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Policy on the use of body-worn cameras by Council officers

Date: February 2021
Review Date: January 2023

1. Introduction

- 1.1. This document sets out the Council's Policy and Procedural Guidelines for the use of body worn cameras by Council officers including Park Rangers and Enforcement Officers (in this guidance referred to as "enforcement officers"). It will enable employees to comply with the relevant legislation relating to video recording and outline the associated benefits to Council 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 cameras can provide a number of benefits which include a deterrent to acts of aggression or verbal and physical abuse toward Officers, and providing evidence to support Police investigations.
- 1.3. Body worn cameras form part of a Park Ranger's and Enforcement Officer's personal protective equipment and is provided solely for Health and Safety purposes. It will be used in an overt manner and emphasized by Park Rangers and Enforcement Officers wearing clear identification that it is a CCTV device. Prior to commencement of any recording, where possible, Park Rangers and Enforcement Officers will give a clear verbal instruction that recording is taking place.

2. Legislation

- 2.1. The integrity of any video data recorded will be considered in accordance with the following legislation:

- Data Protection Act 2018
- Freedom of Information Act 2000
- Human Rights Act 1998
- CCTV Code of practice 2014
- ICO surveillance camera Code of practice 2017

2.2. **Data Protection Act 2018**

The Information Commissioner's Office is the regulator for the Act and has given guidance with regard to use of body worn cameras. This legislation regulates the processing of 'personal data' or '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 equipment. The use of body worn cameras 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 to be used 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 Body worn equipment should not record beyond what is necessary when recording a confrontational situation.

2.5. Burnley Borough Council will ensure that the use of body worn cameras equipment by its Park Rangers and Enforcement Officers is advertised prior to commencement. The Council will issue a formal press release in addition to publishing information on its web site.

2.6. The Council will further ensure that the use of body worn cameras is emphasised by enforcement officers wearing them in a prominent position (normally on their chest) and that their forward facing displays are visible to anyone being recorded. Additionally, enforcement officers will wear identification that it is a CCTV device and make a verbal announcement, where practicable prior commencement of any recording. The Council will adhere to the CCTV code of practice 2014 in all aspects referring to Body Worn Cameras.

3. Operational Guidance and Best Practice

3.1. Training

All enforcement officers will receive training in the use of body worn CCTV. This training will include practical use of equipment, operational guidance and best practice, when to commence and cease recording and the legal implications of using such equipment.

3.2. Daily Use

- 3.2.1. Body worn cameras will only be used in the event where enforcement officers find themselves in a confrontational situation where they are subject to, or feel that they are likely to be subject to, verbal or physical abuse.
- 3.2.2. Recordings will not commence until the enforcement officer has issued a verbal warning, where possible, of their intention to turn on the body worn device.
- 3.2.3. Recordings will not be made whilst performing normal patrolling duties or when interacting with members of the public in non-conflict situations.
- 3.2.4. All recordings will be held securely on the encrypted cloud storage provided by Pinnacle Response.
- 3.2.5. Access to recordings will be restricted to authorised personnel.

3.3. **Start of Shift Procedure**

All enforcement officers will be issued with their own body worn cameras device. At the commencement of each shift it will be the individual enforcement officer's responsibility to verify that their unit is fully charged and that the date and time displayed is correct. Any discrepancy in the date or time should be brought to the attention of the enforcement officer's Team Leader or line manager.

3.4. **Recording**

Recording must be incident specific. Enforcement officers must not indiscriminately record entire duties or patrols and must only use recording to capture video and audio of 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 enforcement officer is confrontational, and where the enforcement officer believes they may be subject to physical or verbal abuse.
- b) The enforcement officer is approached by a member of the public in a manner perceived as aggressive or threatening.

At the commencement of any recording the enforcement officer should, where possible, 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 any unacceptable confrontational or aggressive and threatening behaviour. If, at any time during an incident the enforcement officer

considers that the use of body worn cameras or the issuing of a verbal warning, is likely to inflame a confrontational situation, the enforcement officer may use discretion to disengage from further discussion and withdraw from the incident.

A specific form of words to be used in any warning to a member of the public has not been prescribed, but enforcement officers should use straightforward speech that can be easily understood by those present such as 'I am wearing a body worn camera and I am now recording'.

3.5. Playback

Enforcement officers are aware of the legal implications once digital images and audio have been recorded. Any request to view captured video by a member of the public, are to be made in writing to Burnley Borough Council in line with the 'subject access procedure'. Evidence of identity prior to viewing must also be provided.

3.6. End of Shift

Enforcement officers should ensure that any CCTV footage required for evidential purposes has been correctly bookmarked and that any Incident Reports have been completed.

3.7. Storage of Data

- All recorded footage will be uploaded using the decryption software provided by Pinnacle Response to the Cloud.
- Any footage to be retained must be marked as evidential, to prevent automatic deletion.
- For Incidents where the Police have not been in attendance, following consultation with the enforcement officer operating the device a decision will be made on whether referral to the Police is appropriate.
- Any data that needs transferring from the cloud storage to any individual, can be done using a temporary login for the specific footage that can be given to an authorised recipient, e.g. Police or solicitor.
- All retained data will be kept until all investigations have been completed or a prosecution has taken place.
- Any other data not required for evidential purposes will be automatically deleted from the cloud within 30 days.

3.8. Authorised Personnel

- CCTV manager
Streetscene Solicitor ASB Lead
Senior Park Ranger
Duty Ranger
Head of Green Spaces & Amenities

4. Requests to View Footage

4.1. Subject Access Request

All data not required for evidential purposes will be deleted automatically after 30days. However, the Data Protection Act gives individuals the right to be told what personal information we hold about them and to receive a copy of that information. Any application to view footage is covered by Burnley Borough Council's 'Subject Access Request' Procedure.

Requests must be made in writing (including emails and faxes) and sent to greenspaces@burnley.gov.uk