council will adopt and adhere to at all times.

2.7 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 Nominated Officers’ use of body-worn video.

3. ON STREET OPERATIONAL GUIDANCE AND BEST PRACTICE

3.1 Training

All Nominated Officers will receive full training in the use of body-worn video. 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.

3.2 Daily Use

Body-worn video will only be used in the event that a Nominated Officer finds themselves in a confrontational situation where they are subject to, or feel that they are likely to be subject to, verbal or physical abuse.

Whenever practicably possible, recordings will not commence until the Nominated Officer has issued a verbal warning of their intention to turn on the body-worn video.

Recordings will not be made whilst performing normal patrolling duties or for the gathering of any evidence related to other offences.

All recordings will be held within a specifically designed controlled and secure database. Access to recordings will be restricted to authorised personnel.

3.3 Start of Shift Procedure

All Nominated Officers will be issued with their own body-worn video. At the commencement of each shift the Nominated Officer 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.

3.4 Recording

Recording must be incident specific. Nominated Officers must not indiscriminately record entire duties, patrols or Fixed Penalty Notice issue processes and must only use recording to capture video and audio at specific incidents.

For the purposes of this guidance an 'incident' is defined as:

- a) an engagement with a member of the public which, in the opinion of the Nominated Officer is confrontational and where the Nominated Officer believes that they may be subject to physical or verbal abuse or
- b) the Nominated Officer is approached by a member of the public in a manner perceived as aggressive or threatening.

At the commencement of any recording the Nominated Officer should, where practicable, make a verbal announcement to indicate why recording has been activated and where possible this should include the date, time and location together with confirmation that the incident is being recorded using video and audio.

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 Nominated Officer considers that the use of body-worn video or the issuing of a verbal warning is likely to inflame a confrontational situation the Nominated Officer 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 Nominated Officers should use straightforward speech that can be easily understood by those present such as:

“Sir/Madam, as part of our policy I would like to inform you that I will be recording this conversation”.

3.5 Playback

Nominated Officers will need to be fully aware of the legal implications once digital images and audio have been recorded. To this end playback should only be at the request of 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 Northampton Borough Council in line with the ‘Subject Access Procedure’. Evidence of identity prior to viewing must also be provided.

3.6 End of Shift

Nominated Officers should ensure that any video footage required for evidential purposes has been correctly bookmarked and that any incident reports have been completed.

In the absence of a Nominated Manager/Supervisor it will be the Nominated Officer’s responsibility to ensure that their body-worn video is placed on charge at the end of their shift.

3.7 Storage of Data

All recorded footage will be uploaded to the body-worn video software by the Nominated Officer on duty.

The Nominated Officer on duty will ensure that any footage to be retained has been correctly bookmarked and that supporting incident reports have been completed.

For incidents where the Police have not been in attendance the Nominated Manager will review the recording and a decision made on whether referral to the Police is appropriate.

The Nominated Officer will then transfer the data to a secure hard drive within the software and complete the Information Asset Log.

All retained data will be kept until all investigations have been completed or prosecution has taken place before deletion. All data not required for evidential purposes will be deleted after upload as part of the software’s standard filing and deletion set up. Data will only be kept for a period of 31 days; thereafter it will be deleted, if it does not form part of an investigation.

3.8 Transfer of Data

Any data requested by the Police as part of their investigation will be burnt to disc, labelled as an official exhibit and handed to them. Once in their possession the disc will fall under the Police policy and guidelines for Data Protection.

Details of this process and any relevant information ie, PC name or collar number, date, time etc will be logged within the video software so there is a full audit trail.

3.9 Authorised Personnel

Nominated Officers.

4. REQUEST TO VIEW DATA AND COMPLAINTS

4.1 Subject Access Request

All data not required for evidential purposes will be deleted upon download. However, the Data Protection Act gives individuals the right to be told what personal information the Council holds about them and to receive a copy of that information. Any application to view data is covered by Northampton Borough Council 'Subject Access Request' Procedure. Requests must be made in writing and sent to requests@northampton.gov.uk

4.2 Complaints

Any complaints or queries received from members of the public arising from the use of body-worn video should be directed to Director of Customers and Communities.

Members of the public may also be directed to the Information Commissioner's Office website at <https://ico.org.uk>