Number: A 0901 Date Published: 10 February 2022

Version 11 – February 2022

### 1.0 Summary of Changes

This procedure has been updated to include new section 3.1.5 detailing the operational requirement for officers to always attempt to secure the original footage unless unable to do so due to unforeseen or unavoidable circumstances.

#### 2.0 What this Procedure is about

The main objective is to make best use of Body Worn Video (BWV) technology to ensure a safer Essex by preventing crime and disorder and where appropriate, gathering evidence to support bringing offenders to justice. BWV will assist users in achieving this by:

- Reassuring the public and improve trust and confidence to victims;
- Increase and improve intelligence gathered;
- Assist Criminal Justice partner agencies in delivering best evidence;
- Reduce Officer case build time and court appearances;
- Ensure BWV is used in compliance with relevant legislation;
- Increase integrity and control of digital evidence as a crime exhibit

Compliance with this policy and any linked procedures is mandatory.

#### 3.0 Detail the Procedure

### 3.1 Roles & Responsibilities

Local supervisors and relevant senior management teams responsible for the officers who utilise this equipment should ensure this procedure is being correctly applied and adhered to.

#### 3.1.1 BWV Operators

- Must familiarise themselves with this policy and procedure and comply with it;
- Must ensure they have completed the mandatory training prior to utilising the cameras and software;
- Must take responsibility for what they have chosen to record or not, which sometimes is dictated by events as they happen. Operators may have to justify their decision making during any subsequent court or other investigative proceedings;
- Only Essex Police purchased Body Worn Video devices can be utilised by staff.
   Under no circumstances must any privately-owned BWV devices be used to capture evidence by any Essex Police employee.

Number: A 0901 Date Published: 10 February 2022

Version 11 – February 2022

#### 3.1.2 Terms and Definitions

All images recorded are the property of Essex Police and must be retained in accordance with force procedures and the National Police Chiefs' Council (NPCC). Practice on Police Use of Digital Images. Images are recorded and retained for policing purposes and must not be shown or given to unauthorised persons other than in accordance with specified exemptions.

BWV is an overt method by which officers can obtain and secure evidence at the scene of incidents and crimes. These procedures are intended to enable officers to comply with legislation and guidance to create evidence for use in court proceedings.

Some key terms used in the policy sections of this policy document are summarised below:

- BWV Body Worn Video;
- Capture The recording of images and audio;
- Evidential footage Known to be required for an offence;
- Intelligence footage Thought to be relevant to a particular target or incident(s) under normal circumstances, officers should not use BWV as an intelligencegathering tool and should delete any BWV footage that has no evidential value.
  Extremely strong justification is likely to be needed to retain such footage,
  especially where it only shows lawful conduct;
- MOPI Management of Police Information.

### 3.1.3 Key principles for the Overt Use of Body-Worn Video

The Home Office and the College of Policing (CoP), have produced initial guidance, with seven key principles in the Police use of BWV. Full details for each principle are contained on the CoP website.

The seven principles for the overt use of BWV provide the strategic underpinning of force policy. Each principle is supported by these instructions and associated documentation. All users should familiarise themselves with these principles. These principles are subject to continual review and will be updated where necessary.

### Principle 1

 The use of body-worn video, by the police, is lawful. Common law provides the police with the authority to use BWV in the lawful execution of their duties, for the purpose of the prevention and detection of crime.

## Principle 2

 Data will be processed and managed in line with Home Office Code of Practice on the Management of Police Information (2005), College of Policing (2013) APP on Information Management and the principles of the Data Protection Act 1998.

Number: A 0901 Date Published: 10 February 2022

Version 11 - February 2022

 Data retention, review and disposal must be in line with relevant legislation and current guidance. Forces must be able to ensure the integrity of data throughout the process and have due regard for the Home Office (2013) Surveillance Camera Code of Practice.

### • Principle 3

 'The normal use of body-worn video will be overt.' Chief Officers must ensure that the capabilities of BWV equipment are clear to the public. This includes its ability to capture audio as well as visual imagery. BWV may be used in covert policing, subject to the relevant authorities.

## Principle 4

The operational use of body-worn video must be proportionate, legitimate and necessary. Compliance with the Human Rights Act 1998 (HRA), Data Protection Act 1998 (DPA) and the Surveillance Camera Code of Practice will ensure the use of BWV is always proportionate, legitimate and necessary. Continuous, non-specific recording is not permitted.

### Principle 5

 Use of body-worn video will be incident specific. Officers will use common sense and sound judgement when using body-worn video, in support of the principles of best evidence. Officers are required to justify their use of BWV. There should be a tendency towards capturing audio/visual evidence when deciding whether to record. Nevertheless, there are several limitations.

#### Principle 6

 Body-worn video does not replace conventional forms of evidence gathering (such as written statements and Police and Criminal Evidence Act 1984 (PACE) interviews), it supports them. Officers will continue to follow current practices for achieving best evidence.

#### Principle 7

- Forces will consult locally with their communities on the use of body-worn video. Engagement will be proportionate to the local level of impact, which will be influenced by a force's decision to deploy BWV.
- Forces should carry out consultation to show due regard for the Public Sector Equality Duty and the Surveillance Camera Code of Practice.
   Consultation is also required for completing a privacy impact assessment and to comply with fair processing regulations in accordance with the DPA.

### 3.1.4 When Do You Use BWV and When Not – (Principle 5)

BWV is an overt recording medium and can be used across a wide range of policing operations and incidents. There are a few examples of situations where the use of BWV is not appropriate.

In all cases users must use their professional judgment with regard to recording. 'Use of body-worn video will be incident specific. Officers will use common sense and sound judgement in support of the principles of best evidence.'

Number: A 0901 Date Published: 10 February 2022

Version 11 – February 2022

There should be a tendency towards capturing BWV evidence when deciding whether to record. Nevertheless, there are several limitations.

The expectation is that users must activate BWV to record events in the following specific circumstances unless there are legal or operational reasons not to do so. Any such reasons must be recorded in the Officers Pocket Note Book (PNB).

#### All users must use BWV when:

- Attending premises in order to effect an arrest;
- Attending ANY report of a domestic incident (and subsequent recording of the DV1 and/or MG11 procedure). If officers do not record an incident of this nature they must record a clear rationale. This must be considered an exception rather than the rule and officers will need to be able to justify their decision;
- Prior to entering any land, premises, vehicle, vessel or aircraft in pursuance of any legal power in order to search those premises and for the duration of the search.
- When a user stops a person in a public place in order to ask them to account for their actions in order to establish their possible involvement or otherwise in an offence;
- When a user decides to conduct the search of a person, premises, land, vehicle, vessel or aircraft in accordance with code A Codes of Practice for PACE or any other statutory power;
- When a user believes an interaction presents or is likely to present a risk to the safety of the user or other persons present i.e. someone threatening self-harm;
- Where a user is or may be required to exercise the use of force against persons or property:
- Where a user gives a direction to an individual or group under any statutory power;
- When a user is attending custody with a prisoner or is called to attend custody for an operational reason;
- When a user is deployed into an Essex Custody Suite as the Custody Officer
- Stop and search/account;
- All officers involved in a pursuit (including any passengers) are reminded that where safe to do so they should activate their body worn video camera;
- Authorised and spontaneous armed operations (It is expected that Authorised Firearms Officers (AFO's) will wear BWV at 'Overt Firearms Operations' and such use will be governed by a separate Standard Operating Procedure (SOP) in accordance with national guidelines);
- Taser trained Officers when deployed to an incident whereby the potential for Taser deployment may be required;
- Any other situation that an Officer may feel is of evidential value

In circumstances where a user would have been expected to have recorded the incident as per the circumstances above and BWV is not used, the user must record the reasons.

Number: A 0901 Date Published: 10 February 2022

Version 11 – February 2022

Failing to record an incident may require explanation in court; however in some instances it is not appropriate to make a video recording and in such cases users should record the fact in their PNB.

Users may not indiscriminately record entire duties or patrols. Recordings must be incident specific (whether or not the recording is ultimately required for use as evidence).

All recordings may be used in evidence, even if it appears to the user at the time of the incident that this is unlikely (e.g., a stop and search with a negative result). All recordings should be treated as evidential until it is confirmed otherwise. If it becomes obvious that the recording will not be evidential, unless there are other extenuating circumstances, users should stop recording immediately and arrange for the recorded footage to be scheduled for deletion as soon as practicable.

Users should capture as much evidence as possible (including the context of the encounter) and should always try to record as much of an incident as possible.

Users should begin recording at the start of an incident or at the earliest opportunity thereafter, for example:

- As soon as users are deployed to an incident, or
- As soon as they become aware that any other encounter is likely to occur in front of them.

AXON BWV devices are configured to automatically record a 1-minute (non-audio) buffer prior to any activation of the record feature.

The following examples of where the use of BWV is not appropriate are for guidance only and this list is not exhaustive:

- Intimate searches BWV must not be used under any circumstances for video or photographic recording to be made of intimate searches, or in any other circumstances where persons are in a state of undress;
- BWV should not be used for formal investigative interviews (e.g., interview for evidence-in-chief purposes, or a significant witness interview for the purpose of preparing a statement), nor may BWV be used for interviewing suspects as it would contravene PACE Code C. It is also currently unsuitable for recording interviews with vulnerable or intimidated witnesses and victims;
- When dealing with reported cases of Rape or Serious Sexual Assault refer to section 3.10:
- Legal privilege BWV users must be careful to respect legal privilege and must not record material that is or is likely to be subject of such protections;
- Private dwellings whilst use of video at the scene of domestic incidents is covered in other sections, users must consider the right to private and family life, in accordance with article 8 of the Human Rights Act, and must not record beyond what is necessary for the evidential requirements of the case;

Number: A 0901 Date Published: 10 February 2022

Version 11 – February 2022

- ABE/Vulnerable Witness Interview the use of BWV is not a replacement for ABE interviews and vulnerable victims must be dealt with in accordance with the current force policy;
- Users should exercise care in using BWV where it may cause serious offence, for example, during religious worship;
- Explosive devices like many electrical items, BWV cameras could cause electrostatic interference, which may trigger explosive devices. Therefore, BWV equipment MUST NOT be used in an area where it is believed that explosive devices may be present.

During the routine recording of incidents or arrests officers are likely to record significant statements made by suspects. BWV recordings do NOT replace the legal requirements imposed by PACE Code C namely:

**11.13** A record shall be made of any comments made by a suspect, including unsolicited comments, which are outside the context of an interview, but which might be relevant to the offence. Any such record must be timed and signed by the maker. When practicable the suspect shall be given the opportunity to read that record and to sign it as correct or to indicate how they consider it inaccurate.

Should a significant statement be recorded by an officer on BWV, then this is to be recorded in the officer's PNB/ ePNB and offered to the suspect for signature. The recorded footage can be viewed to establish the exact words used by the suspect before being offered to the suspect for signature.

### 3.1.5 Original Footage – Operational Requirement for Officers

Where footage is captured on an electronic system other than body worn video, then every practicable effort must be made to secure this material as the original download.

Taking a video or image of CCTV footage on body worn video or other mobile device may be seen as a pragmatic way to assist with reasonable lines of enquiry whilst waiting on a formal evidential download to be completed. It does however have the potential to create significant procedural difficulties and should only be considered for immediate intelligence purposes only (for example, where there is an immediate threat to life or to facilitate recognition of an offender at large). It must always be followed up with a valid download of the original image data.

The use of BWV to capture video or images from any another device is only seen as a last resort in response to immediate intelligence purposes for recognition only.

Officers must ensure that if this is done, the original source recording must also be seized and treated as an exhibit in line with current working practices.

Number: A 0901 Date Published: 10 February 2022

Version 11 – February 2022

## 3.2 Equipment

The BWV equipment is a body-mounted camera with a built-in microphone. The camera stores digital files, which, once recorded, cannot be deleted or amended by the operator. Each digital file carries a unique identifier and is time and date stamped throughout. Dedicated software, 'Evidence.com' will manage the downloading, storage and burning to DVD of the digital files as required. This provides a full audit trail ensuring evidential continuity is maintained. It will be the responsibility of the systems administrator to report any malfunctions to the relevant department

### 3.3 Training

All BWV users will be required to complete the Essex Police on-line learning package. Additional guidance on the Intranet is available along with a number of guides and a 'Frequently Asked Questions' document. The E-Learning must be completed individually, and a certificate of completion created via 'develop-you' prior to use of either camera or software. Only then will details of authorised users will be supplied to the systems administrator who will issue the necessary log on details.

In addition, local (station level) BWV Champions will be nominated to guide and assist users should they have any questions about the device or its use.

Only officers who have received the appropriate training will be issued the equipment.

Cameras will be signed out by designated BWV Team members in conjunction with officers using their network login and BWV password on evidence.com

### 3.4 Recording an Incident

Guiding principles are:

- Officers/PCSO's will wear BWV when on operational duty. In the event of a BWV not being available for any reason, the duty supervisor must be contacted and advised;
- Essex Police firearms officers will wear BWV when engaged on routine operational duties and adhere to this procedure. A separate policy covers use by firearms officers;
- The camera should be switched on when footage might support 'professional observation' or would corroborate what would be written in a police issue pocket notebook (see Section 3.1.4 When do you use BWV and when not);
- Recording must be incident specific, and operators should not indiscriminately record entire duties or patrols. BWV must only be used to capture video or audio at incidents that would normally be subject of PNB entries, or used as "professional observation" for use by supervisors;
- The decision to record or not to record any incident remains at all times with the trained user;

Number: A 0901 Date Published: 10 February 2022

Version 11 – February 2022

- The BWV user should be mindful that failing to record incidents that are of evidential value may require an explanation in court;
- It is evidentially important to record as much of an incident as possible; therefore, recording should begin at the earliest opportunity.

## 3.5 What to Say

At the commencement of any recording the user should, where practicable, make a verbal announcement to indicate why the recording has been activated.

If possible this should include:

- Date, time and location;
- Incident type;
- Confirmation, where practicable, to those present that the incident is now being recorded using both video and audio.

If the recording has commenced prior to arrival at the scene of an incident the user should, as soon as is practicable, announce to those persons present at the incident that recording is taking place and that actions and sounds are being recorded. Specific words for this announcement have not been prescribed, but users should use straightforward speech that can be easily understood by those present, such as:

"I am wearing and using a body worn video camera which is recording both video and sound...".

## 3.6 People Objecting to Recordings

The video recording will not be ceased at the request of a member of the public. If an officer feels the recording is unnecessarily inflaming a situation then they can use their judgement, following the principles of the National Decision Model.

The use of body worn video is being introduced for a legitimate policing purpose. If a member of the public objects to being videoed then they should be informed that the use of BWV is authorised within Essex Police and the public should expect officers to use this equipment when they are dealing with incidents to which they have been called or incidents which dynamically require the attention of a police officer.

In principle, users are not required to obtain the expressed consent of the person or persons being filmed. If the subject of an encounter requests that the BWV be switched off, the user should advise the subject that:

- Any non-evidential material is retained for a maximum of 31 days only (in accordance with the Data Protection Act (DPA) and Management of Police Information (MoPI);
- This material is restricted and cannot be disclosed to third parties without the subject's express authority, unless prescribed by law;

Number: A 0901 Date Published: 10 February 2022

Version 11 – February 2022

 Recorded material is police information and can be accessed on request in writing in accordance with the Freedom of Information (FOI) Act (unless an exemption applies) and is also accessible via a subject access request in accordance with the DPA.

It is then for the user to consider on a case-by-case basis whether or not to switch the BWV off. There should always be a tendency to record (within the confines of legislation) unless circumstances dictate otherwise.

If the user deems it necessary to turn off their BWV, but events subsequently develop that require further investigation or proceedings they should:

- Resume recording to capture any potential evidence;
- Make the appropriate verbal announcements;
- Record the circumstances in their PNB.

### 3.6.1 Public Requests to Record

Users may encounter members of the public who specifically request that any encounter or interaction is recorded, even if the user does not feel that there is any evidential reason to do so. Unless there are clear reasons to do otherwise, the user should record such an encounter, but should remind the person requesting the recording that, unless there is an evidential reason to retain the footage, it will be automatically deleted in line with existing local guidelines (but will not be retained for longer than 31 days.)

#### 3.7 Collateral Intrusion

In so far as is practicable, users should restrict recording to areas and persons necessary in order to obtain evidence and intelligence relevant to the incident and should attempt to minimise collateral intrusion. Any persons recorded as part of a Policing incident can and may be deleted from the footage by authorised and trained professionals. Users must note that this process will be carried out in exceptional circumstances only and not as a matter of course. Decisions surrounding this process will be taken on the sensitivity of the footage captured. This process can only be carried out by the DFU.

### 3.8 Private Dwellings

In any private dwelling, users may find that one party objects to the recording taking place (for example in Domestic Incidents). In such circumstances users should continue to record and explain the reasons for recording continuously which include:

- That an incident has occurred requiring police to attend;
- That the officer's presence might be required to prevent a Breach of the Peace or injury to any person;

Number: A 0901 Date Published: 10 February 2022

Version 11 – February 2022

- The requirement to secure best evidence of any offences that have occurred, whether this is in writing or on video and the video evidence will be more accurate and of higher quality and therefore in the interests of all parties;
- Continuing to record would safeguard both parties with true and accurate recording of any significant statement made by either party;
- An incident having previously taken place may reoccur in the immediate future;
- Continuing to record will safeguard all parties against any potential allegations.

The filming in domestic circumstances could be an issue with some cultural and religious beliefs. An example may be where a female in her home may not be dressed as she would usually be in public e.g., wearing head or face coverings. Officers should be aware of this fact and be practical and sensitive to the wishes of those involved in these Policing incidents.

## 3.8.1 Forced Entry into Premises as Part of a Warrant

As a minimum the initial contact with occupants to confirm powers of entry/warrant etc, method of building entry and any subsequent damage to doors should be captured on BWV. This will assist in any subsequent enquiries relating to the circumstances and impact of these incidents.

#### 3.9 Crime Scenes

It is evidentially important to record as much detail of any given crime scene; therefore recording should begin at the earliest opportunity. All LPT Officers are asked to capture a slow 360 degree capture of all crime scenes linked to serious offences upon arrival, ensuring that the footage captures all persons present including members of the public as this will provide the Senior Investigating Officer (SIO) with previously lost evidential data and will introduce savings during the investigative process. Each crime scene recorded must be highlighted as evidential data and brought to the attention of the SIO at the earliest opportunity.

This does not detract from the use of BWV device to capture a full 360-degree video of any scene, which the Officer attending wishes to capture. This applies to the following:

- Murder:
- Serious Assaults:
- Unexplained deaths;
- Suicides;
- Domestic Assaults:
- Criminal Damage;
- Road Traffic Collisions.

Officers must be aware that the above list is not exhaustive, and it is at the discretion of the Officer if they choose to record any scene.

Number: A 0901 Date Published: 10 February 2022

Version 11 – February 2022

### 3.10 Recording in Custody

In general, officers should continue to record the circumstance of detention until the detained person has been taken to their cell. This allows for the possible capture of any significant statement or evidence of behaviours that might assist the custody sergeant in consideration of threat, harm and risks posed by or to the detained person. BWV should not be used to record the detainee if they are subject to an intimate search, holding private consultations or subject to a medical examination or assessment. In those circumstances, should an Officer be present, the BWV should be switched off.

If a user attends a custody suite in response to an operational or detention matter that requires their assistance e.g. cell extraction, dis-robing, violent episode, BWV should be activated prior to entering the custody suite.

When a user (Police Sergeant), is deployed into an Essex Custody Suite as the Custody Officer. At the start of their duty, the Custody Officer will set their BWV camera to 'buffering mode' whilst inside the suite and will then activate to record any incident they decide or should expect to record in line with this policy and procedure.

### 3.11 Concluding a Recording

Unless a Post Incident Procedure is invoked, it is considered advisable that the officer continues to record for a short period after the incident to clearly demonstrate to any subsequent viewer that the incident has concluded, and the user has resumed other duties or activities.

Recording may also be concluded when the officer attends another area such as a custody centre where other recording devices are able to take over the recording. Officers must however be aware that not all areas of these departments are covered by CCTV, and it is therefore at the discretion of the Officer if they are to record any incidents within these areas, such as escorting prisoners to cells not containing CCTV. This discretion may include the decision to continue videoing a detained person whose behaviour is something which may be captured for evidential purposes.

Prior to concluding recording the user should make a verbal announcement to indicate the reason for ending the recording this should state, when practicable:

- Date, time and location;
- Reason for concluding recording.

### 3.12 Post Incident Procedures

Post incident investigations will commence in all situations where, following police contact, death or serious injury has occurred.

Number: A 0901 Date Published: 10 February 2022

Version 11 – February 2022

Investigations may be conducted by the force professional standards department or an Independent Investigatory Authority (IIA), such as the Independent Police Complaints Commission (IPCC). Investigations may also be undertaken by the Health and Safety Executive.

Where it is evident that following contact with police, a person has been critically / seriously Injured, the force control room must be contacted immediately and **the BWV user must continue recording until such times as they are told otherwise** – if the BWV was not turned on at the time injury occurred it must be as soon as practicable. Having the BWV recording will provide corroborating proof of the delivery of the conferring warning at/near the scene (usually by a supervisor or PIM) as soon as practicable once the scene is secured, as well as evidence of the scene itself. **NOTE**; this is the user's corroborating evidence and is not a mechanism for recording the scene on behalf of the investigating bodies.

BWV recording by Key Police Witnesses (KPW) involved in the incident en-route to the post incident location will also provide confirmation that officers did not confer about the incident in transit. This also applies to any officer not connected to the incident but escorting the KPW(s) to the Post Incident Procedure (PIP) location.

On arrival at the Post Incident Suite users should continue to record until directed by the Post Incident Manager (PIM). If there are extenuating circumstances, for example the officer is injured/traumatised and requires medical intervention. The PIM should be informed of this fact where early consideration to the need to continue to record will be assessed. In cases of officer welfare and privacy the user may cease recording, but justification must be recorded appropriately.

The PIM or nominated person where practicable will ensure a further conferring reminder is given to the KPW(s) on the arrival at the PIP location. Unless extenuating circumstances apply this should be done prior to the PIM authority to discontinue recording.

Once the PIM has directed the recording to cease, this will be recorded in the PIM log. The PIM must ensure the need to continue recording once the officers have arrived at the PIP location is justified and that it doesn't impinge on their rights to privacy and legal privilege. Careful consideration is required to balance the needs of the officers and the need for a transparent and open PIP process.

Once recording has ceased the process for data retrieval should be adhered to.

For officers who are retained at the scene, the PIM in consultation with the investigating bodies may make the decision to instruct the officers to cease recording if there is no further evidential gain.

Number: A 0901 Date Published: 10 February 2022

Version 11 – February 2022

Officers will not be permitted to view their own or other officers BWV footage prior to the recording of their initial account (Stage 3) but will be permitted to view BWV footage prior to recording a detailed account (Stage 4); this is to protect the integrity of the process and the integrity of their evidence.

Viewing of the BWV footage after a stage 3 account will be under the direction and supervision of the appointed investigative body, for example, the IPCC or CPS and PIM.

The Post Incident Process must be open and transparent and capable of withstanding scrutiny. If any officer has concerns that the integrity of the process is not being maintained, they must immediately bring this to the attention of the PIM.

### 3.13 Stop and Search

All 'stop and search' encounters must be recorded unless the search is a more thorough search or a more thorough search involving the exposure of intimate body parts as defined in code 'A' PACE 1984 code of practice. A video recording does not replace the need for compliance with the stop and search policy and code A of PACE 1984.

If nothing of any evidential value is found, or offences disclosed that require further police process or engagement, the footage relating to the account should be scheduled for deletion as soon as practicable.

#### 3.14 BWV footage Used in Suspect Interviews

In order to provide the best possible service to victims of crime, BWV footage should be presented to suspects who are interviewed in custody. Visual and audio footage obtained from the scene of a crime and from the victim contains impactive and vital primary evidence that may allow opportunities for suspects to consider the genuine impact their alleged crimes have had on their victim. The benefits of showing BWV footage to suspects also extends to the Interviewing Officer or the Officer in Case (OIC). The use of the footage in interview should increase opportunities for early guilty pleas by suspects, which in turn reduces the potential for a protracted criminal justice process leading to an enhanced victim experience. In addition to this, we may see a reduction in file upgrades for officers, and our colleagues in Criminal Justice Units (CJU).

Officers are to follow the defined and published processes for showing BWV footage in interview and ensure the appropriate documentation is completed on each occasion. Users should expect to be held to account by supervisors for not showing BWV footage in a custody interview with a suspect. Supervisors of interviewing officers also hold a key responsibility to ensure their staff use any BWV footage in suspect interviews.

Number: A 0901 Date Published: 10 February 2022

Version 11 – February 2022

Custody Staff are responsible for submitting an electronic form (BWV3) prior to permitting an interviewing officer to take a detainee to an interview room. This form is located on the Frevvo platform and Custody Staff have been given appropriate training and guidance on completion of this form. An analyst from PAU will be allocated to extract data and present monthly interval reports on compliance and reporting of using BWV footage.

### 3.14.1 Clipping and Book Marking

Clipping does not involve deletion of any images, merely the user making a choice of how to show excerpts of footage in interview or sharing with other officers. Bookmarking is a means by which a marker can be placed on the recording to facilitate efficient evidential recovery. This makes viewing and sharing with defence and CPS easier.

There are no circumstances in which the deletion by the user of any images already recorded can be justified and any such action may result in legal or disciplinary proceedings. The BWV hardware used by Essex Police is fully auditable and any deleted recordings or removal of any part of the camera are automatically reported to the systems administrator.

#### 3.15 Selective Capture

Selective Capture is a phrase to cater for the choices made by officers about which elements of an incident to video. In general, the BWV user should record entire encounters from beginning to end without the recording being interrupted. However, the nature of some incidents may make it necessary for the user to consider the rationale for continuing to record throughout entire incidents.

For example, the recording may be stopped in cases of a sensitive nature or if the incident has concluded prior to the arrival of the user. In all cases the user should exercise their professional judgment in deciding whether or not to record all or part of an incident.

In cases where the user does interrupt or cease recording at an ongoing incident they should record their decision on video and their PNB including the grounds for making such a decision.

#### 3.16 Witness First Accounts

If the BWV user is approached by victims or witnesses who are giving their first account of the crime the user may record the encounter using BWV, but this should be considered against the needs of the individual with due sensitivity to the nature of the offence being reported. Any initial disclosure from victims and witnesses recorded by BWV should be treated as an evidential recording and submitted to the investigating officer. This is important to ensure compliance with statutory identification procedures under PACE Code D.

Number: A 0901 Date Published: 10 February 2022

Version 11 – February 2022

Such recordings do not replace the need for formal written statements from victims or witnesses, but they can be used as supporting evidence for the statements and can also be considered as hearsay evidence and used in accordance with the provisions of the Criminal Justice Act 2003.

If this recording amounts to the victim's first notes or initial description of suspects they may refer to the relevant section of the video when making their written statement. Care must be taken to ensure that the witness reviews only their account and they must not be allowed access to other sections of the recording. The extent of any review by the witness to assist with making their statement must also be recorded in their statement.

Care should be taken to ensure that should a victim or witness provide a 'first description' of the offender on video, this fact should be recorded and submitted to the investigating officer. This is important to ensure compliance with statutory identification procedures under PACE Code D.

## 3.17 Recording of Interviews

BWV should not be used to record interviews of suspects under caution, which occur at a police station.

#### 3.18 Scene Review

An additional use of BWV is to record the location of objects and evidence at the scene of a crime or incident. This can be particularly beneficial in allowing the Senior Investigating Officer (SIO) an opportunity to review scenes of serious crime or in effectively recording the positions of vehicles and debris at the scene of a serious road traffic collision.

If reviewing a scene this should be treated as an evidential recording and where possible the officer should provide a running commentary of factual information to assist later viewers. See section 3.6 for further clarity

### 3.19 Witness Identification

Witnesses to a Policing Incident where the offender is present should under no circumstances be shown the video captured on the BWV. Officers should revert to Police and Criminal Evidence Act 1983 Section D (Annex E) Showing of Photographs or other controlled identification processes for further guidance.

Number: A 0901 Date Published: 10 February 2022

Version 11 – February 2022

## 3.20 Sharing BWV footage with Other Parties

Evidence.com allows users to share footage with other parties such as colleagues inside Essex Police and our partner agencies outside of the force. *Any* user with an evidence.com account can share *any* footage within the force or another law enforcement agency partner. A user sharing footage must only do so in line with the rules of disclosure, principles of data protection and alongside a legitimate policing purpose. Officers are to follow the defined process for sharing footage and refer to the help guides section on the BWV intranet pages. The benefits of sharing footage at the earliest stage includes swifter evidence preparation across departments, a reduction in use of the custody clock for detained persons in custody, and so minimising the opportunity for complaints or representations regarding the expediency of the investigation. Sharing footage should also reduce the potential for unnecessary police bail or release of the detained person under investigation (RUI), thus streamlining the criminal justice procedure.

### 3.20.1 Uploading, File References and Exhibits

The BWV device should be placed in the upload/charging cradle at the end of the officer's tour of duty wherever possible. All recorded footage is automatically downloaded and is saved on the secure networked data storage facility. Footage must then be categorised by users entering the ATHENA / CUSTODY or STORM reference number in the incident ID column and other details such as exhibit number, suspects and other relevant details in the Notes column. Any additional information entered into these fields may be used to search on in the future making it easier to retrieve footage required.

Evidential footage will be considered any data that is:

- Evidence of an offence;
- Supporting evidence for any legal process i.e., charge, Fixed Penalty Notice, Penalty Notice for Disorder etc;
- Footage that is required for a relevant and proportionate policing purpose i.e. footage taken of an overcrowded town centre taxi-rank to highlight the need for an extended facility to Local Authority partners;
- Footage which should be revealed under The Criminal Procedure and Investigations Act 1997.

Evidentially the CPS request that whenever possible the footage clip is not clipped for court as this would mean that the defence may ask for the full version. Officers must ensure that they add the URN and other details to the footage as soon as it is practicable to do so. Failure to do so may result in the footage not being linked to the case file.

Number: A 0901 Date Published: 10 February 2022

Version 11 – February 2022

Files necessary to support a case or investigation on ATHENA must have a link to the BWV footage created on the MG0 as per training and guidance documents. The MG5 should be completed with details of the officer/s making the recording, timings and summary of material.

Data downloaded as non-evidential must be scheduled for deletion and will be stored on evidence.com for 31 days. During that time it is searchable and can be retrieved and marked as evidential if required. After this period it will be automatically deleted.

BWV is supporting evidence and officers will still be required to provide written statements, which must include the audit trail, for the capture of the footage and its subsequent production. Where more than one BWV device is present at the scene of an incident or the area of the incident is also covered by a CCTV system the OIC must ensure that all available footage of the incident is secured as exhibits in consideration of any defence arguments that may be presented.

## 3.21 Officers Viewing Footage Prior to Making a Statement

Officers may view any BWV footage prior to completing a written evidential statement. However, it is recognised in very rare circumstances BWV may be required and therefore seized as part of an enquiry into the most serious of incidents (e.g., an incident involving the death or serious injury to a member of the public).

On these rare occasions it shall be a decision for the incident commander/SIO (not below the rank of Inspector) whether to allow the relevant BWV video footage to be viewed by an officer/s prior to the making of any evidential statement. Such a decision must be recorded on the incident log or policy file with a rationale and has the potential to be scrutinised in court, by senior officers and if relevant by the IPCC.

Users must include a written reference to the existence or non-existence of any BWV footage within the Athena crime investigation enquiry log and summarise the evidence it shows.

Supervisors and accredited detectives must include a written reference to the existence or non-existence of any BWV footage within their Case Action Plans (CAPS) recorded in the Athena investigation review tab. Supervisors must consider whether any training or performance issues arise from any continued non-compliance with using BWV and tackle this appropriately.

### 3.22 Use by Professional Standards Department (PSD)

Essex Police PSD will not dip sample or routinely view BWV footage material.

Number: A 0901 Date Published: 10 February 2022

Version 11 – February 2022

BWV footage is subject to the principles outlined in the Data Protection Act. This prohibits the random dip sampling of retained footage other than for supervision and/or investigation purposes as outlined above. Open access to any database or server containing BWV footage for reasons other than this will not normally be granted unless exceptional circumstances exist and authority is given by the Head of Professional Standards.

Footage from incidents can be used to identify poor performance and learning opportunities. BWV footage can be used to quickly resolve complaints and avoid lengthy investigations. There is strong evidence to support the fact that BWV contributes to a net reduction in complaints and subsequent disciplinary action, by providing a clear and impartial record of any interaction.

This means that when a complaint arises the video record can be used to quickly establish exactly what happened and provide a speedy resolution as part of the complaints process. This provides greater transparency and allows officers to show that they followed the correct procedure if their actions are challenged.

PSD Investigators should only access footage for professional standards purposes where there is a clear and justifiable need to do so. Examples of this include - specific investigations, identified patterns of complaints in respect of a particular officer, or where specific intelligence has been received that would indicate that viewing of BWV footage is proportionate and necessary.

### 3.23 Local Complaint Resolution and Supervisory Viewing

It is expected that supervisors should consider reviewing BWV footage relating to their officers as a supervision tool and as a means of improving performance or to identify training needs. This is especially important in areas such as stop & search, where improved performance will increase community confidence.

When reviewing footage in these circumstances, supervisors and/or investigators should make a note of the fact they have done so and a brief reason for reviewing the particular piece of footage.

Any viewing of footage by complainants should be recorded by the investigating officer. In such circumstances, consideration should be given to considering whether non-connected persons on the material should be obscured.

BWV material that is relevant to the investigation of any complaint should be secured, reviewed and retained by the nominated investigating officer at the earliest opportunity, in line with the parameters of their investigation.

Material not directly relating to the investigation concerned should not be made available to the investigating officer, and open access to any BWV database or library of material will not be granted unless exceptional circumstances exist and authority is granted by the head of the PSD.

Number: A 0901 Date Published: 10 February 2022

Version 11 – February 2022

As in the prosecution of any offence, PSD must create master and working copies of any BWV material used in the investigation of a complaint and retain these in secure storage in accordance with force procedures.

All complaints received from the public about the conduct of any officer or member of staff (including those subsequently withdrawn) must be recorded in accordance with existing national and force procedures.

If a complainant reviews BWV material, forces should record the details in line with force procedures. Other persons on the material should be obscured as necessary. Where a complaint is dealt with by local resolution, the local supervisor should make a record of the viewing.

BWV users are expected to comply with the College of Policing's Code of Ethics.

### 3.24 Provision of Data to Outside Organisations

System data must not be provided or sent outside of the Force without prior permission from the System Owner and/or the Essex Police Information Security or an authorised person.

Any data sent outside the Force must be compliant with the Data Protection Act, The Management of Police Information (MOPI) guidance, Government Protective Marking Scheme (GPMS) and the Force Information Sharing Policy.

Relevant documentation must be completed therefore prior to sharing. Any information advice must be taken from the Data Protection Department to ensure the requirements within relevant legislation have been met. In all cases you must inform any organisation to which the data is sent of the protective marking associated with the information.

#### 3.25 Body Worn Video in Public Order Deployments

Body Worn Video (BWV) which is currently deployed on LPA or OPC can be used during public order deployments but must only be used in a manner which it is used in a response function, namely incident specific when dealing with personal interactions.

Public Support Unit (PSU) Commanders should consider the public perceptions and community impact of BWV in public order deployments: the effect on others within the event, both in relation to collateral and crowd dynamics; the effect on perception before and during peaceful protest; and ultimately its impact on public confidence.

The following points are relevant.

- BWV must not be deployed as a pseudo Evidence Gathering Team (EGT) tactic;
- BWV should only be used to capture an officer's personal interaction with another as per the national BWV guidance;

Number: A 0901 Date Published: 10 February 2022

Version 11 – February 2022

- Should BWV be used in public order deployments, specific briefings with regards to its use must be given;
- After activating the BWV officers must give their name, rank and force number along with a rationale for switching the BWV on if practicable to do so, for example when delivering a 'five step appeal'. BWV should only be switched off once that interaction has concluded and where practicable the officer should verbalise that the BWV is being switched off.

#### 3.27 Mutual Aid

- It is imperative that before being deployed on mutual aid the requesting force advises whether they have compatible downloading provisions for the responding force BWV system;
- Where data from the BWV camera are downloaded within the requesting force area the Chief Constable of that area will fulfil the duties of data controller ensuring compliance with legal obligations under the Data Protection Act;
- Alternatively, should footage need to be downloaded within the responding force area, the Chief Constable of this force will fulfil the duties of data controller.

### 3.28 Retention & Disposal

### 3.28.1 Retention and Legislation

All BWV evidence must be retained / disposed of in accordance with the Human Rights and Data Protection Act.

From the 1st July 2020 four additional changes will come into Force.

- 1) New retention Categories that are MOPI compliant;
- 2) Increased buffering time on the camera device from 30 seconds to 1 minute;
- 3) Validation formatting of the managed metadata fields;
- 4) Additional meta data fields.

Guidance and communications have been drafted and will be sent out Forcewide to all users.

### 3.28.2 Disposal

All footage at the conclusion of its appropriate evidential lifecycle must be considered for deletion

#### 3.28.3 APP Advice

Further advice can be obtained from the NPCC Authorised Professional Practice link: http://www.ncalt.pnn.police.uk/app/Final PDFs/APP Information Management.pdf

Number: A 0901 Date Published: 10 February 2022

Version 11 – February 2022

### 3.28.4 Human Rights Legislation

Essex Police must act in a way that is compatible with the European Convention of Human Rights (ECHR). Of particular relevance to retention periods of CCTV is Article 8 ECHR, which protects the right of an individual's private and family life.

#### 3.28.5 Data Protection Act 1998

The Data Protection Act 1998 (DPA) will be relevant to the retention of footage if the footage held is about a living person who can be identified from that data.

### 3.28.6 Freedom of Information Act 2000

Under the FOI individuals have the right to request any information held by a public authority.

## 3.28.7 Protection of Freedoms Act 2012 (CCTV Codes of Practice: Aug 2013)

On the 12th August 2013, the Surveillance Camera Codes of Practice came into force. The Codes are pursuant to Sec 29 of the Protection of Freedoms Act 2012. Essex Police is a 'relevant authority' as defined by Section 33 of the 2012 Act, and as such must show due regard to the code when exercising any function to which it relates. Whilst this is a Code of Practice, it is pursuant to Sec 29 of the Protection of Freedoms Act 2012, and is admissible in evidence in criminal or civil proceedings and a court or tribunal may take into account a failure by a relevant authority to have regard to the code in determining a question in any such proceedings.

### 3.29 Digital Image Capture / Evidential Continuity

Essex Police has a variety of digital image capture devices at its disposal (e.g. BWV, mobile devices). The fundamental issue surrounding each device is the audit trail following image capture, and the means and method of retention, disclosure and disposal. These key elements are enshrined in a number of Acts of Parliament, supported by national guidelines issued by the Police College / Home Office.

#### 3.29.1 General Principles

The following general principles must be adhered to in respect of 'Overt Digital Images' within the Force:

- Use of private capture equipment owned by police officers or police staff is prohibited:
- The master copy is the first copy made from the capture device and must be named as such immediately and securely stored;
- Any further copies will be working copies and must be identified as such;

Number: A 0901 Date Published: 10 February 2022

Version 11 – February 2022

• A full audit trail must be established and maintained at the point of image capture or at the point of retrieval or seizure from third party. The audit trail will document the working processes from capture through to disposal.

### 3.29.2 Continuity of Evidence

The data must include:

- Date footage taken;
- Identity of recorded;
- Officer in Case;
- Crime / Incident Reference Number;
- Exhibit Number;
- Offence type;
- Details of Images captured in the case of injury photographs the name of the victim must be included;
- Location footage taken.

### 3.30 Police Powers to take Images

Section 116(2) of the Serious Organised Crime & Police Act 2005 & s.64A of PACE

This allows a police officer to photograph a person away from a police station, with or without their consent.

#### 3.31 Uploading of Images onto Force Systems

Images may be uploaded onto Force systems, provided they support the evidential probity of the case. Future migration strategies for evidential images that need to be retained for long periods will be adopted by the IT Department as and when the business requirement is defined.

MOPI requires that all police information is reviewed in order to ensure that it is still necessary for a policing purpose and is adequate and up to date and also states that any review / disposal process must be documented within the audit process.

### 3.32 Image Enhancement

Any imagery that may affect an evidential outcome at court needs to have been prepared with the best forensic practices using the most appropriate equipment / software. ONLY the DFU can undertake this work.

If the case is a major investigation under the direction of an SIO, any image enhancement is likely to be through liaison between the SIO and the DFU. Officers must NOT under any circumstances attempt to alter or enhance imagery. Officers who are uncertain regarding aspects of court presentation of imaging evidence must contact the DFU or CJU for advice.

Number: A 0901 Date Published: 10 February 2022

Version 11 – February 2022

### 3.34 Footage Retention and Deletion

The primary purpose of review, retention and disposal procedures is to protect the public and help manage the risks posed by known offenders and other potentially dangerous people.

The review of police information is central to risk-based decision making and public protection. Records must be regularly reviewed to ensure that they remain necessary for a policing purpose and are adequate and up to date.

Where more than one BWV device is present at the scene of an incident the BWV user in the case must ensure that all available material of the incident is secured as exhibits in the first instance for consideration of any defence arguments that may be presented.

To avoid challenges at court, BWV users dealing with criminal investigations and court processes must retain all material that could be considered evidential or unused material until completion of the legal process. In the case of a guilty outcome, the material must be retained in line with MOPI timelines. If a not-guilty outcome is reached, the footage must be scheduled for deletion – except in the case of domestic violence, in which case the material must be retained.

#### 3.34.1 Retention and Deletion

Overt filming raises significant human rights issues, notably the question of whether police action is compatible with the right to respect for private life protected by Article 8. Challenges to the police use of BWV and in particular the retention of images have been heard in the courts and a number of judgments made.

Taking photographs and recording video of incidents and individuals is not likely to be unlawful, provided that users follow this guidance. If forces wish to retain such images, the purpose for which the photographs were taken and their continuing retention has to be justified and proportionate.

Once it becomes clear that the purpose for which the images were taken is no longer valid or no longer exists, the possibility that BWV footage could be of some legitimate use in the future is generally insufficient to justify continuing retention.

If the police retain photographs of a person, it must be justified and the justification must be compelling. Retention must be on the grounds that the policing purpose for which it is being retained is in order to pursue a legitimate aim, for example, prevention of disorder or crime, is in the interests of public safety, or is for the protection of the rights and/or freedoms of others?

Any records that have no evidential or intelligence value should be disposed of securely.

Number: A 0901 Date Published: 10 February 2022

Version 11 – February 2022

Essex Police has a flexible policy that takes into account the ongoing relevance of different types of material, including the retention of material that will not be used as evidence.

The decision to retain footage will be a matter of judgement in every case as some material may be relevant to the ongoing monitoring of a situation, but other material may need to be deleted immediately. For example, BWV recorded in private dwellings is always likely to be sensitive and intrusive, and footage that is not relevant to any criminal investigation or prosecution should normally be deleted in line with local force information management policies.

However, in circumstances where there is ongoing concern for victims and their children, e.g. DV incidents it may be appropriate to retain material for longer periods as doing so may help protect them, or, at a future time, provide evidence for courts to consider in proceedings such as applications for non-molestation orders.

Essex Police has a clearly defined and prompt destruction policy which is rigorously applied.

The following guidelines should be applied to the categorisation of footage. It is no longer acceptable to leave the footage as uncategorised. Revisions to this procedure require that officers MUST engage with every element of footage and determine whether or not it is to be retained or deleted.

#### QUICK GUIDE TO FOOTAGE RETENTION & DELETION - PRE 1st JULY 2020

WHEN TO RETAIN FOOTAGE	RETENTION CATEGORY
EVIDENTIAL: IF YOU MAKE AN ARREST	7 YRS
EVIDENTIAL: IF A MATTER IS REPORTED FOR PROCESS	7YRS
IF A PROSECUTION IS ON-GOING	PENDING OUTCOME
IF YOU ATTEND A REPEAT DA INCIDENT	7 YRS
IF A POWER OR FORCE WAS USED	2 YRS
IF A COMPLAINT IS LIKELY	2 YRS
IF IT IS A CORONER'S MATTER	2 YRS
WHEN TO SCHEDULE FOOTAGE FOR DELETION	N/A
IF THE FOOTAGE HAS NO EVIDENTIAL VALUE	N/A
IF A CASE IF NFA'D IN CUSTODY, BY CPS OR COURT	N/A

From the 1<sup>st</sup> July 2020 – the following change to retention of BWV will come into force for Essex Police and Kent Police.

Number: A 0901 Date Published: 10 February 2022

Version 11 – February 2022

All BWV evidence must be retained or disposed of in accordance with policy and MOPI guidance.

To ensure compliance with national guidelines, a new process is being introduced that will affect ALL BWV users.

Every piece of BWV footage recorded must be reviewed and categorised for either retention or deletion. It will no longer be appropriate to leave the footage sitting on the system to be auto deleted. A conscious decision must be made by the BWV footage owner to retain or delete.

The table below describes the new categories being introduced. Please note, any footage not categorised will be auto deleted after 60 days. Therefore, it is essential that all staff use the appropriate categories as detailed below.

Reports will be run to ensure staff are complying with this change.

Category	Retention	Instructions
Evidence of MOPI 1 offence	10 years	Use for MOPI Group 1 (serious violent, serious sexual, Child protection)  For more guidance please visit
Evidence of MOPI 2 offence	5 years	Use for MOPI Group 2 (Other violent, other sexual, drug supply)  For more guidance please visit
Evidence of MOPI 3 offence	3 years	Use for MOPI Group 3 (Acquisitive, Fraud/Forgery, Drug possession)  For more guidance please visit
Pending/Request Deletion	31 days	Use this category if you are not sure at the time of upload, if this footage may be required evidentially or not.  The footage will need to be re-categorised within 31 days, to the relevant retention category if it needs to be retained.

Number: A 0901 Date Published: 10 February 2022

Version 11 – February 2022

Retain –	78 weeks	Use this category, if you think that a complaint is likely.
Complaint likely		78 weeks equates to 18 months
Retain – Coroners matter	2 years	Use this category, if you think this may become a coroner's matter
Taser firing logs	6 years	This is for the retention of Taser Firing Logs only – DO NOT USE this for BWV footage.
Vulnerable person concern – no offence disclosed	2 years	Use this category if you need to retain footage taken when dealing with a vulnerable person but no offences have taken place.
X – Awaiting categorisation (Do not use)	60 days	Staff should <b>not</b> select this option. No BWV footage should be manually assigned to this category.
, ,		All footage that is stored within evidence.com up to 31.03.2020, but has not been assigned a category, will be bulk loaded into this category by IT.
		After 1 <sup>st</sup> April, all BWV users must review all their footage within this category and assign one of the new categories to it.
		This category will be deleted around 1st June (60 days after 1st April)
X - Exceptional (do not use)	20 years	This is for administration purposes only - DO NOT USE to retain BWV footage
X - Exceptional (do not use)	20 years	This is for administration purposes only - DO NOT USE to retain BWV footage
zzEvidential (do not use)	7 years	To be used only up to 31.03.2020.  From 1 <sup>st</sup> April 2020 no footage should be assigned to this category.
zzMajor Crime (do not use)	100 years	To be used only up to 31.03.2020. From 1 <sup>st</sup> April 2020 no footage should be assigned to this category.
zzOp Axon Unused (do not use)	7 years	To be used only up to 31.03.2020.  From 1 <sup>st</sup> April 2020 no footage should be assigned to this category.

#### 3.34.2 Increase in the Buffering Time

'Buffering Mode' (standby), meaning it will record video (but not audio) on a continuous buffer for 30 seconds. Once the footage recorded in Buffer Mode goes over 30 seconds, this footage is deleted and cannot be retrieved. However, once the officer hits the Event button to activate recording, the 30 seconds of buffered video (not audio), captured directly before the event, will be saved and attached to the event in permanent memory.

Buffering enables officers to capture evidence when something occurs in front of them, and to save having the camera recording permanently.

Essex Police and Kent Police have made the decision to increase the 30 seconds of buffering to 60 seconds, which will still be video only – this will come into effect on 1st April 2020.

Number: A 0901 Date Published: 10 February 2022

Version 11 – February 2022

### 3.34.3 Validation added to Additional Data Fields (Meta Data)

From 1<sup>st</sup> July 2020, when in evidence.com, the additional meta data fields, (found to the right-hand side of the screen), will have validation added against each field. This will mean that you can only enter data in the correct format for that data type, for example:

- Athena Investigation example
- Athena Case example
- Athena Custody example
- Storm example
- Stop and Search example
- Complaint No validation (free text).

#### 3.34.4 New Fields added to Enable Additional References to be Included

From 1<sup>st</sup> July 2020, four new additional data fields (meta data) are being added to evidence.com to enable staff to include additional references – these are:

- TOR (Traffic Offence Report) ddmmyyyy123456789;
- Athena Intel Ref -
- FORCE Please note Officers are now mandated to assign the relevant force to each piece of footage they upload - this is a drop-down field with "ESSEX" and "KENT" as options.

#### 3.34.5 How will this Affect Me? / What do I Need to Do?

If you use a BWV camera you will need to do the following:

- Be aware of the new categories and when they should be used (by reading the information above and, if required, re-reading MOPI guidance);
- Remember to assign the relevant force to each piece of footage (using the data fields on the right-hand side of the screen);
- As soon as possible after 1st April, log into evidence.com and use the filter to view any of your footage that has been moved into the "Awaiting Categorisation" category and re-assign one of the new categories to the footage.

If you have any queries, please refer to the BWV connexion / Insite pages in the first instance

#### 3.34.6 Tasers and BWV Bluetooth Connection

Another change that is coming soon (date to be confirmed), is the Bluetooth functionality between Tasers and BWV.

Number: A 0901 Date Published: 10 February 2022

Version 11 – February 2022

The new Bluetooth functionality will mean that when a Taser is armed by the operator, the Taser will send out a 30 second Bluetooth burst, over approximately 30 feet. This burst will automatically turn on any BWV camera that is in standby mode, within that Bluetooth range.

This gives us the ability to turn on BWV at incidents where Taser is deployed, automatically, and therefore gain all BWV available evidence from all officers at the location.

More detailed comms will be issued around the Taser element soon.

### 4.0 Equality Impact Assessment

Equality Impact Assessment – December 2019

#### 5.0 Risk Assessment

Supervisors, managers and officers deploying or using BWV must review the generic risk assessment for use of body worn video cameras (see appendix A). Users of BWV must carry out a dynamic risk assessment at each incident.

#### 6.0 Consultation

The following have been consulted during the formulation of this document:

- Unison
- Police Federation
- Essex Diversity and Inclusion Manager
- Health & Safety
- Strategic Change Team
- PSD Superintendent
- Policy/Risk
- Information Security
- Superintendents Association
- Strategic Force Crime & Incident Registrar
- Information Management
- Learning & Development
- Custody Commander
- LPSU
- LPA District Commanders
- Support Networks
  - Catholic Police Guild
  - Christian Police Association
  - Disability Network
  - Minority & Ethnic Support Association (MESA)
  - LGBT Network

Number: A 0901 Date Published: 10 February 2022

Version 11 – February 2022

- o Women's Leadership & Development Forum
- Worklife Balance Network

## 7.0 Monitoring and Review

This procedure will be reviewed annually by, or on behalf of, the owner.

- 8.0 Governing Force policy.

  Related Force policies or related procedures
  - A 0900 Policy Body Worn Video
  - A 0902 Procedure Firearms Body Worn Video
  - A 0903 Procedure Body Word Video Sharing Protocol
  - H 0201 Procedure Pursuit
  - S 0620 Policy Photographic and Digital Images
- 9.0 Other source documents, e.g., legislation, Authorised Professional Practice (APP), Force forms, partnership agreements (if applicable)
  - Appendix A Generic risk assessment for use of body worn video cameras
  - EIA December 2019
  - Force Plan
  - BWV Homepage
  - APP Secure Site

**Procedure Author:** 

**Procedure Owner:**