



Helston Town Council

Body Worn Camera Policy

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1. Introduction

- 1.1 This document explains how Helston Town Council will approach and use Body Worn Video Cameras (BWVC) to ensure they are compliant with relevant legislation and codes of practice. This document and associated procedures will standardise the use of BWVC and the evidential product produced.
- 1.2 The intention is for the use of BWVC to:
 - a) Raise standards of service
 - b) Reduce incident escalation
- 1.3 The Town Council will monitor the use of the BWVC to ensure that the equipment is an appropriate tactic and that the use is in line with policy and procedure.
- 1.4 Helston Town Council has an obligation under the Health and Safety at Work Act 1974, to ensure the Health, Safety and Welfare of its employees. It is particularly important that it helps to protect and support its mobile workers whilst they are carrying out their duties away from the office. Unfortunately, the Town Warden through the nature of their work, is sometimes open to aggressive and/or abusive encounters.
- 1.5 A body worn video camera (BWVC) can be worn. This device records sound and pictures, which will help the Officer gather unambiguous evidence and add an extra level of security. The system acts largely as a deterrent and the device does not record unless the Officer switches it to the on position.
- 1.6 In addition to increasing the health & safety of the Town Warden, the use of the device will help to make the Council's operation more transparent to the public with the evidence being available when investigating customer complaints. Any evidence gathered can also be used by Police to substantiate a prosecution in the event of a more serious incident of abuse.
- 1.7 Any recordings made should be captured, stored securely and used in accordance with the Data Protection Act and the Information Commissioner's Office (ICO) CCTV Code of Practice.
- 1.8 This document sets out Helston Town Council's Policy and Procedural Guidelines for the use of body worn CCTV cameras by officers of the Council.
- 1.9 It will enable employees to comply with relevant legislation relating to video recording and outline the associated benefits to officers of Helston Town Council and the general public.
- 1.10 It also documents best practice procedures with regard to integrity of data, images and video as well as its security and use.
- 1.11 The use of body worn CCTV can provide a number of benefits which include a deterrent to acts of aggression or verbal and physical abuse toward Officers of Helston Town Council, in addition to providing evidence to support internal or Police investigations.

- 1.12 Body worn CCTV forms part of the Town Warden's Personal Protective Equipment and is provided solely for Health and Safety purposes. It will be used in an open manner and relevant officers will wear clear identification that it is a CCTV device.
- 1.13 Whenever practicable at the commencement of any recording the officer will give a clear verbal instruction that recording video and audio is taking place.
- 1.14 Body worn CCTV will not be used to assist in the ad-hoc monitoring of staff or citizens.

2. Legislation & Statutory Guidance

2.1 The integrity of any video data recorded will be considered in accordance with the following legislation and Statutory Guidance:

- a) **Data Protection Act 1998**
- b) **Freedom of Information Act 2000**
- c) **Human Rights Act 1998**
- d) **Protection of Freedoms Act 2012**
- e) **Home Office Surveillance Camera Code of Practice**
- f) **Information Commissioners Code of Practice**

2.2 Data Protection Act 1998

2.2.1 The Council is registered with the ICO to monitor CCTV under reference number Z2082091

2.2.2 The Information Commissioner's Office is the regulator for the Act and has given guidance with regard to the use of body worn CCTV equipment. This legislation regulates the processing of 'personal data' or 'sensitive personal data' whether processed on computer, CCTV, still camera or any other media.

2.2.3 Any recorded image that is aimed at or may identify a particular person is described as 'personal data' and covered by this Act and will include images and audio captured using body worn equipment. The use of body worn CCTV in this guidance is 'overt use' meaning that equipment is not to be worn or used in a hidden or covert manner.

2.2.4 Where an individual asks to view footage of themselves this is called a 'Subject Access Request' (SAR). The requester is only allowed to see footage of themselves and anyone who has provided consent for their images to be viewed by them. The Council has a SAR process which is managed by the Town Clerk.

2.2.5 The police may request to view footage under S29 of the DPA.

2.3 Freedom of Information Act 2000

2.3.1 This Act grants a general right of access to information held by public bodies, which is not personal data. Information released under FOI can include statistical and other non-personal information.

2.4 Human Rights Act 1998

2.4.1 Article 6 provides for the right to a fair trial. All images captured through the use of a body worn device have the potential for use in court proceedings and must be safeguarded by an audit trail in the same way as any other evidence.

2.4.2 Article 8 of the Human Rights Act 1998 concerns the right for private and family life, home and correspondence. Recordings of persons in a public place are only public for those present at the time and can still be regarded as potentially private. Any recorded conversation between members of the public should always be considered private and users of body worn equipment should not record beyond what is necessary when recording a confrontational situation.

2.4.3 Helston Town Council will ensure that the use of body worn CCTV equipment by Officers of the Council is widely advertised prior to commencement. Helston Town Council will issue a formal press release in addition to publishing information on its web site.

2.4.4 Helston Town Council will further ensure that the use of body worn CCTV is reiterated by it being worn in a prominent position (normally on the chest). All officers using BWVCs will be displaying badges alerting the public that the video camera will be recording when red light is showing. Additionally, officers will make a verbal announcement prior to commencement of any recording whenever possible.

2.5 Protection of Freedoms Act 2012

2.5.1 **Part 2** creates new regulation for, and instructs the Secretary of State to prepare a code of practice towards, closed-circuit television and automatic number plate recognition.

2.5.2 Chapter 1 gives the full regulatory legislation of CCTV and other surveillance camera technology which relates to a Code of Practice and interpretations.

2.6 Home Office Surveillance Camera Code of Practice

2.6.1 The integrity of any video data recorded will be considered in accordance with this Statutory Guidance.

2.6.2 The Home Office is the regulator for this guidance with regard to the use of body worn CCTV equipment. This guidance is centred around "12 Guiding Principles" which Helston Town Council will adopt and adhere to at all times.

2.7 Information Commissioners Code of Practice

2.7.1 The Information Commissioners Code of Practice is the Statutory Guidance issued that runs in conjunction with the Surveillance Camera Code of Practice issued with regard to use of body worn CCTV equipment.

3. On Street Operational Guidance and Best Practice

3.1 Training

3.1.1 Officers using BWVC will receive full training in their use. This training will include practical use of equipment, on street operational guidance and best practice, when to commence and cease recording and the legal implications of using such equipment.

3.2 Daily Use

3.2.1 Body worn CCTV will only be used in the event that an Officer finds themselves in a confrontational situation where they are subject to, or feel that they are likely to be subject to, verbal or physical abuse. Officers will continue with a Zero Tolerance approach when confronted with any physical/verbal abuse or threatening behaviour

3.2.2 All recordings will be held within a specifically designed controlled and secure database within the Helston Town Council network. Access to recordings will be restricted to authorized personnel.

3.3 Recording

3.3.1 Recording must be incident specific. Officers must not indiscriminately record entire duties or patrols and must only use recording to capture video and audio at specific incidents. For the purposes of this guidance an 'incident' is defined as:

- a) An engagement with a member of the public which, in the opinion of the Officer, is confrontational and where the Officer believes that they may be subject to physical or verbal abuse or
- b) The Officer is approached by a member of the public in a manner perceived as aggressive or threatening.

3.4 Playback

3.4.1 The Officer will need to be fully aware of the legal implications once digital images and audio have been recorded. To this end playback should only be at the request of a Police Officer attending the incident and only at the time the incident is taking place. Once the Town Warden has left the incident the footage can only be viewed through the relevant S29 procedural requests.

3.4.2 Any request to view captured video by a member of the public will need to be made in writing to Helston Town Council in line with the 'subject access procedure'. Evidence of identity prior to viewing must also be provided.

3.5 End of Shift

3.5.1 The Officer should ensure that any footage required for evidential purposes has been correctly bookmarked and that any Incident Reports have been completed.

3.5.2 It will be the Officer's responsibility to ensure that their body worn device is placed on charge at the end of their shift.

3.6 Storage of Data

3.6.1 Each video has the date and time stamped on every frame, a tamper proof digital fingerprint, and encryption which prevents the videos being visible to unauthorised personnel.

3.6.2 All recorded footage will be uploaded to the body worn camera software by the Officer.

- 3.6.3 The Officer will advise the Town Clerk of any footage to be retained and to ensure it is correctly bookmarked and that supporting Incident Reports have been completed.
- 3.6.4 For Incidents where the Police have not been in attendance the Town Clerk will review the recording, and a decision made on whether referral to the Police is appropriate.
- 3.6.5 All retained data will be kept until all investigations have been completed or prosecution has taken place before deletion. All data not required for evidential purposes will be deleted after upload as part of the software's standard filing and deletion set up.
- 3.6.6 The recordings will only be accessible by authorised personnel and all non-evidential data will be maintained for a maximum of 31 days before it is deleted.

3.7 Transfer of data

- 3.7.1 Any footage requested by the police as part of their investigation will be shared via a secure means and labelled as an official exhibit. Once in their possession the evidence will fall under the police policy and guidelines for Data Protection. The Town Council will store evidential data for 2 months prior to it being deleted unless otherwise directed by the Police.
- 3.7.2 Details of this process and any relevant information i.e. PC name or collar number, date, time etc. will be logged within the camera software so there is a full audit trail.