



BODY WORN VIDEO POLICY



Body Worn Video

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Section 1 – Policy Intentions

The policy document explains the Gloucestershire Constabulary approach to the use of Body Worn Video (BWV). References will be made to the College of Policing (CoP) guidance and legislation.

This Policy will ensure:

- The integrity and continuity of any evidence or intelligence gathered
- The admissibility, in court, of any evidence
- Maintenance of public confidence in the police and their use of BWV



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- Adherence to legal requirements

The aim and objective is for BWV to support the policing priorities by:

- Increasing opportunities for capturing and enhancing available evidence and therefore evidence led prosecutions
- Reducing challenges to evidence in court therefore increasing early guilty pleas, reducing court time and speeding up the criminal justice process.
- Improving the confidence in the police and the wider criminal justice system by reducing the reliance on victim evidence, particularly those who are vulnerable, having to attend court.
- Improving the professionalism and transparency of the officers of Gloucestershire Police
- Reducing protracted complaint investigations by providing impartial, accurate evidence

This policy document should be read in conjunction with:

- **Body Worn Video Security Operating Procedures**
- **Body Worn Video Standard Operating Procedures**

Section 2 – Procedural guides

2.1 Equipment

BWV equipment shall be used for policing purposes only and will only be connected to a police computer.

The use of BWV may be subject to appropriate scrutiny by supervisors and or PSD to ensure compliance.

The BWV camera is for Authorised Firearms Officer is the Axon Flex 2. All other officers and staff issued with BWV will be equipped with the Reveal D5 camera.

The Axon Flex 2 camera will be worn head mounted to provide 'point of view' footage when deployed on firearms related incidents and then mounted at the officer's discretion for all other incidents.

The Reveal D5 cameras will be worn on the chest of the officer,

The management of any images captured by the Axon Flex2 camera will be managed by Evidence.Com Digital Evidence Management System (DEMS).

Footage captured by the Reveal D5 cameras will be managed within the Reveal DEMS360.



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2.2 Training

Prior to issue of BWV all wearers will be given training on its correct use prior to issue. Staff responsible for the downloading of stored data from the cameras will be trained in this procedure and in the relevant policies for data storage and disposal.

2.3 Deployment

Trained officers are responsible for deploying with BWV as per the directions set out in this Policy and Procedure for the use of BWV, and will have due consideration to the Code of Ethics and Force values.

Authorised Firearms Officers (AFOs) and Firearms Support Dogs (FSD) Handlers must read this procedure in conjunction with the Armed Policing Standard Operating Procedure. **“Overt Use of Body Worn Video by Armed Officers and Firearm Support Dog handlers”**.

BWV is an overt system and is not to be used for covert recording except in exceptional circumstances and where the necessary authorities have been granted.

Once recording has commenced the officer should, if practicable and if not immediately practicable as soon as practicably possible, make an announcement (captured on the recording) declaring that recording is taking place. The announcement should be made so that all persons who could potentially be recorded are aware that they are being recorded.

To improve transparency around the use of BWV, the default settings for the D5 camera will be for the controller to have lights and vibration active. There may however be incidents where it is necessary for users to deactivate these indicators. The decision to activate stealth mode rests with the user but a solid rationale must exist. This must be recorded either verbally whilst recording or in the users note book as soon as practicable. As soon as the justification for stealth mode no longer exists, users must return to the default operating setup.

The microphone on the BWV device is sensitive so as to capture all speech relative to the images in view. Unfortunately this also means that police radio traffic will be captured. BWV operators should where practicable use earpieces to their own radios to minimise any such intrusions and be mindful of colleagues nearby who may not be using earpieces.

2.4 Lost Device Reporting

The loss of a Body Worn Camera is considered a security incident and should be immediately reported by completing the Security Incident/Breach report form, available on inSIGHT, and forwarding to the ICT service desk



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ICTServiceDesk@gloucestershire.pnn.police.uk and SecurityIncidents-DataBreaches@gloucestershire.pnn.police.uk mail boxes.

The line manager should also be copied in.

Section 3 – Professional judgement and recommended use

Professional judgement

Recordings using BWV should be incident-specific. A rule of thumb guide as to whether to record or not is that, if the incident would normally be the subject of a notebook entry or evidenced in another format then a recording should be made. The officer must be mindful that failing to record an incident may require explanation in court.

3.1 Recommended use

The overriding principle around the use of BWV remains professional discretion.

However taking consideration of the clear benefits of using BWV identified in National guidance, a desire to positively support victims by providing an enhanced method to secure evidence, and the added inherent reassurance to communities, Gloucestershire Police has taken the decision that the following areas require specific consideration and the use of BWV in these circumstances is **strongly recommended**:

- Domestic abuse
- Stop and Search (**To include ALL powers of search**)
- Any Use of Force / Anticipated Use of Force
- During any deployment of Taser
- Where an officer is directed by a supervisor to record all or part of a particular incident.
- Arrests

3.2 Use of BWV in private premises

Recording should only be used when it is relevant to the incident, and officers should be mindful of the rights of individuals to respect for a private and family life under Article 8 of the ECHR and/or practices linked to particular faiths.

3.3 Public Order - Proportionate use of BWV

Commanders to 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.

BWV must not be deployed as a pseudo Evidence Gathering Team (EGT) tactic.



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3.4 Courts

The camera should not be turned on within the court buildings unless there is an incident which officers are called to. Once the incident has been brought to a conclusion the camera should be turned off.

3.5 Capturing first account evidence

BWV may be used to capture the first account of victims and/or witnesses at an incident. However, the decision to start recording should take into account the witness's circumstances and the nature and sensitivity of the allegation. Users should obtain the consent of victims/witnesses prior to recording.

The first account is principally about determining any action that is immediately necessary. Officers should only ask such questions as necessary to:

- establish if an offence has been committed
- establish where it occurred and who was responsible
- assess the current risk to the victim(s) and witness(es)
- identify and prioritise areas of the investigation

When the nature of an alleged incident is known to Police prior to arrival and where the victim of an alleged offence is

- a child (under 18),
- a vulnerable adult

a BWV can still be used to record their initial account as detailed in **Section 3.5**, but should not replace obtaining detailed accounts through ABE interviews by trained interviewers.

3.6 Incidents of domestic abuse

Recordings made at non-crime domestic abuse incidents may have significance in future prosecutions.

In relation to incidents of repeat domestic abuse, even though a particular incident may not in itself result in a criminal investigation, officers need to consider if any BWV footage should be marked as evidence so that they are retained for longer than the 31 day period. The decision on whether to retain the evidence for longer than 31 days should be made after consultation with the Domestic Abuse Safeguarding Team (DAST).

Consideration will be given if there are any ongoing investigations which this evidence may support or any ongoing civil court legal action in which this footage may be of use in



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order to protect victims and their children. The material can also be used to support preventive measures such as domestic violence protection orders, where appropriate.

The general marking of BWV footage from all domestic abuse related incidents as evidential is not proportionate and should be done on a case by case basis and needs to be justified, necessary and proportionate. **See Section 5.3 MOPI**

3.7 Stop and search

Benefits of recording a stop and search encounter with a BWV:

- Records the conduct of the officer during the search, therefore safeguarding both parties and protecting the officer from false allegations;
- Enables the officer to secure the best possible evidence of any offences that are disclosed during the search;
- Obtains an accurate image/description of the subject; and
- Accurately records any disclosures made by the subject.

The conduct of any 'stop and search' process must comply with the relevant legislation and codes of practice. They must be carried out with due regard to the sensitivities of the person being stopped and any local community tensions surrounding the use of such powers by police.

Recording of searches using video **must not** be carried out if the search is an 'intimate' or strip search and if the search requires removal of more than the outer clothing.

A video recording does not replace the need for the formal written 'record of search' to be completed by an officer.

3.8 Professional Standards (FOIA – Open)

BWV footage can be used to quickly resolve complaints and avoid lengthy complaint or conduct investigations as well as highlighting good work done by users.

PSD will only view BWV footage as a result of complaint or conduct issues that are brought to PSD attention, for the purpose of assessment or investigation. PSD will not view footage without a legitimate purpose, or seek out footage for the purpose of 'catching' officers out.

If during the course of a PSD investigation BWV footage reveals poor conduct by an officer that does not form a part of the investigation, this conduct will be addressed through the normal process of assessment and dealt with at the appropriate level.

The reasons for any viewing of BWV footage by complainants should be recorded by the investigator dealing with the complaint. In such circumstances, consideration should be



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given to considering whether non-connected persons on the material should be obscured to protect their identity/privacy.

PSD will consider the requirement to restrict access to BWV footage, where that footage forms part of a complaint or conduct matter. Where a matter has been referred to the IOPC, PSD will be the point of contact for the IOPC and provide BWV footage to the IOPC where it is required for an independent investigation.

There will be certain circumstances where users need to restrict BWV footage:

- Incidents likely to attract significant media attention (e.g. arrest of a police officer/celebrity)
- Incidents where restricting access to the footage would help mitigate against an identified risk of harm to one or more of the persons in the footage.

Section 4 Post incident procedures after an incident that resulted in death or serious Injury after police contact

- 4.1** BWV recordings cannot justify, in isolation, any use of force. Users **MUST** justify their actions, perceptions and decisions, based upon their honestly held belief at the time of the incident.

In the event of Post Incident Process (PIP) being invoked the Force Incident Manager will inform all Key Police Witnesses they **MUST** continue recording via BWV until their arrival at the designated Post Incident Management Suite. At this point the authority to continue recording will be the responsibility of the Post Incident Manager (PIM).

The BWV camera will be docked and downloaded in the suite under the supervision of the Post Incident Manager, who will ensure that access to the footage is restricted.

4.2 Conferring

As a matter of general practice, officers should not confer with others before making their accounts (whether initial or subsequent accounts). There may, however, be a need speak to one another following the incident in order to resolve an ongoing operational or safety matter. The important issue is to individually record what they honestly perceived i.e. what they think that they saw, heard and then did. There should, therefore, be no need for an officer to confer with others. If, however, in a particular case a need to confer on other issues does arise, then, in order to ensure transparency and maintain public confidence, where some discussion has taken place, officers must document the fact that this has taken place, highlighting:

Time, date and place where conferring took place

- The issues discussed
- With whom
- The reasons for such discussion.
-



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4.3 Post incident accounts

There is a requirement under **APP - Armed Policing - Providing Accounts**, and **APP- Management and handling of BWV evidence** for officers, subject to legal and medical advice, to provide a personal initial account before going off duty (Stage 3 account). This should consist only of their individual recollection of events and should be written, signed and dated.

The purpose of this account is to record their role, what they believe to be the essential facts and should, where relevant, outline what they honestly perceived and their honestly held belief i.e. what they think that they saw, heard and then did.

Officers will NOT routinely be permitted to view their own or other officers BWV footage prior to the recording of their personal Initial Account (Stage 3).

Detailed accounts (Stage 4) should not normally be obtained immediately. They can be left until the officers involved in the incident are better able to articulate their experience in a coherent format. This is usually after at least forty-eight hours. This detailed account should include what the witness considered including what they honestly perceived and honestly held belief.

In safety critical situations, a Senior Investigating Officer (SIO), in consultation with the PIM, may direct the viewing of BWV footage in order to assist with the initial investigation and reduce any identified risks. If viewing does take place full details of what footage has been viewed and by whom must be recorded. If an officer involved in the incident views the footage this must be recorded in their statements of evidence and must include whose BWV footage was viewed, what was viewed and the rationale for it.

The Post Incident Process must be open and transparent and capable of withstanding scrutiny.

4.4 Restricting viewing of footage in evidence.com and DEMS360

Restricting of BWV footage within the Evidence.com Digital Evidence Management System prevents anyone viewing the footage other than the officer or Professional Standards Department (PSD).

Cloaking the footage within the Reveal DEMS360 prevents anyone other than PSD being able to view the footage.

Restricting of BWV footage should only normally take place as part of a Post Incident Procedure or on the instruction of PSD.

Once footage has been restricted it can only be accessed under the authority of PSD.

4.5 Naming convention, evidential marking and sharing of BWV footage



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Each recording is identified by a system generated Date/ Time recording in the DEMS assigned to the individual wearer. This identifies the officer wearing camera / time / date it was created.

It is vitally important that all BWV footage considered evidential has an identifier allocated to it by the downloading officer. This enables any footage to be located if required subsequently. This identifier should be a recognisable reference such as STORM ID, crime number, Stop Search reference. In Evidence.com this identifier will be recorded in the ID field. In DEMS360 this should be recorded in the Incident ID field.

The downloading officer is responsible for marking each recording as evidential or non-evidential. Non-evidential recordings will automatically be deleted from the system after 31 days.

Recordings marked as evidential prevent deletion and will be saved in Evidence.Com or DEMS360 as per MOPI guidance.

Where there is a need for the BWV footage to be shared outside of Evidence.com then the footage will need to be burnt to a DVD. The officer having the requirement to create a DVD will download the footage into a folder within the **K drive**. The DVD will be burnt using the footage downloaded onto the K drive. Once the DVD has been created the footage will immediately be manually deleted by the officer from the K drive. This folder will have access limited to only those officers who have an Axon Evidence.Com licence.

Gloucestershire Constabulary CD/DVD & BlueRay Writers Security Operating Procedures (SyOps) needs to be complied with.

The folder on the K drive will be monitored and managed by ICT and any footage remaining in that folder will be deleted.

Sharing of footage within DEMS 360 can be done within the programme without the requirement for DVD burning. Any footage shared with the CPS should be sent via the TWIF.

If DVD's need to be burnt then **Gloucestershire Constabulary CD/DVD & BlueRay Writers Security Operating Procedures (SyOps)** needs to be complied with. Burning of DVD's can be done within DEMS 360.

4.6 Production of exhibits

When the camera is docked and the footage is uploaded it will create a digital file that will be stored securely. This is the master footage and cannot be altered, changed or redacted in anyway. Any changes will create a new video file. Its existence is identified in any statements of evidence and relevant MG file. If the master footage is marked as 'Evidential' then it will be exhibited by the downloading officer. The format of this exhibit number will be collar number, initials and number i.e. 1133JK1.

In DEMS360 the exhibit number will be recorded in the 'Notes' data field.



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In Evidence.Com the exhibit number will be recorded in the 'Title' data field.

If the master footage needs to be 'clipped' or 'redacted' in anyway then a new file is created by the DEMS.

Any clipped footage will then be exhibited with an exhibit reference. This exhibit reference will be in the format of the original master footage exhibit followed by a letter signifying the clip i.e. 1133JK1A. If further clips are made then the suffix letter will sequence through the alphabet i.e. 1133JK1B, 1133JK1C. This therefore demonstrates that the exhibit is a clip of the master exhibit.

Ideally clips submitted to the CPS must be no more than 10 minutes of "key/impactive" evidence only.

Any clipped sequences used for evidence in court should include a short lead in to the incident and a similar trail afterwards to enable the court to be satisfied that no evidential issues have been omitted. However, the whole sequence must be declared as unused material on the MG6C, D or E schedules, as appropriate.

Any redacted footage will also be identified as an exhibit. The exhibit reference will be the exhibit number of the master or clip followed by the letter R in brackets i.e. 1133JK1A(R). This therefore demonstrates that the exhibit is a clip of the master exhibit and is redacted and suitable for use in court.

Footage	Exhibit Number
Master Footage	1133JK1
Clip Footage – Originating Officer	1133JK1A
Redacted Footage – Originating Officer	1133JK(R) or 1133JK1A(R)
Clip Footage – Investigating Officer	1133JK1/AA1
Redacted Footage – Investigating Officer	1133JK1/AA1(R)



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Section 5 - Relevant Legislation: (*Human rights/diversity/Health & Safety/etc*)

5.1 Common Law

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.

5.2 General Data Protection Regulation 2018 (GDPR)

Images and audio captured by BWV can be considered to be personal data and as such is covered by the GDPR 2018.

BWV will only be used by officers when there is an evidence gathering opportunity and as such will be used for a policing purpose. "Protecting life and property; preserving order; preventing the commission of offences; bringing offenders to justice; and any duty or responsibility of the police arising from common or statute law".

The full Data Protection considerations in connection with BWV have been outlined in the Constabulary's Privacy Impact Assessment.

Captured footage will only be shared in accordance with relevant Information Sharing Agreements. For example, with the Crown Prosecution Service when footage is evidential and required for court.

Individuals who have been captured using BWV will be able to make a subject access request to view the footage. Details of how to do this are on the Gloucestershire Constabulary website.

5.3 Management of Police Information (MOPI)

The principles of management of police information (MoPI) provide a way of balancing proportionality and necessity that are at the heart of effective police information management.

Retention - Retaining every piece of information collected is, however, impractical and unlawful. Consideration must be given to the types of information that need to be retained and the practical implications of storing these records in their various formats.

5.4 Police and Criminal Evidence Act 1984 (PACE)

Section 64A (PACE) (as amended by Section 116 of the Serious Organised Crime and Police Act 2015) permits a person to be photographed, with or without their consent, by a constable elsewhere than at a police station.

The power is applicable if the person has:



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- been arrested by a constable for an offence;
- been taken into custody by a constable after having been arrested for an offence, by a person other than a constable;
- been made subject to a requirement to wait by a PCSO.
- been issued with a notice to leave under Section 27 of the Violent Crime Reduction Act 2006;
- or been issued with a Penalty Notice for Disorder or a Financial Penalty Notice by a constable, PCSO or accredited person.

Within Section 64A the definition of a photograph includes a moving image (i.e. footage captured by a BWV).

5.5 Criminal Procedure and Investigations Act 1996 (CPIA)

It is a requirement that the police are in a position to disclose both used and unused images and be able to demonstrate that this has been done. Deletion of any police generated images prior to their respective retention periods may amount to a breach of the Act if they are not then available for disclosure. Therefore officers using the provided software will be compliant with the Act, as data will be automatically overwritten if not marked for retention after 31 days. Evidential data is held in accordance with MOPI guidelines and any actions in relation to this data are recorded in an audit trail.

5.6 Freedom of Information Act 2000 (FOIA)

FOIA grants a general right to access to all types of recorded information held by public authority; which may include digital images recorded on BWV.

Requests for footage will be assessed carefully by the Information Disclosure team, who will assess any harm and unless a relevant exemption applies; a disclosure will take place into the public domain.

Details of how to apply under the FOIA can be found on Gloucestershire Constabulary's website.

5.7 Human Rights Act 1998 (HRA)

Article 6 of the European Convention on Human Rights (ECHR) provides for the right to a fair trial. All images from BWV have the potential for use in court proceedings whether they provide information that is beneficial to the prosecution or defence; this policy allows for the correct retention and audit trail to maintain compliance with Article 6

Article 8 is the right to respect for private and family life, home and correspondence. Officers of BWV must consider Article 8 when recording and not record beyond what is necessary for policing purposes.



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5.8 Regulation of Investigatory Powers Act 2000 (RIPA)

The use of BWV is intended to be **overt**, with those subject to being recorded being aware of the use of the equipment at that time. Officers utilising BWV therefore need to be mindful of the circumstances in which the deliberate use of such equipment would be considered **covert**.

Surveillance is *covert* if, and only if, it is carried out in a manner calculated to ensure that any persons who are subject to the surveillance are unaware that it is or may be taking place.

Covert use of BWV may meet the definition of either Directed Surveillance or Intrusive Surveillance under RIPA 2000 and therefore require the granting of a Surveillance Authority by a Superintendent or Chief Constable respectively:

If there is any doubt as to whether the use to which BWV is to be put in relation to a pre-planned investigation or operation, contact should be made in the first instance with the Covert Authorities Bureau (CAB).

5.9 Identification Procedures

Code of Practice D of PACE relates to the identification of persons by police officers and includes the use of video identification. If any BWV footage captured by the police is to be used to assist with the identification of suspects, then officers must ensure that the Code is followed.

Section 6 - Related References:

Guidance on use of Body Worn Video and reference to Authorised Professional Practice (APP) and ACPO/National Guidance:-

NPCC National Policing Position statement for BWV-

<http://library.college.police.uk/docs/npcc/statement-on-body-worn-video-2015.pdf>

College of Policing guidance for BWV

<http://library.college.police.uk/docs/college-of-policing/Body-worn-video-guidance-2014.pdf>

IPCC positional statement-

https://www.ipcc.gov.uk/sites/default/files/Documents/guidelines_reports/IPCC_position_statement_on_body_worn_video.pdf

Code of Ethics-

<http://www.college.police.uk/What-we-do/Ethics/Pages/Code-of-Ethics.aspx>



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MOPI Guidelines

<https://www.app.college.police.uk/app-content/information-management/management-of-police-information/retention-review-and-disposal-of-police-information>

Achieving Best Evidence

https://www.cps.gov.uk/publications/docs/best_evidence_in_criminal_proceedings.pdf



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Section 7 - Identification, Monitoring and Review

Security Marking:		NOT PROTECTIVELY MARKED / PROTECTED / RESTRICTED	
Document Title: POLICY / INFORMATION / PROCEDURAL			
Body Worn Video Policy			
Type		URN	Strategic Board
Policy		272	BWV Project Board
Author/Reviewer		Insp Jason Keates	
Version	Date	Changes (ensure public copy amended and uploaded to external website)	Complied with Policy Guidance ✓
V1.0	26/07/2017	Original, very slight grammar amendments (10/10/17)	Yes
V2.0	01/03/2018	Updated to include section 2.4 Lost Device Reporting	
V3.0	07/10/2018	Amended to included reference to Reveal D5 cameras and remove reference to Edisex cameras	
V3.1	9/11/2018	Amended to include Exhibit Convention and inclusion of Professional Standards Section. SOPS/ SYOPS included on Intranet copy only	
Next Document Review Date: 10/10/2017			
EIA		EIA Sign Off	EIA Review
LOW K:\Waterwells\Equality Impact Assessment\Body Worn Video EIA V1.0.doc		26/07/2017	When policy is reviewed
SIA		SIA Sign Off	SIA Review
NA		NA	NA
This version will be placed on the public domain website			
If this version cannot be placed on the public domain website, provide reason and relevant COG authority and FOI version			

Previous policies can be found with the continuous improvement team.