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08/06/2022

**FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 174/2022**

Thank you for your request for information regarding an updated BWV policy, which has now been considered.

**Applicant Question:**

On 4th December 2015 you responded to a request for information regarding the use of Body Worn Video by Police officers elsewhere than at a Police station.

This request can be found here:

[https://www.whatdotheyknow.com/request/use\\_of\\_body\\_cameras\\_to\\_interview#incoming-741791](https://www.whatdotheyknow.com/request/use_of_body_cameras_to_interview#incoming-741791)

PACE Code E & F has since been revised and, in fact, the College of Policing have published an article following a Pilot from Merseyside Police: <https://www.college.police.uk/article/merseyside-use-body-worn-video-success>

It is now up to the Chief Constable / Commissioner to decide on this policy and I strongly believe that the NPCC will be aware of this crucial change which will no doubt free-up officer time and lower public cost and negate issues with PACE Code G.

Please provide the updated policy or guidance provided to Constabularies across England & Wales specific to the use of Body Worn Video for suspect interviews elsewhere than at a Police station - i.e. contemporaneous interview or voluntary attendance (voluntary attendance may include at the police station not under arrest).

If this information is not held as there has been no guidance, please state this and whether there are any plans to communicate with all forces?

**NPCC Response:**

The NPCC does not hold information captured by your request. This is because there has been no new guidance or policy created or shared at this time.

The NPCC has a legal obligation to try and advise and assist you further with your request; for more information on the legislation please see Annex A.

In wishing to assist you, I can confirm that PACE permits a Chief Constable to authorise a device, and following consultation with the CPS, the interview is lawful and compliant.

1st Floor, 10 Victoria Street, London SW1H 0NN T 020 7084 8950 F 020 7084 8951



In this Code:

(a) in relation to the place where an interview of a suspect to which this Code or (as the case may be) Code F, applies, is conducted and recorded (see Note 1A):

- (i) 'authorised' in relation to the recording devices described in (ii) and (iii), means **any such device that the chief officer has authorised interviewers** under their direction and control to use to record the interview in question at the place in question, provided that the interviewer in question has been trained to set up and operate the device, in compliance with the manufacturer's instructions and subject to the operating procedures required by the chief officer;
- (ii) (ii) 'removable recording media device' means a recording device which, when set up and operated in accordance with the manufacturer's instructions and the operating procedures required by the chief officers, uses removable, physical recording media (such as magnetic tape, optical disc or solid state memory card) for the purpose of making a clear and accurate, audio recording or (as the case may be) audio-visual recording, of the interview in question which can then be played back and copied using that device or any other device. A sign or indicator on the device which is visible to the suspect must show when the device is recording;
- (iii) (iii) 'secure digital recording network device' means a recording device which, when set up and operated in accordance with the manufacturer's instructions and the operating procedures required by the chief officers, enables a clear and accurate original audio recording or (as the case may be) audio-visual recording, of the interview in question, to be made and stored using non-removable storage, as a digital file or a series of such files that can be securely transferred by a wired or wireless connection to a remote secure network file server system (which may have cloud based storage) which ensures that access to interview recordings for all purposes is strictly controlled and is restricted to those whose access, either generally or in specific cases, is necessary. Examples of access include playing back the whole or part of any original recording and making one or more copies of, the whole or part of that original recording. A sign or indicator on the device which is visible to the suspect must show when the device is recording.

**Justine Brisley**

[www.npcc.police.uk](http://www.npcc.police.uk)

## COMPLAINT RIGHTS

### Internal Review

If you are dissatisfied with the response you have been provided with, in compliance with the Freedom of Information legislation, you can lodge a complaint with NPCC to have the decision reviewed within 20 working days of the date of this response. The handling of your request will be looked at by someone independent of the original decision, and a fresh response provided.

It would be helpful, if requesting a review, for you to articulate in detail the reasons you are not satisfied with this reply.

If you would like to request a review, please write or send an email to NPCC Freedom of Information, c/o PO Box 481, Fareham, Hampshire, PO14 9FS.

If, after lodging a complaint with NPCC, you are still unhappy with the outcome, you may make an application to the Information Commissioner at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

## **Annex A**

Section 17 of the Freedom of Information Act 2000 requires the NPCC, when refusing to provide information by way of exemption in question and (c) states why the exemption applies. In accordance with the Freedom of Information Act 2000 this letter acts as a refusal notice to those aspects of your request.

### **Legislation – Section 16**

- (1) It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it.