

NORTH LINCOLNSHIRE COUNCIL

**CUSTOMER SERVICES, SPORT AND LEISURE
CABINET MEMBER**

BODY WORN VIDEO CAMERAS

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 The purpose of this report is to inform elected members of the deployment of Body Worn Video cameras for use by Neighbourhood Wardens and Civil Enforcement Officers.

2. BACKGROUND INFORMATION

- 2.1 This report relates to the provision, overt use, deployment, downloading and storage of data in connection with Body Worn Video Cameras (BWV) used by the Community Warden Service (Civil Enforcement Officers) throughout North Lincolnshire. The specific aim of the project is to make best use of available resources and to transform service delivery by taking full advantage of new technology. The use of BWV will greatly assist with the prevention and detection of antisocial behaviour and will enhance the safety and well-being of the general public as well as Wardens staff themselves.
- 2.2 The use of BWV is restricted to deployment as an overt tool for frontline uniformed Warden duties. The decision to record or not to record any incident remains with the individual user. Detailed guidelines have been developed and Wardens will receive training in practice and procedure. All images recorded using BWV are the property of the Council and will be retained in accordance with Council policy. They are recorded for the aforementioned purposes and will not be shown or given to unauthorized persons/agencies.
- 2.3 The legislation relevant to images and recorded footage captured on BWV is:
- Data Protection Act 1998
 - Human Rights Act 1998
 - Freedom of Information Act 2002

All Policies and Procedures will be developed in line with the relevant legislation.

- 2.4 BWV will be deployed in a controlled manner allowing Wardens to deal with antisocial behaviour in an appropriate, timely and proportionate manner. The system will also be used to assist Wardens to carry out their enforcement duties and to support the investigation of complaints against staff and incidents of verbal and physical abuse towards staff.
- 2.5 The BWV equipment in question is compact, lightweight, durable and simple to use. It is used by over 20 UK Police Forces, numerous local authorities, hospitals and prison services. One easy shutter movement will allow the wearer to record exactly what they are experiencing, in full colour with optimised sound quality.
- 2.6 The specification for the BWV equipment includes the following:
- Operated by the wearer through a simple one touch slide
 - 4GB memory
 - Recording time in excess of 4 hours
 - Records in full colour at 30 frames per second
 - Enhanced Low light capability
 - Optimised crystal clear sound quality
 - Wireless self- contained unit
 - Greenwich Mean Time and Date stamped
 - Tamper resistant for use as evidence in court – digital signature
 - Waterproof (IPX5) and tamperproof rubberised casing
 - Size: 76mm x 52mm x 22mm
 - Weight: Approximately 100 grams
 - Approved by the Association of Chief Police Officers (ACPO)

3. OPTIONS FOR CONSIDERATION

- 3.1 The Cabinet Member is asked to approve the policy and agree to the deployment of Body Worn Video Devices.

4. ANALYSIS OF OPTIONS

- 4.1 The preferred option is to approve the policy and agree to the deployment of the Body Worn Video Devices for the reasons set out in the preceding paragraphs. The project aims to make best use of available resources and to transform service delivery by taking full advantage of new technology. The use of BWV will greatly assist with the prevention and detection of antisocial behaviour and will enhance the safety and well-being of the general public as well as Wardens staff themselves.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 The cost of purchase of the Body Worn Video Devices will come from existing resources. Any ongoing maintenance costs will be absorbed by the Civil Enforcement Budget.

6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

6.1 The use of Body Worn Devices is primarily to protect the staff from abuse and provide a deterrent to conflict. The protocol for use is written in line with the relevant legislation including the Data Protection Act and the Human Rights Act.

7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED

7.1 A Short trial was undertaken by staff in February 2015 and the feedback was positive. Our employees were consulted about the use of the Body Worn Video and have agreed to their use as per the proposed protocol.

8. RECOMMENDATIONS

8.1 That the Cabinet Member agrees the adoption of the Protocol for the use of Body Worn Video as attached.

8.2 That the Cabinet Member approves the use of Body Worn Video by designated Civil Enforcement Officers.

8.3 That the Protocol is reviewed on an annual basis to ensure it is still compliant with operating procedures and the law.

DIRECTOR OF PLACES

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Date: 23.03.15

Background Papers used in the preparation of this report: None



North Lincolnshire Council

Department: Safer Neighbourhoods

Head of Service: Stuart Minto

Date: 20/03/2015

Policy Title: North Lincolnshire Council Body Worn Camera's

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1. Introduction

The purpose of this Policy is to facilitate and monitor the deployment of Body Worn Camera's (BWC's) across North Lincolnshire Council Civil Enforcement Officers (CEO).

All data acquired by BWC's will be processed and controlled by North Lincolnshire Council in line with our internal policies.

2. Use and Principles

North Lincolnshire Council strives to improve the environment and safety of the public they serve. BWC's are being introduced in North Lincolnshire Authority Area to assist in recording and combating a variety of offending activity.

BWC's will provide officers with real time evidence, assisting in crime prevention, prosecution evidence and public/Internal complaints.

The use of BWC's should also act as a deterrent to offending behaviour in the community and towards CEO's.

The equipment records visual and audio footage through a single lens. The device is highly visible due to its markings. It is small and lightweight so will not cause a physical burden to the officer wearing it.

3. Operational Deployment

All staff will be trained on BWC's and given instructions as to its use.

The BWC will be fitted to the upper chest area and be high visibility so it can be easily recognised as overt surveillance. CEO uniform will have CCTV insignia on it making members of the public aware BWC's are in operation.

Each BWC will be asset marked and assigned to a CEO for their work shift. This should be documented in the officers note book and central booking database.

Each device should be tested on a daily basis using a standard format of date, time and introduction of the CEO. This can then be played back in real time to ensure the BWC is functioning.

The BWC can then be deployed with the CEO for that shift.

Should an incident arise the BWC should be activated immediately. Recording should be ceased at the end of the incident. At no point should it be turned off during an incident as vital evidence could be lost.

Upon returning from an incident or at the end of a shift the footage should be downloaded to the main computer network by the Neighbourhood Parking and Enforcement Manager who is the system administrator. The memory can then be wiped so the BWC has full storage capacity again and placed onto the charging tree.

4. Storage of Devices

BWC's will be stored inside a locked local authority building when not in use. Designated storage facilities will be made available along with a charging tree.

At no point should they be left in vehicles as continuous exposure to extreme temperatures could affect the functions and longevity of the devices.

5. Storage and copying of Data

Data collected by BWC's will be stored electronically on the central database in line with the System Administrators directive.

The requirements of Data storage, copying and destruction are set out in North Lincolnshire Council's operating procedures for CCTV equipment.

Under the requirements of the code of practice issued under the Criminal Procedure and Investigations Act 1996, material which is obtained in the course of a criminal investigation and which may be relevant to the investigation must be recorded and retained, and may be used as evidence in criminal proceedings. The admissibility of evidence is governed by the common law, section 76 of the Police and Criminal Evidence Act

6. Governance and Audits

Governance remains with the Head of Safer Neighbourhoods. Audits can be conducted by the Head of Safer Neighbourhoods or The Neighbourhood Parking and Enforcement Manager.

7. Limitations of use

BWC's will only be used during working hours and are not for personal use away from working deployments. Any Misuse of the devices would

render you liable under current disciplinary procedures set out in council policies.

8. Legislation and Human Rights

Consideration needs to be under the Human rights act 1998 Schedule 1;

Article 3

Prohibition of torture

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Article 6

Right to a fair trial

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.
2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
3. Everyone charged with a criminal offence has the following minimum rights:
 - (a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
 - (b) to have adequate time and facilities for the preparation of his defence;
 - (c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

(d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

Article 8

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 10

Freedom of expression

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises .
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

9. Evidence Policy

Evidence will be retained in line with the current evidential Policy.

10. Data - Access by authorised Personnel and Freedom of Information Act requests

All Data requests will be dealt with and managed by Neighbourhood Parking and Enforcement Manager. Requests should be submitted to him at the below address. There is a specific request form for BWC Data which will be supplied upon receipt/Request of access to data.

Harry METCALFE

Neighbourhood Parking and Enforcement Manager

North Lincolnshire Council

Church Square House

Scunthorpe

11. Evaluation / Feedback

Evaluation, Feedback and Faults can be passed to the Neighbourhood Parking and Enforcement Manager in the form of a report. These will be dealt with in a timely manner and a response given including a time scale for resolution/completion.

12. Freedom of Information Requests

The use of BWC's is NOT covered by the FOI act unless they are operated by a Public Authority or publically owned company.

Therefore any requests for personal information collected by the units may still be made using the Subject Access Request procedures under section 7 of the DPA but may be refused under certain circumstances

13. Review of Procedure

This document should be reviewed annually commencing one year from the date of implementation. Any review will take into account, changes in legislation and working practices.

The review will be carried out by the Head of Service, Safer Neighbourhoods.

Appendix A

Specification of Body Worn Video Cameras.

The specification for the BWV equipment is Pinnacle PR5

- Operated by the wearer through a simple one touch slide
- 4GB memory
- Recording time in excess of 4 hours
- Records in full colour at 30 frames per second
- Enhanced Low light capability
- Optimised crystal clear sound quality
- Wireless self-contained unit
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