

# POLICY – Body Worn Video

**Number: A 0900**

**Date Published: 11 June 2021**

Version 4 – June 2021

## 1.0 Summary of Changes

This procedure has been updated within section 3 regarding the requirement to activate BWV during a pursuit to reflect H 0201 Procedure - Pursuit. Author details also updated.

## 2.0 What this Policy is About

The purpose of this policy is to provide the procedures and protocols required for the application, deployment and overt use of body-worn video (BWV) cameras by police officers for the purpose of gathering evidence or intelligence. Overt BWV use includes officers working in plain clothes who will be wearing body armour and carrying their appointments. BWV is not intended for covert use which is undertaken by specialist teams.

***Compliance with this policy and any linked procedures is mandatory.***

## 3.0 Statement of Policy

The use of BWV is intended for use by Essex Police in order to:

- Reassure 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;
- Bring more offenders to justice by production of evidence;
- Reduce repeat offending;
- Moderation of offender behaviour;
- Improve the quality and management of complaints.

BWV will be worn by all LPT and CPT officers who have an allocated device. Officers in other departments such as CID will have access to two devices and evidence.com accounts per 6 officers which they are expected to utilise in line with procedure. All Officers and Staff on DAIT teams will have access to an Evidence.com account. Procedure A 0901 details mandated occasions when BWV will be used.

### **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.

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- 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.**

**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.**

Officers and staff equipped with BWV who enter the custody suite with a detainee, must ensure they continue to record on their devices until instructed by a Custody Officer or the detainee is taken for an intimate search, medical exam or private consultation.

Custody Officers will wear BWV cameras whilst deployed in such a role within the custody suite.

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 interval reports on compliance of using BWV footage.

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## 3.1 Retention of Footage

All BWV evidence must be retained / disposed of in accordance with this policy and A 0901 Procedure -Body Worn Video – Operational Use, Recording and the Evidential Process.

This Essex Police policy dynamically considers the ongoing requirements to retain material:

- Footage will be either deemed evidential immediately or be categorised in a 'pending decision or outcome' category;
- Non-evidential footage will be scheduled for deletion within the 31 days;
- Footage to be retained as evidential goes into [www.evidence.com](http://www.evidence.com);
- Where an outcome at court is 'not guilty' or NFA'd by CPS/Custody, then the footage will be subsequently triaged and changed from 'retain' to 'scheduled for deletion';
- Surplus material from successful prosecutions will be deleted with only the primary evidential material being retained for 7 years (except for DA, in which case all footage is to be retained).

From the 1<sup>st</sup> July 2020 four additional changes will come into Force.

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

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

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 nonexistence 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.

This will be in line with principles outlined by the College of Policing:

- **Principle 1** - The use of body-worn video, by the police, is lawful;
- **Principle 2** - Data will be processed and managed in line with Code of Practice on the Management of Police Information, APP on Information Management and the principles of the Data Protection Act 1998;
- **Principle 3** - The normal use of body-worn video will be overt;

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- **Principle 4** - The operational use of body-worn video must be proportionate, legitimate and necessary;
- **Principle 5** - Use of body-worn video will be incident specific. There is a list of incident types where officers are expected to use their BWV in the linked procedure. Stepping outside of this will require a pocket notebook entry to rationalise;
- **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.

## **4.0 Implications of the Policy**

### **4.1 Finance / Staffing / Training / Other**

2,200 Axon cameras have been purchased. Officers will receive training through the DevelopYou portal, also will be directed to read A 0901 Procedure -Body Worn Video – Operational Use, Recording and the Evidential Process. New officers will receive their training through time afforded to them by Essex Police College.

### **4.2 Risk Assessment(s)**

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.

Also see the General Policing Risk Assessment.

### **5.3 Equality Impact Assessment**

The Equality Impact Assessment (EIA) has been created. By displaying an awareness of different protected characteristics, communities and individual needs users of BWV can gain trust and improve public confidence.

## **5.0 Consultation**

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

- Unison
- Police Federation
- Essex Diversity and Inclusion Manager
- Health & Safety
- Operational Change Team
- PSD Superintendent
- Policy/Risk
- Superintendents Association

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- Strategic Force Crime & Incident Registrar - Ron Scott
- Information Management
- Learning & Development
- Criminal Justice
- LPA Commanders

## **6.0 Monitoring and Review**

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

## **7.0 Related Force policies or related procedures**

- A 0901 Procedure – Body Worn Video - Operational Use, Recording and the Evidential Process
- A 0902 Procedure – Firearms Body Worn Video
- A 0903 Procedure – Body Word Video – Sharing Protocol

### **7.1 Data Security**

Essex Police have measures in place to protect the security of your data in accordance with our Information Management Policy – W 1000 Policy – Information Management.

### **7.2 Retention & Disposal of Records**

Essex Police will hold data in accordance with our Records Review, Retention & Disposal Policy – W 1012 Procedure/SOP - Records Review, Retention and Disposal.

We will only hold data for as long as necessary for the purposes for which we collected. Victims/public should be reminded that Essex Police take the protection of personal data seriously as described in the privacy notice <https://www.essex.police.uk/hyg/fpnessex/privacy-notice/>.

## **8.0 Other source documents, e.g., legislation, Authorised Professional Practice (APP), partnership agreements (if applicable)**

- Police Duties and Patrolling – *Risk Assessment*
- Appendix A - *Risk Assessment for Body Worn Video Devices*
- EIA – *December 2019*
- DevelopMe – *Training and Certification*
- *DevelopYou*
- Intranet/Extranet BWV section – *Advice, Guidance, User Manual*
- CPS Information ownership MOU & Contract

**Procedure Author:**

**Procedure Owner:**