



Altogether Better Policing

DURHAM CONSTABULARY POLICY

Durham Constabulary Freedom of Information Act Publication Scheme	
Name of Policy	Body Worn Video Devices
Registry Reference No.	DCP 166
Policy Owner	Head of Neighbourhood & Partnership Command
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Protective Marking	Not Protectively Marked
Publication Scheme Y/N	Yes
All Durham Constabulary policies are drafted in accordance with Human Rights and Equality Legislation	

Version	Date	Reason for Change	Produced / Amended by
1.0	<i>1st May 2014</i>	<i>Initial draft</i>	<i>New policy, including amendments from consultation with project group (29/1/14) and amendments following approval at FLG (9/4/14) Author: J Weatherill</i>

1.0 Name of Policy

Body Worn Video Device (BWVD) policy

2.0 Purpose and Scope

The primary purpose of this policy is to provide the legal and procedural framework for Durham Constabulary officers and staff for the use of standard personal issue BWVD (cameras).

This policy covers all aspects of the use of BWV equipment by members of staff and the subsequent management of any images obtained to ensure BWV is used correctly, in order that the Force gains maximum benefit from the operational use of BWV, and that all staff coming into contact with either the equipment or the images are able to comply with legislation and Force requirements.

3.0 Motivation or Driving Forces

The role out of BWVD to Response and Neighbourhood Officers in 2013 and the subsequent evaluation of that year have highlighted the need for a clear policy and associated procedures, tactics and guidance. This policy and guidance is subject to review following guidance to be issued by the Home Office to replace the Home Office guidance of 2007.

This policy is required to ensure police officers using BWV equipment as part of their operational duties are aware of their responsibilities in relation to its use to secure 'best evidence' and to safeguard the integrity of the digital images captured should they need to be produced for evidential purposes.

The aim and objective is for BWV to support the Policing Priorities by:

- Enhancing opportunities for capturing best evidence
- Promote Public reassurance
- Providing visual and audio evidence that can assist in saving time by increasing early guilty pleas etc.
- Reducing challenges to evidence in court.
- Reducing the reliance on victim evidence particularly those who may be vulnerable or reluctant to attend court.
- Reducing incidents of public disorder or anti-social behaviour by modifying behaviour.
- Reducing protracted complaint investigations by providing impartial, accurate evidence
- Improving the professionalism of the service and in the professional development of officers.

4.0 The Legal Basis

- 4.1. All digital images obtained for policing purpose are referred to as police information, and should be treated in accordance with ACPO Guidance on the Management of Police Information (MOPI 2006) and Codes of Practice on the Management of Police Information (2005), Police use of Digital Images (2007) and Digital Imaging Procedure (2002 & 2007).
- 4.2 The Data Protection Act 1998 (DPA) regulates the processing of personal data or sensitive personal data. Any image recorded that is aimed at identifying a particular person or learning about their activities, is described as personal data and is covered by the DPA. This is therefore likely to include all images and speech captured using BWVD. Section 7 of the DPA grants a primary statutory right to access personal data (i.e. information about a living identifiable individual) with some disclosure exemptions (National Security, Law Enforcement). Recorded information which includes images from BWVD devices will be covered by this legislation. In accordance with the eight Principles of the DPA and to comply with Durham Constabulary's notified DPA business purpose = policing, all BWV Devices can only be used for policing purposes, as opposed to personal purposes; the policing purposes being "protecting life and property; preserving order; preventing the commission of offences; bringing offenders to justice; and any duty or responsibility of the police arising from common or statute law".

The Information Commissioner's Office (ICO) guidance forms an integral part of this document; compliance with the Act will depend upon the manner in which the equipment is used. The ICO are obliged to consider any complaints received regarding possible breaches of the DPA' In addition there is a requirement from the Information Commissioner that a privacy impact assessment is carried out linked to the use of the cameras and which will form part of the supporting documentation for the policy.

- 4.3 The Criminal Procedure and Investigations Act 1996 (CPIA) places a requirement on police to be able to disclose both used and un-used images and be able to demonstrate that this has been done. Police generated digital images should be accompanied by a full audit trail, from capture of the image, throughout the entire management process including when they are passed to CPS, the defence or any supervised viewing. Deletion of any police generated images, or third party images in police possession, prior to their respective retention periods may amount to a breach of the Act if they are not then available for disclosure.
- 4.4 The Freedom of Information Act 2000 (FOIA) grants a general right to access all types of information held by a public authority, with some disclosure exemptions (National Security, Law Enforcement, Personal

Information). Recorded information which includes images from BWV devices may be covered by this legislation. For full details of the application of the FOIA, see the ACPO Freedom of Information Manual (version 6).

- 4.5 The Human Rights Act 1998 (ECHR) provides that officers are required to consider Article 8, Respect for private and family life, home and correspondence when dealing with recorded images. This is whether the recordings were made in public or private areas. Recordings of persons in a public place are only public for those persons who are present at the material time and therefore still regarded as potentially private situations. Recorded conversations between members of the public should always be considered private. All recordings must not be beyond what is reasonable and necessary for policing purposes. If disclosing recordings for the purposes of tracing suspects or witnesses, this article must also be considered in tandem with the DPA. Article 6 provides the right to a fair trial. All images from a BWVD have potential for court use whether they are beneficial to the prosecution or the defence. They must therefore be safeguarded by a comprehensive audit trail.
- 4.6 Regulation of Investigatory Powers Act 2000 (RIPA) covers acts of direct or intrusive surveillance and identifies procedures and authorities required in these circumstances. The provisions of RIPA are not applicable to the use of BWV Devices, provided it is used overtly in the manner described in this guidance.
- 4.7 Police and Criminal Evidence Act 1984 (PACE). The use of footage from the BWVD complies with Section 64A of PACE (as amended by Section 116 Serious Organised Crime and Police Act 2005). If any BWV footage is to be used to assist with the identification of suspects, then officers must ensure that PACE Codes of Practice – Code D is followed.

5.0 Policy Statement

5.1 Overview

Durham Police is committed to making the best use of its resources to capture best evidence by taking full advantage of new technology and the use of Body Worn Video in all appropriate circumstances

This policy and supporting Procedures, Tactics and Guidance details how and when Body Worn Video (BWV) should be utilised for overt video recording of police evidence and how the evidence captured should be secured to protect the integrity of the images for potential use in criminal proceedings.

This policy is effective immediately and applies to all police officers and police staff who use BWV or come into contact with the material recorded by BWV.

Officers are expected when personally issued with a camera to wear the camera and ensure it is in working order at the start of their duty.

BWV is a key tool for investigation and is provided to officers to support early charging decisions and successful prosecutions as well as providing corroboration for officer accounts of events which are useful in terms of complaints or to support witness statements. When used effectively BWV can promote public reassurance; capture best evidence; modify behaviour; prevent harm and deter people from committing crime and anti-social behaviour. Recordings will provide independent evidence that will improve the quality of prosecution cases and may reduce the reliance on victim evidence, particularly those who may be vulnerable or reluctant to attend court.

5.2 Information Management

All images recorded are the property of the Force and must be retained in accordance with force procedures; the Association of Chief Police Officers (ACPO) Practice Advice on Police Use of Digital Images and (ACPO) Guidance on Management of Police Information (MoPI).

Images must be recorded and retained for policing purposes and must not be shown or given to unauthorised persons other than in accordance with any specified exemptions.

All images will be managed in line with the agreed Force Retention Schedule. Retention is based on the nature of the offence linked to the incident.

Officers will be responsible for the management of captured footage in line with

[ACPO guidance on the Management of Police Information 2010](#); [ACPO Practice Advice on Police Use of Digital Images](#) and [Force Retention Schedules](#)

In relation to security where possible, footage should be encrypted. Where this is not possible, the user is responsible for physically protecting the footage. Any loss of a device must be immediately reported to the users supervisor, Data Protection Team and the Information Security Adviser.

5.3 Diversity

The use of BWV will be applied fairly to all members of the community. Cognisance needs to be taken when using BWV that this is not discriminatory or disproportionate to a particular protected group. An Equality Impact Assessment (EIA) has been carried out and is included as an appendix to the policy.

5.4 Transparency and Integrity

All Police officers and staff are subject to Public complaints about conduct under the Police Reform Act 2002. All officers have a responsibility to secure and preserve evidence of any complaint made about an officer or staff member.

Whilst BWV evidence is primarily obtained regarding criminal proceedings any recordings are also evidence in relation to complaints against police officers and staff, protecting legitimate police action, and must be secured at the earliest opportunity.

5.5 Domestic Abuse

One of the key requirements for the use of BWV by Durham Constabulary officers and staff, therefore, is to support Domestic Abuse investigations. The evidence captured in the case of DA supports early charging decisions from the CPS, victimless prosecutions, early guilty pleas and is considered best evidence. Images such as injury, scene and victim first account are vital to successful prosecution. Officers are directed to ensure that footage is taken when attending all DA incidents, whenever possible. This directive is from the Chief Constable who has signed a protocol together with the Crown Prosecution Service North East, Cleveland Police and Northumbria police stating that,

“in all cases of domestic abuse the investigating officer, or the officer first attending at the scene of a domestic abuse incident, will obtain and provide (Body Worn Camera footage) to the CPS where practicable when seeking a charging decision and in any event for the first hearing of the case”

Other uses supported within the policy are detailed in the Procedures, Tactics and Guidance Document and are restricted to the capture of footage for a policing purpose.

Procedures, Tactics and Guidance refer in more detail specifically to:-

Domestic Abuse
Stop Search/Stop and Account
CCTV
Crime Scenes
Professional Standards

Data Management

Examples of instances where capture of footage is not supported are also outlined in the Procedures, Tactics and Guidance Document.

6.0 Brief Description of the Attached Appendices

All procedures, tactics and guidance relating to this policy are included on the Procedures, Tactics and Guidance document which accompanies this policy and is protectively marked as RESTRICTED.

Other appendices Not Protectively Marked attached are:-

- *Privacy impact assessment*
- *Equality impact assessment*
- *Domestic abuse Protocol*

7.0 Monitoring and Review

This policy will be monitored and reviewed by the Neighbourhood Command Chief Superintendent as policy owner.

The practical application of this policy at local level will be monitored by the Divisional Operations Chief Inspectors, Area Super Users and Champions and supervisors of the BWV users.

Formal policy review will be undertaken 3 year from implementation (subject to earlier review if required), giving consideration to:-

- revision of compliance and relevance tests (see appendices) as necessary;
- effectiveness in operational context;
- changes to legislation or common law;
- challenges to the policy;

8.0 How to Complain

Complaints about the overall policies and procedures of a police force, as well as a number of other issues relating to quality of service or operational decisions should be made to the Chief Constable of Durham Constabulary at the following address:

The Chief Constable

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Police Headquarters
Aykley Heads
Durham
DH1 5TT
Tel: 101
Fax: 0191 375 2011
Email: CFR@durham.pnn.police.uk

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