

POLICY TITLE

Policy for the use of Body Worn Cameras

NEXT REVISION DUE JANUARY 2023

POLICY AIM

This document will enable Councillors and Staff of Skegness Town Council to comply with legislation relating to video recording.

EXECUTIVE SUMMARY

The purpose of Body Worn Camera's (BWC's) is to protect staff and the public, discourage aggressive and abusive behavior and provide evidence where required to investigate complaints.

The policy will set out the purpose of using BWC's, what information will be recorded, who will have access to this information and how this information will be stored and disposed of.

POLICY STATEMENT

The purpose of using BWC's is to:-

- Serve as a deterrent to acts of aggression or verbal and physical abuse
- To reduce staff's fear of crime or aggressive or violent behaviour
- Introduce a more imposing recording system to address levels of anti-social behaviour
- Keep people safe
- Help to protect officers at work (for Health and Safety purposes)
- Capture images close up, including audio recording
- Provide evidence to support internal investigations (complaints) and in cases of alleged illegal activity
- To help investigate breaches in Health and Safety incidents, investigate formal complaints or to resolve Grievances
- Assist in the investigation of allegations of inappropriate conduct by officers

The BWC will not be used as a tool to assist in the ad-hoc monitoring of officers.

IMPLEMENTATION

All operators will receive training in the use of BWC including:-

- practical use of equipment
- operational guidance i.e. when to commence and cease recording
- legal implications of using such equipment.

The day-to-day management of the BWC system will be the responsibility of the designated Responsible Officer for that system

BWC will be activated for recording when the operator: -

- has an engagement with a member of the public which, in the opinion of the operator, is confrontational and where they believe that they may be subject to physical or verbal abuse
- encounter a situation in which they are approached by a member of the public in a manner perceived as aggressive or threatening
- BWC will be used in an overt manner and operators will wear clear identification to indicate that it is a device capable of visual and audio recording.
- If questioned, the operator must confirm to the enquirer that they are subject to recording and be prepared to answer questions as to the security of the data.
- BWC will not be used in a hidden or covert manner
- BWC will only be used when wearing Council uniform or clearly displaying Council identification.

BWC's are worn so that they are clearly visible and a clear and verbal warning that the camera is in use will be given. This will ensure that both the maximum deterrent value is achieved and that the public are fully aware that they are being recorded. Operators will wear BWC's with signage stating that CCTV is operational and/or being recorded.

In all instances where BWC are to be used, and where practical, operators will inform the individual (or group) that the BWC is switched on and recording. There may be occasions when to do so would escalate the incident or put the operator in danger if such a warning was given, but this should be very rare and the operator may be required to justify such an action.

We respect and support the individual's entitlement to go about their lawful business and this is a primary consideration in the operation of a BWC system. Although there is inevitably some loss of privacy when BWC's are operational, cameras will not be used to monitor the progress of individuals in the ordinary course of lawful business in the area under surveillance. Individuals will only be continuously monitored if there is reasonable cause to suspect an offence or serious breach of discipline has been, or may be, about to be committed.

Retention of BWC recordings

Any recordings which have been made will be uploaded and stored on the Council's secure IT network. All data is backed up and stored for 28 days. After a period of 28 days, all recordings will be permanently deleted.

BWC recordings will only be retained for longer than 28 days in instances where an investigation or prosecution case has not concluded.

BWC recordings may only be accessed by the appropriate data controller. Any other staff requiring access to the data must be authorised by the data controller.

BWC recordings will be made accessible as soon as practicable to Lincolnshire Police upon its request.

If a member of the public has been identified as being recorded by BWC, he / she can request to view the recording. The request will be treated as a subject access request under Section 7 data Protection Act 1998 and will need to be made in writing to Skegness Town Council in accordance with the Council's Access to Personal Information procedure. The Council will request proof of identity. A standard £10 processing fee will be payable as

per Section 7 (2) (b) of the same Act. Availability of the BWC recordings will be subject to the retention period described above.

MONITORING

The use of BWC will be regularly evaluated to ascertain whether it is necessary and proportionate to continue using it.

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

- General Data Protection Regulations 2018
- Data Protection Act 1998
- Freedom of Information Act 2000
- Human Rights Act 1998
- Protection of Freedoms Act 2012
- Home Office Surveillance Camera Code of Practice
- Information Commissioners Code of Practice
- Information Commissioner's Office - Code of Practice on CCTV
- The College of Policing Guidance on body worn cameras 2014
- Part 2 of the Regulation of Investigatory Powers Act 2000

It is important that the operation of all Council run CCTV systems comply with these Acts and Council policies, procedures and guidelines. This is to ensure that the Councillors, staff and the public are protected from abuses of the CCTV systems.

POLICY CONSULTATION

This policy will be published on the Council's web site

POLICY APPROVAL

Management Committee 29/01/2020

RELATED POLICIES & STRATEGIES

Information and Communications Technology (ICT) Acceptable Use Policy
Information Security Policy
Privacy Impact Assessment – Body Worn Cameras