

Title of the policy	Standard Operating Procedure
Date	17 th May 2011
Lead Officer	Nicola Gibson
Who else is involved in undertaking this assessment?	Karl Harrison Scott Sims

Step 1 – Overview of policy/function being assessed

A. Outline: What is the purpose of this policy? (specify aims and objectives)
<p>This is a standard operating procedure which was created to ensure that the staff are aware of the occasions when they should use the body worn video (BWV) equipment and how to comply with the requirements of the Human Rights Act and Data Protection Act.</p> <p>The overall objective is to demonstrate how the equipment should be used and the policy context to comply with the relevant legislation. The procedure also outlines how the BWV can help to protect the staff in instances of verbal/physical assault and complaints against them.</p>
B. What specific groups is the policy designed to affect/impact?
<p>Staff members i.e. Street Wardens</p> <p>People in the community that are recorded following an offence of environmental crime</p>
C. Which groups have been consulted as part of the creation or review of the policy?
<p>Staff members</p>

Step 2 – What we already know and where there are gaps

A. List any existing information/data do you have/monitor about different diverse groups in relation to this policy? Such as in relation to ethnicity, religion, sexual orientation, disability, age, gender, transgender etc.
<p>Data/information such as:</p> <ul style="list-style-type: none"> ▪ Consultation ▪ Previous Equality Impact Assessments ▪ Demographic information ▪ Anecdotal and other evidence
<p>Body worn video impact assessment</p> <p>Home Office Guidance on body worn video</p>
B. What does this information / data tell you about diverse group? If you do not hold or have access to any data/information on diverse groups, what do you need to begin collating / monitoring? (please list)
<p>The evidence that is gathered on the body worn video is captured following an environmental crime. The recording is used for evidential purposes only.</p> <p>The recordings are reviewed on a monthly basis and monitoring is undertaken from the fixed penalty notice receipts and complaints forms (all footage arises from these 2 types of events).</p>

Step 3 – Do we need to seek the views of others? If so, who?

A. In light of the answers you have given in step 2, do you need to consult with specific groups to identify needs / issues? If not please explain why.
The main group that may be affected by the policy has been consulted – i.e. the staff

Step 4 – Assessing the impacts

	In light of any data/consultation/information and your own knowledge and awareness, please identify whether the policy has a positive or negative on the groups specified and provide an explanation for your decision. (please refer to the general duties on the front page)
Age	Positive – if a Street warden is being verbally or physically abused who may not have the same physical ability to flee the scene, they can record the identity of the person and improve the chances of capturing and convicting the person.
Disability (physical, visual, hearing, learning disabilities, mental health)	Positive – if a Street warden is being verbally or physically abused who may not have the same physical ability to flee the scene, they can record the identity of the person and improve the chances of capturing and convicting the person
Gender / Sex	Positive – if a Street warden is being verbally or physically abused who may not have the same physical ability to flee the scene, they can record the identity of the person and improve the chances of capturing and convicting the person
Religious Belief	n/a
Racial Group	n/a
Sexual Orientation	n/a
Transgender	n/a
Other protected groups (pregnancy & maternity, marriage & civil partnership)	Positive – if a Street warden is being verbally or physically abused who may not have the same physical ability to flee the scene, they can record the identity of the person and improve the chances of capturing and convicting the person
Other socially excluded groups (low literacy, priority neighbourhoods, socio-economic, etc)	<p>Positive - Footage following an offence can be recorded and replayed by an impartial person or support worker to establish if an individual's needs were taken into consideration and if their behaviour is affected by their needs i.e. a fixed penalty notice should not be issued to a vulnerable person but this group is wide ranging and their individual reason that they are classed as vulnerable may not be apparent.</p> <p>This may also help in a court scenario to show a clear demonstration of the difficulties the individual may have faced. It may also help with any appeals for fixed penalty notices or decisions on complaints from or in reference to staff.</p>
All	Positive – recorded footage is an accurate version of events which could help with any conflict resolution. In relation to staff it demonstrates an accurate record if a complaint is received which could result in the staff member being exonerated when usually it may be a question of one person's word against another.



Street Management

Standard Operating Procedure – Body Worn Video (BWV)

1. Reason For Use

Body Worn Video (BWV) is used by the Street Management Team for the following purpose:

For the prevention and detection of environmental crime & parking contraventions through gathering of intelligence including use of images and sound as evidence in criminal and or civil proceedings

BWV cameras provide an independent record of events as they happen and act as a deterrent to would be offenders. Footage gathered by BWV cameras will provide irrefutable evidence of criminal or unacceptable civil activity and help convict those who offend or deter those who may act in physically or verbally abusive manner

In certain circumstances images may also be used for training purposes.

In establishing the use of BWV the Council has considered the guidance issued by the Information Commissioner in the CCTV Code of Practice and the Home Office Guidance for the Police Use of Body-Worn Video Devices.

2. Associated Documentation

This procedure should be read in conjunction with the Charnwood CCTV System Code of Practice (Appendix A).

All operators of BWV equipment will be issued with a copy of the CCTV Code of Practice, and will be expected to be aware of their responsibilities under this code.

3. Notification Of The Scheme With The Information Commissioner

The Data Controller for the purposes of the Data Protection Act 1998 is Charnwood Borough Council and notification of the Street Management BWV scheme is covered by the Council's notification as a Data Controller with the Information Commissioner. The registration is reviewed and updated as necessary each November. The point of contact for data protection queries is Michael Hopkins, Standards and Monitoring Support Officer.

4. Street Management Officer Legally Responsible For The Equipment

The Head of Street Management will be legally responsible for the day to day running of the scheme and for ensuring compliance with the requirements of legislation and BWV Policy.

5. Operating Procedures

5.1 BWV Systems

Initially all recorded footage will be downloaded into a day folder with the relevant date as a label. The day folder will be referenced with the collar number of the Warden that recorded the footage.

Folder naming protocol: e.g.: 11.01.2011SM005

Each file when downloaded is automatically issued with a unique computer generated reference number i.e. FNKJ0200_11012011102021 (unit number, date and time of recording).

It is imperative that Street Wardens monitors show the correct time and date on a daily basis at shift commencement. .

If the monitor shows an incorrect date or time then refer to a Manager and they will correct the time/date.

5.2 BWV Equipment Use

Street Wardens shall be aware that they are only to use the BWV equipment in order to achieve the purposes for which it has been supplied (see section 1 above).

There is a pre-record function which enables a 30 second pre event recording. If pre-event is selected the DVR immediately captures images and puts them in a temporary memory. When the record button is pressed, the DVR starts recording to the main internal memory but it also includes the images captured (from temporary memory) for the 30 seconds before the button was pressed and stores them.

Please remember to only record footage as outlined in section 5.2.3.

Example: If you see someone dropping litter then press the record button. The pre-event function will show the litter being dropped (if you are facing in the right direction and it happened within the previous 30 seconds).

This evidence would provide an accurate records of events and could be used in evidence.

Temporary data (pre-event) is not stored unless the record button is pressed.

Street Wardens shall recognise the privacy implications of possible recording of footage of spaces/individuals not intended to be covered by the scheme (see section 1 above).

Street Warden shall where possible continue to record for a short period after the incident to clearly demonstrate to any subsequent viewer that the incident has concluded and that the Street Warden has resumed to other duties or activities.

5.2.1 Recording In Private Residences

Doorstep interviews are acceptable but individual circumstances may demand recording in private residences, examples being:

- Disabled people that can not stand for long periods of time
- Individuals requesting more privacy than a doorstep interview

Article 8 of the European Convention on Human Rights provides a right to respect to private and family life and the Data Protection Principles require any processing of personal data to be necessary to the fair and lawful purpose for which it is being processed. Recording in a person's home will inevitably result in personal information unrelated to the incident being investigated being recorded.

Accordingly, it is advisable to converse with the member of public and/or issue the Fixed Penalty Notice on the doorstep but if you do need to enter a private residence, property or business you will need to:

- a. Inform the person that you are currently recording on your BWV and you would like to continue recording, ask them if it is acceptable. If they object then explain that you will need to issue the Fixed Penalty Notice on the doorstep or that they can be interviewed at the Council offices.
- b. If they do not object to recording in the residence then continue to record until you leave the house. Do not record anything you do not need to and keep the visit to a minimum.

5.2.2 Recording In Open Spaces

In so far as is practicable, users should restrict recording to areas and persons necessary to obtain evidence and intelligence relevant to the incident and should attempt to minimise collateral intrusion to those not involved.

The sound recording facility of the BWV equipment must NOT be used to record private conversations between members of the public.

5.2.3 Recording Specific Incidents

All Street Wardens shall at all times wear a badge which clearly indicates that BWV is in operation.

Wardens should where possible/practicable announce verbally to person's subject of an incident that video and audio recording is taking place by means of BWV.

Recordings should only be incident specific. i.e. Recordings shall only be made in situations where the BWV wearer would make a written record of the encounter and accord with the aims of section 1 above.

As with normal practice you should explain that an offence has been committed i.e. littering contrary to the Environmental Protection Act 1990.

Recordings should not be made whilst on general patrolling duties.

What and when to record:

1. Anything that you would normally write in your pocket book
2. Issuing fixed penalty notices
3. Taking of evidence
4. Verbal or physical abuse
5. If you suspect that somebody could become abusive both physically or verbally

When issuing a Fixed Penalty Notice or verbal warning it may be beneficial to take a person to one side and speak to them in a more private location.

5.2.4. Procedure For Ensuring Accuracy Of Date/ Time Reference

When issued with the BWV, the Street Warden must ensure that it is working correctly prior to leaving the office; Street Wardens must record on the daily sheet and their pocket notebook that the checks were made and the BWV was functioning correctly prior to patrol.

At the start of every shift every Street Wardens should check their BWV equipment to:

- Unit correctly assembled
- Recording picture is right way up
- Daily time stamp is accurate
- Ensure that the batteries are charged prior to use
- Ensure that all the components are present and in full working order
- If any images need to be downloaded ensure that you give the DVR to the Street Environment Manager for downloading.
- .Report any defects to the Street Environment Manager

The BWV equipment and camera will be checked quarterly by Street Environment Managers to ensure correct recording.

5.2.5. Procedure For Ensuring DVR Is Clear Of Footage

At the start of your shift ensure that your DVR is clear of footage. If there is any footage on the DVR then you should hand the DVR to the Street Environment Manager so that the relevance of the footage can be checked and deleted or retained as applicable.

If there is any footage that needs to be retained or requires further investigation as to the relevance, the Street Environment Manager will clear the footage so that the DVR can be used.

5.2.6. Procedure For Hand Over of DVR's If The Street Environment Manager is not Present

The DVR units are password protected so only the Managers are aware of the password. It is only possible to download data or make changes to the unit if the password is input.

In the event that the Street Environment Manager is not present then you should:

- Store the DVR in the radio room
- Write a note in your pocket notebook that you have recorded footage on the relevant date but there was no SEM to hand the DVR to.
- In the event that you are not on shift within 2-3 days of recording the footage then complete the New Footage form in the continuation sheets folder (BWV)..
- Note the date and time the DVR is handed to the Street Environment Manager.
- The Street Environment Manager will initial the entry and write the time and date when the footage has been downloaded on the continuation sheet.

5.2.7. BWV Computer Storage

CBC will store all images on a specific hard drive. The hard drive will be used for short-term storage and for transferring of cases that are heard at Court to long term DVD-R media.

5.2.8. Data Downloading Protocol

Except in cases where the Street Environment Manager is not present (see 5.2.6), all DVR's should be handed in to the Street Environment Manager at the end of the shift on a daily basis in order to:

- Download incident footage
- Delete any irrelevant data from DVR
- Completion of the continuation sheet

Street Wardens will indicate to the Street Environment Manager whether they have footage that may later be used in evidence. The Data will be downloaded by the Street Environment Manager and the continuation sheet completed (follow protocol for downloading at 5.2.8)

If the footage is to be used as evidence in court it will be saved on a DVD-R and placed in a sealed evidence bag, that is labelled with the following:

1. Day, date and time and location recording was commenced
2. Day, date, time and location that recording was concluded
3. Day, date, time and location that master copy disk was created and sealed.
4. Whether any person had access to or used data between items 1,2 and 3 above – If so a statement will be required from that person
5. Name of Street Warden
6. Location of offence
7. Type of offence
8. Fixed Penalty Notice/Parking Charge Notice reference number if applicable
9. Any other Street Wardens that were present

The Street Environment Manager will input the time and date when the master copy was created on the continuation sheet.

When footage has been downloaded successfully to PC, footage remaining on the BWV will be deleted. Normally, each new shift will be commenced with the BWV having no previous footage stored on them unless there is no SEM available then refer to 5.2.6.

5.2.9. Recording Of 'Incident' Footage

Recordings must be incident specific, users should not indiscriminately record entire duties or patrols and shall only use record at incidents that would normally be subject of pocket notebook entries whether or not these are ultimately required for use in evidence.

It is evidentially important to record as much of an incident as possible therefore recording should begin at the earliest opportunity at the start of an incident, (see pre-event 5.2). Street Wardens should therefore commence recording as soon as they become aware that any other encounter is likely to be subject of a pocket note book entry

It is good practice that Street Wardens continue to record for a short period after the incident to clearly demonstrate to any subsequent viewer that the incident has concluded and the user has resumed to other duties.

Once a recording has been completed this becomes Council information and must be retained and handled in accordance with this protocol and CCTV System Code of Practice (Appendix A).

In accordance with the Data Protection Act (1998), appropriate technical and organisational measures will be taken to prevent unauthorised access or loss of the data. Access to footage will be restricted by the Head of Street Management who will decide whether to allow requests for access by third parties.

5.2.10. Viewing Of Recorded Images

Viewing of recorded images should take place in a restricted area which is the Street Warden's Office, Southfields or, on occasion, other area as approved by the Head of Street Management.

Unauthorised persons shall not be allowed access to that area when a viewing is taking place and arrangements put in place to ensure that viewing screens cannot be overlooked.

Following a request from a third party to view images the viewing log should be completed, detailing the name(s) of the person(s) viewing the images, the reason for the viewing, and the outcome (if any) of the viewing – see part 7.

5.2.11. Use Of Memory Sticks

The use of memory sticks and other recordable methods for down & up loading Data stored on computer hard drives is strictly not permissible.

In due course the Council's Information Security Officer will develop a corporate policy regarding the use of Memory Sticks and other recordable methods for down and uploading Data which will be issued in due course.

5.2.12. Audit Log

Access to, and disclosure of the images recorded will be restricted and controlled to ensure that the rights of those filmed are preserved and that the chain of evidence remains intact should it needed for evidential purposes.

With reference to maintaining the chain of evidence, Street Management will manage continuity of information by means of a continuation sheet, this will record:

- Day, date and time they took possession of the equipment (time a)
- Day, date, time and location they commenced recording (time b)
- Day, date, time and location they concluded recording (time c)
- Day, date, time and location master copy disk created and sealed (time d)
- Whether any other person had access to or used the unit between either time a, b or c and d (if so a statement will be required from that person).
- Incident reference number

All Street wardens will have their own BWV equipment with an individual serial number.

The DVD-R hard copies of recordings will be kept in the lockable cupboards in the Street Management office.

5.2.13 Equipment & Data Storage

.The BWV equipment should be kept on your person during your shift and stored in the radio room in the Street Warden's office at the end of your shift.

Recorded Footage that is initially considered to be 'non-evidential' shall be retained for a period of up to no longer than 31days at which point it shall be deleted.

The code of practice issued under part 2 of the CPIA includes a requirement to retain all material relevant to an investigation, at least until proceedings are completed and for the length of a custodial sentence or until discharge from hospital or at least 6 months from the date of conviction

Recorded Footage that is considered may become 'evidential' shall be retained for a suitable period for the individual circumstances e.g.

- Receipt of a Fixed Penalty Notice payment – at which point all data will be deleted
- Completion of a prosecution – 6 months from the date of conviction all Data will be deleted.

At any point any recorded footage that is deemed not to be of ongoing relevance shall be deleted.

All deletions of images shall be logged.

None of the images taken should be deleted without authority. Any deletion of images either intentionally or accidentally, may be subject of 'challenge' or legal debate during any prosecution. Where such authority is given deletions must be recorded in an audit trail and be subject to the requirements of the Criminal Procedure and Investigation Act 1996 and Attorney General guidelines on disclosure of evidence.

6. Data / Footage Requests From The Public and Criminal Justice Agencies

Any requests for the release of data shall be processed in accordance with the Charnwood CCTV System Code of Practice and as such any request for the release of data shall be in accordance with this policy and authorised by the Head of Street Management, where appropriate in consultation with the Standards and Monitoring Support Officer.

Data will be made available in the first instance by restricted viewing of data in a secure environment at The Borough Offices.

Data will, if approved, be released in hard copy form copied to CD-R which will include:-

- A data file of the incident
- License free software enabling the data file to be viewed
- A PDF document stating requirements for hardware & software
- License free software to view the PDF file

7. Requests To View Data

7.1 Subject Access Requests From The Public

Any person can make a request footage captured by BWV.

Street Wardens should be aware that Section 7 of the Data Protection Act 1998 allows for any person to make a request for information held about them by the Council and this includes footage captured by BWV in which they believe they have been subject. A charge of £10 will be made for every footage request accepted by the Data Controller.

Requests should be referred in the first instance to the Head of Street Management who will refer the matter to the Standards and Monitoring Support Officer.

The Standards and Monitoring Support Officer will determine whether disclosure of images to the individual would entail disclosure of images of third parties. Where it is decided that this is an issue this footage will be supplied with all third parties blurred or pixillated in order to maintain the privacy of those individuals in accordance with the Charnwood CCTV System Code of Practice (currently it would be necessary to out source this to an authorised organisation). Should this be necessary it will be done in accordance with the requirement of the 7th Data Protection Principle.

7.2 Other Enquiries From The public

General enquires from the public should be provided on request with one or more of the following:

- Subject Access Request Form
- Copy of CCTV *Code of Practice*
- *Copy of the BWV policy*
- *Copy of BWV Standard Operating Procedure*
- Copy of the complaints procedure to be followed if they have concerns about the use of the system, or non-compliance

7.3 Data / Footage Requests From Criminal Justice Agencies

Disclosure of recorded images to law enforcement agencies may be allowed where the images recorded may assist in a specific criminal enquiry. Further to this, data / footage request may be considered from prosecution agencies and relevant legal representatives. Requests should be referred in the first instance to the Head of Street Management who will refer the matter to the Standards and Monitoring Support Officer.

8. Ownership Of Data

Ownership of footage recorded by the Street Wardens BWV will be by Charnwood Borough Council.

9. Training

All staff will be trained before being expected to wear & use BWV

10. Complaints Procedure

Complaints regarding the use of BWV be made in writing and directed in the first instance to the Head of Street Management or his nominee.

Kevin Biddulph
Head of Street Management
February 2011



Charnwood Borough Council – Street Management

Body Worn Video (BWV) Impact assessment

1.0 What will the organisation be doing with the images?

The images and audio will be used to provide evidence in court for environmental crime to provide a detailed record of the incident.

2.0 Who will take legal responsibility under the data protection Act?

The Data Controller is Charnwood Borough Council. Michael Hopkins is the nominated representative for Charnwood and updates the Information Commissioners' register.

The Head of Street Management will be legally responsible for the day to day running of the scheme and for ensuring compliance with the requirements of the legislation and the BWV policy.

3.0 What is the organisation's purpose for using CCTV?

Charnwood Borough Council Street Management department will use the images and audio for the prevention and detection of environmental crime and parking contraventions through gathering of intelligence including use of images and sound as evidence in criminal or civil proceedings

4.0 What are the problems it is supposed to address?

- Environmental crime issues
- Incidents of verbal/physical abuse against Street Wardens
- Complaints against Street Wardens

5.0 What are the benefits to be gained from it's use?

The use of BWV has the potential to significantly improve the quality of evidence provided by the Street Wardens in the drive to reduce environmental crime.

BWV can be highly beneficial to prosecutions and in the production of effective evidence.

BWV is a one touch recording system to capture video and audio evidence. It is a method of recording evidence and can act as a deterrent in cases of potential verbal and physical abuse.

By using BWV the incident is recorded at the time and as exactly as possible after the incident occurs. The evidence is therefore more thorough.

BWV recording can reduce time spent on making witness statements and therefore allows more time for Street Wardens to be on patrol.

Images recorded on BWV can act as an excellent aide memoir to ensure that witness statements contain all relevant and sufficient information.

Recorded evidence on BWV can help in the process of investigating a complaint about a Street Warden. If recorded evidence is available then it can be viewed and allows a prompt decision to be made on the complaint.

6.0 Can CCTV technology realistically deliver these benefits?

Yes, recordings that include image and audio evidence has been used in numerous court cases with the correct outcomes.

7.0 Can less privacy intrusive solutions achieve the same objectives?

The Street Wardens will use a variety of methods of gathering intelligence and will use discretion when deciding which method to gather the evidence i.e. a pocket notebook is a better option if inside a personal dwelling due to Article 8 of the Human Rights Act.

8.0 Do you need images of identifiable individuals or could the scheme use other images not capable of identifying the individual?

The images of identifiable individuals helps in cases where the offender gives incorrect personal information.

9.0 Will the particular equipment/system of work being considered deliver the desired benefits now and remain suitable in the future?

The current system delivers the desired benefits currently. An annual review of the equipment will be carried out to ensure that the equipment is fit for use.

10.0 What future demands may arise for wider use of images and how will you address these?

The BWV will only be used for the purposes as stated in 3.0 and 4.0

11.0 What are the views of those that will be under surveillance?

BWV is not to be used for surveillance purposes it is to be used strictly for recording specific incidents.

12.0 What could you do to minimise intrusion for those that may be monitored, particularly if specific concerns have been expressed?

If a Street Warden issues a fixed penalty notice and there are people in the proximity of the recording, the Street Warden will ask the person involved to move to a location away from other people.

