



Dear ,

Gloucestershire Constabulary Freedom of Information request 2023.0176

On 07/02/2023 you sent an email constituting a request under the Freedom of Information Act asking the following:

Please can you provide me with a response to this refined request under the FOIA? This information has previously been provided by forces in 2020 whereas it was deemed that responding to a related request from 2022 was not possible within the statutory timeframe. I can provide examples of previous responses to the 2020 request if helpful in enabling a response.

Please can you provide:

1. A chronological list of all known complaints made about mis-use of body worn video, including protocols around use of BWV, since January 1st 2019 to the date this response is compiled. Per complaint, please provide the year of the incident, description of mis-use and complaint (for example, video of female civilian recorded on BWV shared on WhatsApp), and outcome of the complaint (i.e. substantiated/unsubstantiated, or not investigated, or misconduct case where upheld/not upheld)
2. Please also provide a definitive list of records of all misconduct cases against officers accused of mis-use or incorrect use of body worn video since January 1st 2019 to the date this response is compiled. Please provide the year of the incident, description of the mis-use and reason for misconduct, misconduct outcome, outcome to officer (e.g. dismissed) and investigatory body (e.g. PSD/IOPC).
3. Please confirm if any officers have been dismissed from their jobs as a result of a complaint or misconduct investigation where they were found to have mis-used body worn video since the force began using BWV.

Under the Freedom of Information Act 2000 s1, I can confirm that Gloucestershire Constabulary holds some relevant information.

1. Please see the tables below in relation to complaints regarding to mis-use of body worn video:

Date recorded	Description of allegation
2019	Officer was rude before turning on the BWV
	BWV not activated

	Officers weren't wearing BWV
2020	BWV not activated
	BWV not available
	BWV not activated
	Refused to activate BWV
2021	BWV not activated
	BWV not activated
	BWV not activated
	Complainant unhappy that officers were wearing BWV
	BWV shows officer using inappropriate language
2022	BWV not activated
	Officers weren't wearing BWV
	Review of BWV wasn't completed
	Officer lost BWV during an incident, another officer retrieved it
	BWV not activated
	Officers weren't wearing BWV
	Dissatisfied with the use of BWV
	Officers didn't inform complainant they were using BWV

The Outcomes of these complaints are as follows:

Outcome	No.
Disapplication – by Force	1
Local Resolution – by Division	1
Local Resolution – by PSD	2
No further action required	1
The service provided was acceptable	8
The service provided was not acceptable	2
Resolved	3
Not determined if the service was acceptable	2

2. The Constabulary recorded 1 x misconduct case relating to mis-use or incorrect use of body worn video with an outcome of No case to answer.
3. No information held.

To provide any further information or correlation of information would likely identify individuals and is therefore exempt under Section 40 of the Freedom of Information Act.

Section 17 of the Freedom of Information Act 2000 requires Gloucestershire Constabulary, when refusing to provide information (because the information is exempt) to provide you the applicant with a notice which: (a) states the fact, (b) specifies the exemption in question and (c) states (if not otherwise apparent) why the exemption applies.

With regard to the disclosure of further information, the following exemption applies:

Section 40(2) Personal Information

Section 40(2) applies to third party personal data. This would not be released under the Freedom of Information Act unless there is a strong public interest. The disclosure of any information which could lead to the identification of an individual would breach the Data Protection Principles contained within the Data Protection Act 2018, namely the first principle which states that personal data shall be processed lawfully, fairly and in a transparent manner in relation to individuals

This exemption is absolute and class based therefore I am not required to apply either the public interest test or harm test in disclosure.

In accordance with the Act, this letter represents a Refusal Notice for this part of your request.

If you are not satisfied with this response or any actions taken in dealing with your request, you have the right to ask that we review your case under our internal procedure. Please note that a request for an internal review must be made within 20 working days of the response to your original request.

If you decide to request that such a review is undertaken and following this process you are still unsatisfied, you then have the right to direct your complaint to the Information Commissioner for consideration.

Yours sincerely,

Disclosure Officer
Gloucestershire Constabulary