



Lichfield District Council

Regulation & Enforcement Service

Body Worn Video Policy

1. Introduction and Scope

Lichfield District Council's (LDC) Regulation & Enforcement Service ('the 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.

This policy sets out LDC's policy and procedure for the use of body worn video (BWV) cameras by officers within the Service. It will enable officers to comply with the relevant legislation and outline the associated benefits to officers and the public. It also documents best practice procedures with regard to the integrity of data as well as its security and use.

BWV devices will be used 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.

2. Terminology

BWV device: Body worn video device, currently the Axon Body 2.

Data: Video captured by the BWV device, including any edits or overlays of that video, and video or images that are uploaded to evidence.com by any other means.

Deploy: An officer operating outside of their workplace with a BWV device.

Power on: Switching on the BWV device so that it is on standby.

Activate: Moving the BWV device from being powered on to recording data.

Evidence.com: Cloud based digital evidence management system provided by Axon.

BWV administrator: A manager nominated to hold an administrator account for evidence.com, to deliver training on their use, and to ensure compliance with policy and legislation.

Uniform: Case management database used by the Service.

3. Legislation and Guidance

The BWV system will be operated having regard to the following legislation and statutory guidance: 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), Criminal Procedure and Investigations Act 1996, Police and Criminal Evidence Act 1984.

4. Benefits of BWV

Much research has been conducted into the use of BWV. The established benefits 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.

5. Roles and Responsibilities

Managers at all levels are responsible for ensuring that officers comply with this procedure.

Officers shall:

- a. Familiarise themselves with this policy and comply with it.
- b. Ensure they have completed the mandatory training prior to utilising BWV and evidence.com.
- c. Take responsibility for their decisions on whether to deploy BWV, and whether to activate it, within the framework of this policy. Officers may have to justify these decisions to managers, prosecutors, defendants or the courts.
- d. Only activate BWV in an overt manner, wearing it in a clear and prominent position.
- e. Not show or give access to data captured via BWV to unauthorised persons.
- f. Not indiscriminately activate BWV for entire shifts, duties, or patrols.
- g. Ensure BWV devices are kept secure.
- h. Only use BWV devices provided by LDC and not tamper with the BWV device.

Deploying BWV

In all cases, officers shall use their professional judgment with regard to deploying and activating BWV. Use of BWV will be incident specific, and officers will apply common sense and sound professional judgement in support of the principles of best evidence and officer safety. If unsure, there should be a tendency towards using BWV.

Officers who do not have an evidence.com account will need to request use of a BWV device from an officer who has. Line managers will be responsible for ensuring all officers know who to contact in these circumstances.

To maximise opportunities to gather evidence, and to ensure officer safety, BWV shall be deployed, worn, and powered on (see para 7 as to activation) throughout the following proactive or planned operations:

- a. Overt environment patrol on foot for the purposes of preventing and detecting environmental offences such as leaving litter, failing to remove dog fouling, fly posting etc.
- b. Execution of a warrant to enter premises, seize property or animals or to search for evidence.
- c. Seizure of a vehicle for waste offences.
- d. Road traffic operations for the purposes of regulating waste carriage and transfer, scrap metal licensing, taxi licensing, animal transport etc.
- e. Visiting a location where there is a known threat of aggression.
- f. Undertaking any duties where there is a reasonable expectation of confrontation.
- g. Overt visits to licensed premises in response to intelligence / complaints.
- h. When requested to by another officer who leads an operation or case, or when instructed to by a manager.

A manager can verbally authorise officers to deviate from the above based on an assessment of risk. This authorisation applies to individual operations or tasks.

6 Activating BWV

Where it is worn, carried or otherwise available, BWV should be activated in the following circumstances:

- a. Observing an animal or its environment in relation to animal welfare offences.
- b. Obtaining details from a person in order to issue a Fixed Penalty Notice (FPN).
- c. Speaking to the driver of a vehicle stopped during the officer's duties (eg, taxis or vehicles carrying waste).
- d. Executing a warrant or entering any premises, land, or vehicle, in pursuance of any legal power to search those premises.
- e. Conducting searches of premises, land, or vehicles, in accordance with the Police and Criminal Evidence Act 1984 or any other statutory power.
- f. Interaction that presents or is likely to present a threat to the safety of the officer or other persons present.
- g. Using a statutory power to direct that a person does something (for example during a health and safety investigation).
- h. Asking questions of a suspect where it is necessary or advantageous to ask those questions at the time. The suspect should be cautioned and this should be captured by the BWV.
- i. To capture evidence of the commission of an offence or when an officer considers an interaction may have evidential value.
- j. When another officer at the same location activates their BWV.
- k. When requested to by another officer who leads an operation or case, or when instructed by a manager.

Officers may apply common sense and deviate from the above. In such circumstances it is expected that the officer will record the reasons for not activating their BWV in their pocketbook and on Uniform.

7 Operating BWV

- a. Officers should capture as much evidence as possible, including the context of the encounter, and should always aim to record as much of an incident as possible.
- b. Officers should activate BWV at the start of an incident or at the earliest opportunity thereafter. On activation, BWV devices are configured to automatically capture the preceding 30 seconds without audio.
- c. On activating BWV, the officer should, where practicable, make a verbal announcement to indicate they are using BWV. For example, "I am wearing a body camera and it is now recording". The announcement should be repeated at intervals as the officer deems necessary.
- d. Officers may provide a verbal commentary where appropriate.
- e. The officer should only deactivate BWV once it is clear the encounter has ended, or sufficient evidence has been gathered

8 LDC BWV Devices

The BWV device is a body-mounted camera with a built-in microphone and currently supplied by Axon. To assist with informing others of their presence, the Axon Body 2 prominently displays a yellow/black CCTV icon alongside the words 'Video & Audio'. Once activated, an obvious red light illuminates that can be seen in the dark and in daylight and every two minutes thereafter it emits two loud beeps and vibrates. The camera stores data files that cannot be deleted or amended by the officer. Each data file carries a unique identifier and is time and date stamped throughout. Evidence.com manages the download, storage, cataloguing, sharing and eventual automatic deletion of the data. This provides a full audit trail ensuring evidential continuity is maintained.



9 Training

All users will receive training in the use of BWV and correct procedures for uploading evidence (see also para 15). 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.

10 Objection to Activation

The public do not need to consent to be being recorded and officers will not routinely deactivate if an objection is raised. However, if the officer believes BWV is unnecessarily escalating the encounter, they can apply their judgement and decide to deactivate. The officer may decide to reactivate BWV should circumstances change.

11 Requests for Activation

If a member of the public requests that an interaction is recorded, the officer should do so unless there is an overriding reason not to.

12 Requests for Data Access

Where a person requests access to the data, the officer should inform the person that:

- a. Any non-evidential data is retained for 31 days only.
- b. The data is protectively marked as Official-Sensitive and unless permitted by law it cannot be disclosed to third parties without the subject's permission.
- c. Requests can be made via www.lichfielddc.gov.uk or in writing for a copy of the data via a subject access request in accordance with the Data Protection Act 2018.
- d. Further information is available from LDC's data protection officer via email at dpo@lichfielddc.gov.uk.

13 Dwellings

BWV may be activated inside dwellings where there is a legitimate purpose for doing so including those reasons listed at para 7 above.

14 Uploading Data

The BWV device should be returned to the dock as soon as possible. Data is then automatically uploaded and saved to evidence.com. The officer shall then select an appropriate category, add a Uniform number as the ID and enter other details such as exhibit number, suspect names, and other relevant details. Any additional information entered can be used to search in the future making it easier to retrieve.

Evidential data will be considered to be any data that is:

- a. Evidence of an offence.
- b. Supporting evidence for any legal process such as a prosecution or issuing an FPN.

- c. Data that is required for a relevant and proportionate purpose such as evidence of offences dealt with by the police.
- d. Data which should be revealed under The Criminal Procedure and Investigations Act 1996.

15 Sharing Data

Officers may share data with other LDC officers within the Service and with LDC prosecutors in the course of their duties. Officers may also share data with any other law enforcement agency but shall only do so for a legitimate purpose in line with the rules of disclosure and principles of data protection. Where they exist, this will be done in accordance with established data sharing arrangements. Further guidance can be obtained from the LDC Information Manager.

16 Witness Statements

Officers may view any data prior to completing a witness statement and should incorporate a summary of the footage within their statement as appropriate.

17 Monitoring

A BWV administrator may view any data that has been uploaded, predominantly to ensure that data has been categorised correctly so that the appropriate retention periods are applied, and that details such as Uniform numbers are added.

Managers within the Service will not routinely view BWV data for monitoring officer performance. However, there is strong evidence that BWV contributes to a reduction in complaints and subsequent disciplinary action, by providing a clear and impartial record of any interaction. This means that when a complaint arises the data can be used to quickly establish exactly what happened and provide a speedy resolution as part of the complaints process. This provides greater transparency and allows officers to show that they followed the correct procedure if their actions are challenged. BWV data may therefore be viewed by managers within the Service as part of an investigation into a concern or complaint.

Officers are encouraged to review their own BWV data to reflect and develop. Teams within the Service may also wish to identify development opportunities that involves the use of BWV data. For example, this could include conducting an after-action review or reflecting on actions taken during a major operation or case, with a view to identifying lessons which can then be shared with colleagues and used to improve individual, team and Service performance.

The audit log attached to all data will identify whenever a person views the data, giving the date, time, length of viewing and officer details.

18 Deletion of Data

Evidence.com automatically deletes data in accordance with the following retention schedule:

- a. Pending Review: until manually deleted
- b. Uncategorised: 31 days

- c. Training: 31 days
- d. All others: 7 years

19 Data Protection Impact Assessment (DPIA)

A separate DPIA has been completed and approved by LDC's data protection officer.

20 Supporting Phone Applications

Officers may download the following applications to their work phone:

- a. Axon View. This will allow officers to connect their BWV device to the app via Bluetooth so that they can live view and review data that has yet to be uploaded.
- b. Axon Capture. This will allow officers to take images, videos and audio recordings from their phone and upload them direct to evidence.com.