

Broads Authority Body Worn camera policy and guidance

Table of Contents

Trial Period	1
Introduction	1
Principles of Use	2
Limitations	4
Objections and Requests For/Against Recording	4
Operation of Body-Worn Video Cameras (BWC)	5
Downloading of Recorded Data	7
Retention of Recorded Data	7

Trial Period

The introduction of body-worn video cameras is being piloted until August 2024, with a formal review after the trial period. This policy and guidance will be kept under review during the trial period.

Introduction

Information such as videos and audio recordings that can identify an individual are classified as personal data under the Data Protection Act 2018 (DPA 2018). Under the UK's implementation of the EU General Data Protection Regulations (GDPR) personal data must be processed consisting of seven data protection principles.

Additionally, data processed for law enforcement purposes must be processed in accordance with the principles set out in Section 35 of the DPA 2018, summarised below. Law enforcement purposes is defined in DPA 2018, section 30, Part 3 as "prevention, investigation or prosecution of criminal offences, or the execution of criminal penalties, including safeguarding against threats to public security".

Lawful- processing of sensitive data for law enforcement purposes, is only lawful in two cases:

Case 1: There is:

- a) consent by the data subject for law enforcement purposes and
- b) at the time the data processing is carried out the competent authority has an appropriate policy document in place.

Case 2:

- a) The processing is strictly necessary for law enforcement purposes and

- b) the processing meets at least one of the conditions in Schedule 8, (necessary for judicial and statutory purposes) – for reasons of substantial public interest. necessary for the administration of justice and
- c) at the time when the processing is carried out, the controller has an appropriate policy document in place.

The Broads Authority will be progressing its BWC trial under the lawful processes as described in case 2 above.

Under section 36(c) Personal data collected for a law enforcement purpose may be processed for any other law enforcement purpose by the controller “provided that—

- (a) the controller is authorised by law to process the data for the other purpose, and
- (b) the processing is necessary and proportionate to that other purpose.”

Principles of Use

1. The Broads Authority has a lawful basis concerning its law enforcement role of enforcing the byelaws, consistent with Case 2 above, including meeting at least one criterion under schedule 8 of the Data Protection Act 2018, for the lawful processing of sensitive data, namely “*1(a) is necessary for the exercise of a function conferred on a person by an enactment or rule of law...*”. Regarding Case 2 although it does not explicitly speak to giving a warning that the enforcement officer is recording to do so is consistent with the principle of transparency set out in the Protection of Freedom Act 2012, Surveillance Camera Code of Practice.

2. The use of BWC must consider its effect on individuals and their privacy, with regular reviews to ensure their use remains justified.

The Authority has undertaken a Data Protection Impact Assessment (DPIA) to ensure that our intended use of BWC minimises unwarranted privacy intrusion. As a rule, we will ensure that any privacy intrusion that might arise from our use of BWC is restricted by:

- ensuring that BWC is not used for the recording of intimate circumstances where persons are in a state of undress.
- ensuring that BWC is not used to record citizens in private dwellings.

3. There must be transparency in the use of BWC as possible, including a published contact point for access to information and complaints. For the Broads Authority, this is the Data Protection Officer DPO@broad-authority.gov.uk

We will ensure this transparency by:

- ensuring that BWC technology is not hidden and is visible to those who are subject to filming. As a rule, where a Ranger is in uniform and is wearing a camera, this condition has been satisfied, and other staff using BWC will have identification available.
- Ensuring Broads Authority staff inform members of the public that they are being filmed and that audio recordings of the incident are being taken.
- Having a page on our website with information about how we will use BWC, and this policy and publish details of how the Authority will process any personal data that is captured by a BWC on our website.

4. There must be clear responsibility and accountability for all BWC activities including images and information collected, held and used.

The Broads Authority is responsible for operating the BWC and it is their responsibility to:

- ensure that any recorded incidents are uploaded to a secure digital platform.
- ensure that files that may be required as evidence are 'flagged', stored and handled in accordance with the Police and Criminal Evidence Act 1984.

5. Only images and information that are strictly required for the stated purpose will be retained, other unrequired images and information will be deleted once their purposes have been discharged.

Non-evidential files will be auto deleted by the Authority's Data Retention Schedule. Evidential files will be retained in a secure digital format with access strictly controlled and deleted by the Authority's Data Retention Schedule. Evidential files may be retained to improve performance and will be deleted once this purpose has been met.

6. Access to retained images and information will be restricted and the disclosure of images and information will only take place when it is necessary for such a purpose or law enforcement purposes.

Access to footage captured from BWC will be restricted to senior managers and supervisors who require access for their roles. Images will be used to assess whether incidents that have been recorded, require escalation to law enforcement agencies for crime prevention and detection purposes. Incidents may also be assessed by managers to identify any learning that might be necessary to improve officer performance or conduct.

Footage may also be interrogated if formal complaints have been received by members of the public. This will be used to inform any action that might be necessary by the Broads Authority.

7. The Authority's intended use of BWC is at the discretion of the Broads Authority staff member wearing the camera. The Broads Authority will not film covertly. Training relevant to the use of BWC will be monitored by the Director of Operations through routine supervision arrangements.

8. BWC images and information will be subject to appropriate security measures to safeguard against unauthorised access and use.

9. There is an effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice.

This policy and the related Data Protection Impact Assessment will be reviewed after the trial period (as part of a formal review) to ensure any legal compliance risks are identified and where appropriate mitigated to an acceptable standard.

10. When the use of BWC is in pursuit of a legitimate aim, and there is a pressing need for its use, it will be used in the most effective way to support public safety and law enforcement to produce images and information of evidential value.

Using BWC the Broads Authority can produce a 'perfect memory' of everything seen and heard at the incident attended. Any video recording of an incident is likely to provide better evidence than an individual's recollection and subsequent note or statement-making. If the recording covers the whole incident, the staff member does not have to produce a written statement detailing the entire nature of the interactions contained in the video footage, as this is avoidable duplication. If two (or more)

members of staff are present at the same incident and one of them records the whole incident while the other(s) deal with the incident, the resulting recording can be used as evidence of the staff present if it shows the entire incident.

The captured audio recording will also make notes of the incident to cover any additional points that may be outside the view of the camera as well as all evidential information required in the event of a technical failure.

Limitations

BWC provides an account of what the wearer saw and heard at an incident. However, staff must be aware that some aspects of incidents vital to the evidence may occur out of camera view, that sound recordings may not be complete or that sounds at the scene may block significant statements by those present. There is also the possibility of technical failure and therefore staff need to ensure they remain mindful of standard evidence-gathering procedures and not rely solely on the BWC evidence to support the incident.

Objections and Requests For/Against Recording

There may be occasions where a person objects to being recorded. BWC wearers may record overt video and audio without consent if this recording is for the purposes outlined in the Authority's Privacy Notice.

The decision to continue recording should remain with the BWC wearer, who should consider the objections made by the person in respect of the recording. The presumption should be, however, that recording should continue unless the objection(s) made overrides the need to record an evidential encounter.

If the BWC wearer decides to continue recording despite objections, they should make a note as to why they have decided to do so. They should also take steps to advise the individual as to the following:

- the reason for the recording taking place - usually this will be to prevent or provide evidence of incidents when engaging with the public.
- non-evidential material will only be retained for a maximum of 30 days unless required for evidential purposes.
- footage is subject to the Data Protection Legislation and can be applied for on request in writing.
- any material is restricted and will only be disclosed to third parties in accordance with the legislation.
- the recording is being made to act as a corroboration of the encounter and thus can be used to back up the accounts of each party.

Equally, BWC wearers may encounter members of the public who specifically request that any encounter or interaction be recorded, even if the BWC wearer does not feel that there is any evidential reason to do so.

Unless there are clear reasons to do otherwise, the BWC wearer should record such an encounter but should remind the person requesting the recording that, unless there is an evidential reason to retain the footage, it will be automatically retained for a maximum of 30 days and deleted thereafter.

Operation of Body-Worn Video Cameras (BWC)

1. All Broads Authority staff have the discretion of whether to wear a BWC. The recording must be incident specific. The expectation is that BWCs will be used in exception and not as the norm. Staff will not indiscriminately record entire duties or patrols.

Broads Authority staff will obtain BWC evidence when:

- they are verbally abused or threatened.
- unwanted bodily contact is made.
- they feel uncomfortable or vulnerable in a particular situation.
- they are dealing with a pre-existing high-risk incident or believe such an incident may occur due to known intelligence relating to a particular vehicle, location or individual.
- a caution is being issued concerning the Broads Authority byelaws.

2. Staff will, where possible/practicable, announce to the subject(s) of an encounter that video and audio recording is taking place using a BWC. There may be some circumstances where announcing that recording is taking place could inflame the situation. Training will be provided regarding these circumstances and staff will have discretion and be supported in the decisions they take on the ground.

3. Recording should commence when staff, from their own experience, feels recording may be necessary and it should continue uninterrupted until the activity is concluded.

4. The decision to record or not record an incident remains with staff of the Broads Authority. Each wearer of the BWC must be mindful that failing to record an incident is likely to require an explanation. Therefore, if a member of staff is present at an evidential encounter, they must record the incident.

5. Recording should begin at the earliest opportunity at the start of an incident (the BWC will record the preceding 30 seconds once started) so the wearer of the BWC should be ready to record as soon as they believe an encounter, which would warrant an incident report or near miss, may be likely.

6. At the start of any recording the staff member, where practicable, will make a verbal announcement to indicate why the recording has been activated. If possible, this should include:

- the date, time and location
- the nature of the incident to which the Ranger is deployed.
- confirmation to those present that the incident is now being recorded using video and audio.

7. If the recording has commenced before an incident without any potential subject present, the camera wearer should, as soon as practicable, announce to those persons becoming a subject that recording is taking place, and that actions and sounds are being recorded. This will be issued in plain English such as **“I am video recording you,” “I am video recording this incident”** or **“everything you say and do is being recorded on video.”**

8. Wherever practicable, restrict recording to the areas and persons necessary to obtain evidence and intelligence relevant to the incident. The camera wearer should attempt to minimise collateral intrusion on those not involved.

9. It is advisable that the wearer of the BWC continues to record for a short period after the incident to demonstrate to any subsequent viewer that the incident has concluded, and that the member of staff has moved on to other duties. Before ending the recording, the wearer should make a verbal announcement to indicate the reason for ending the recording. This should state:

- the date, time and location
- the reason for concluding the recording.

10. There may be occasions where an incident is only partially recorded, such as through technical failure, the BWC being knocked, covered or dislodged during an incident or where the camera view is restricted. There may also be occasions where the sound recording is unclear or difficult to hear due to other noises such as traffic, poor weather or other people. In this case, the wearer is to make notes to support any BWC evidence.

11. The camera wearer will ensure the BWC is working correctly before starting each duty, including the following basic checks:

- BWC is charged and not damaged
- the camera angle is adjusted to suit the wearer and
- date and time stamp are accurate and there is sufficient recording time available on the device.

12. Correct use of BWC will be monitored regularly.

13. It is important that the introduction of video evidence should not take primacy over other types of evidence, such as statements from other staff or eyewitnesses. The incident is recorded in real-time, limited only by the field of view and audio range of the unit. The evidence is therefore far more accurate than was previously possible and doubts about what was said or done can be minimised. Using BWC enables the Broads Authority to present its evidence consistently and accurately. The recording may be produced as an exhibit. BWC wearers must continue to complete the Authority's incident report form for all reportable incidents or near misses.

14. BWC can promote reassurance and reduce antisocial behaviour. Recordings will provide irrefutable evidence and will improve the quality of prosecution cases. The Review Team may use BWC recordings as training aids and improve how incidents are dealt with.

NB: *The Review Team will be a Section Head and the Data Protection Officer from the appropriate section, depending on who captured the video evidence for review.*

15. In general, non-evidential recordings from a BWC will not be used to review performance or conduct, however, where there is evidence of concern regarding an individual's performance (e.g. complaints, non-compliance with this policy, public engagement, conflict management) the Reviewing Team may use BWC recordings to review and improve how incidents are managed or address any performance issues.

16. The use of BWC described in this policy is 'overt use.' BWCs are small, however, they must not be worn or used in a hidden or covert manner.

17. If a BWC is not working or found to be faulty this should be reported immediately to the Director of Operations or the Senior Ranger Team.

18. When not in use, devices should be kept in a safe place. The devices should be not left in vehicles overnight.

Downloading of Recorded Data

The following process details the procedure for uploading footage from the BWCs using a laptop computer with the DEMS 360 uploader software installed:

- Staf members signs-in to the DEMS 360 software
- Connect the camera to the laptop via USB cable.
- The upload starts automatically.
- Software prompts when the upload is complete.
- Footage is automatically deleted from the camera following successful upload.

Retention of Recorded Data

Recorded footage that is considered 'non-evidential' will be auto deleted in accordance with the Authority's Data Retention Schedule.

Non-evidential footage may be retained for performance management and will then be deleted as soon as completed.

Evidential files will be retained in a secure digital format with access strictly controlled.

Evidential files will be deleted in accordance with the Authority's Data Retention Schedule.

Footage captured may be viewed/listened to by authorised officers only and may be shared with other enforcement organisations, subject to a formal request through appropriate channels.

Training

Training will be provided to all staff before BWCs are used this will include this policy and guidance, the operation of the BWC and related software and best practices in the use of BWC.

Review

We will undertake a formal review of the use of BWC after the trial period has concluded.

A written report will be presented to the Management Team to determine whether to retain the cameras and to identify any lessons learnt.

June 2024