

Body Worn Video Policy

Date: 6 June 2024
Agenda Item:
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Key Decision? **NO**
Local Ward N/A
Members



Lichfield
District Council

MEMBER DECISION NOTICE

1. Executive Summary

- 1.1 Lichfield District Council's (LDC) Regulation & Enforcement Service is responsible for the delivery of a range of law enforcement functions across the district including food safety, health & safety, licensing, pollution control, environmental crime, animal welfare, public health, housing standards, and planning enforcement.
- 1.2 Body worn video (BWV) cameras are used by officers to gather evidence in respect of the investigation of any offence or suspected offence. BWV will also serve to protect officers by acting as a deterrent to acts of aggression, inappropriate behaviour and malicious complaints.
- 1.3 This policy for the use of BWV will enable officers to comply with the relevant legislation and ensure safe and effective use of the equipment and the data that is collected.

2. Recommendations

- 2.1 That the BWV policy is approved for adoption and delegated authority granted to the Director of Finance, Regulation & Enforcement to make minor variations to the policy to ensure it remains effective and compliant with legislation and best practice.

3. Background

- 3.1 Officers will rely on BWV in circumstances such as on patrol for litter or dog fouling offences, executing warrants, searching premises, using enforcement powers, road traffic operations, visiting licensed premises, and making enquiries with offenders.
- 3.2 Considerable research has been conducted into the benefits of using BWV, and these include:
 - a. Deterring offending.
 - b. Obtaining high quality evidence of offending to enable better informed decisions to be made by investigators, prosecutors and the courts.
 - c. Increasing the likelihood of an early admission of guilt and an early guilty plea.
 - d. Reducing the likelihood of acts of aggression, or false accusations, against officers.
 - e. Enabling the swift resolution of complaints about officer conduct.
 - f. Reassuring the public and enhancing trust and confidence in the service.
 - g. Reducing the time spent in building cases and attending court.

- h. Increasing the integrity and control of digital evidence.
- i. Supporting continuous service improvement and development of officers through review and reflection.

- 3.3 Training has been given to officers who have use of BWV. Use of BWV is mandated in some circumstances and can be used at the officer’s discretion in others.
- 3.4 A Data Protection Impact Assessment (DPIA) has been completed that considers the management, sharing, deletion, and access to the data and has been approved by the DPO. Data captured that is not of evidential value is automatically deleted after 31 days, and data that has evidential value is retained for seven years.
- 3.5 BWV is now being used daily, mainly be environmental protection, licensing, housing enforcement and planning enforcement. Since October 2023, 317 video files have been saved by officers due to having evidential value. BWV has recently been used in a licensing hearing, which resulted in two licenses being revoked, and two cases are awaiting prosecution where BWV forms the main evidence. Officers have provided the following feedback:
- Interactions where evidence is obtained without BWV are only as good as the officer's notes and memory. BWV improves on that considerably.
 - Enables officers to concentrate on the reason for the interaction rather than also take notes which can be a distraction.
 - Protects officers from false allegations.
 - Helps ensure people we are dealing with behave more respectfully towards us.
 - Is superb evidentially.

Alternative options	1. Not to use BWV. This would reduce the quality of evidence being obtained to support effective enforcement activity and increase the likelihood of officers being subject to verbal or physical assault.
Consultation	1. Managers and officers within the Regulation & Enforcement Service have been consulted. 2. The Data Protection Officer has been consulted and has approved the DPIA.
Financial implications	1. The cost for 6 BWV devices, a dock, 6 licences for evidence.com, training, and warranty was £7149 for 3 years. Ongoing costs, based on continuing with the same hardware, will be £3669 for 3 years from 2026. At some point the BWV devices will need upgrading to newer versions.
Approved by Section 151 Officer	Yes
Legal implications	<p>BWV and evidence.com will improve our legal process and create efficiencies. Data can be shared with prosecutors and the courts, as both have a direct link to evidence.com. It also leads to earlier admissions of guilt and guilty pleas, saving time on case preparation.</p> <p>The BWV system will be operated having regard to the following legislation and guidance:</p> <ul style="list-style-type: none"> • Data Protection Act 2018, Freedom of Information Act 2000 • Human Rights Act 1998 • Home Office Surveillance Camera Code of Practice (the SC Code) • Information Commissioner’s CCTV Code of Practice (the ICO Code)

	<ul style="list-style-type: none"> • Criminal Procedure and Investigations Act 1996 • Police and Criminal Evidence Act 1984 <p>No legal further implications are expected.</p>
Approved by Monitoring Officer	N/A

Contribution to the delivery of the strategic plan	1. Effective enforcement supports aims around enabling people, shaping places and developing prosperity.
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Equality, diversity and human rights implications	<ol style="list-style-type: none"> 1. These have been considered as part of the DPIA and EIA. 2. The EIA determined that using BWV has a positive impact on equalities overall.
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EIA logged by Equalities Officer	Yes.
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Crime & safety Issues	1. It is anticipated that use of BWV will lead to reduced crime and increased safety.
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Data assessment	See DPIA.
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Environmental impact (including climate change and biodiversity)	1. It is anticipated that the use of BWV will ensure prosecutions can take place which will lead to increased awareness and act as a deterrent to potential offenders and reduce environmental crimes including harmful emissions and improve air quality etc.
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GDPR / Privacy impact assessment	DPIA undertaken.
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	Risk description & risk owner	Original score (RYG)	How we manage it	New score (RYG)
A	Policy does not adhere legislation or guidance	Yellow	Checking against legislation and guidance and delegation to allow swift changes.	Green
B	Adverse response to use	Yellow	Officers are empowered to activate and deactivate using their judgement.	Green
C	Potential data leaks	Yellow	Axon provide the devices and evidence.com, and supply the majority of law enforcement agencies around the world. See DPIA for control measures.	Green
D				
E				

Background documents	CCTV in the district – Our code of practice (lichfielddc.gov.uk)
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Relevant web links	Body Worn Video Cameras Policy Framework - GOV.UK (www.gov.uk)
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