

**BODY WORN VIDEO AND FLY TIPPING CAMERAS
STANDARD OPERATING PROCEDURE**

Document Owner:	Head of Regulatory and Community Safety
Document Lead:	Car Parks and Civil Enforcement Manager and Enviro Crime and Dog Control Manager
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Document ID:	<i>BWV and Fly tipping cameras</i>	Version:	3.0
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Version Control

Document Location

If using a printed version of this document, ensure it is the latest published version.

Version	Date Approved	Publication Date	Approved By	Summary of Changes
1.0	01/07/2018	01/07/2018	Head of Service	New SOP to cover the deployment and use of Body Worn Video cameras, for the prevention, detection and enforcement of environmental crime through gathering of evidence and for the personal safety of wardens and the public in the event of an incident; including use of images and sound as evidence in criminal proceedings.
2.0	01/07/2019	01/08/2019	Head of Service	SOP altered to include fly tipping cameras and to update links and job roles.
2.1	28/02/2023	01/03/2023	Head of Service	SOP altered to revise fly tipping camera type and use

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1.0 Introduction

1.1 This document is intended to form the operational guidance for the use of Body Worn Video cameras (BVW) and cameras for recording fly tipping incidents, within Street Management.

1.2 This guidance has been drawn up following discussion with the Head of Regulatory Services, Community Safety Manager, CCTV Team Leader, ICS Department, equipment suppliers.

Additionally, the following documents have been reviewed in respect of this guidance;

- Home Office guidance for the police use of Body-Worn video devices (Final Version dated July 2007) <http://library.college.police.uk/docs/homeoffice/guidance-body-worn-devices.pdf>
- College of Policing guidance for the police use of Body-Worn video devices 2014 <http://library.college.police.uk/docs/college-of-policing/Body-worn-video-guidance-2014.pdf>
- Information Commissioner's code of practice for the use of CCTV systems in public places 2013 (http://www.ico.org.uk/upload/documents/cctv_code_of_practice_html/1_foreword.html)
- CCTV Code of practice – Charnwood Borough Council <https://www.charnwood.gov.uk/pages/cctv>

2.0 Objectives

2.1 Body Worn Video is used for the prevention, detection and enforcement of environmental crime through gathering of evidence and for the personal safety of wardens and the public in the event of an incident; including use of images and sound as evidence in criminal proceedings.

2.2 Fly tipping cameras are used for the prevention, detection and enforcement of fly tipping and duty of care offences through gathering of evidence and to act as a deterrent for potential fly tippers including use of images.

- BWV cameras and fly tipping cameras provide an independent record of events as they happen and act as a deterrent to would be offenders. Footage gathered from cameras will provide key evidence of a criminal offence and will be used to support the issuing of Fixed Penalty Notices (FPNs) and prosecutions.
- BWV cameras may also be used as evidence to help convict those who may act in a physically or verbally abusive manner and help deter those actions in the first place.

2.3 The objectives of this procedure are to provide an operational framework for use by all Street Management staff, provided with BWV or anyone connected with the use of fly tipping cameras in the execution of their duties.

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- BWV is a useful means for recording evidence and for demonstrating transparency in respect of staff actions at incidents, however, BWV should only be used to corroborate and not replace evidence from other sources such as other CCTV and eye witnesses.
- Fly tipping cameras will be used as primary evidence alongside witness statements and other types of evidence.
- BWV is an overt system and should not be used for covert recording.
- Fly tipping cameras are overt, are highly visible and will also have signage which advises people that the cameras are in use and they are recording.
- The use of BWV must be proportionate and necessary to the situation. BWV use should be 'incident specific.'
- Fly tipping cameras will be in areas with evidence of a large frequency of fly tips. Up to 6 live operating cameras will be deployed at any one time and they will only be in location for a reasonable period then they will be removed and/or used in another location.

3.0 Scope

3.1 This procedure applies to all staff using the cameras, which during their operational duties have been issued with a BWV or have been asked to assist in the deployment of fly tipping cameras and may have cause to record activities for training, and/or incidents they may encounter.

4.0 Definitions

For this document, the following definitions apply:

4.1 **BWV** - Any Body-Worn camera or device worn in an overt capacity by Street Management staff, employed by Charnwood Borough Council, for the primary purpose of recording video and audio evidence. (Therefore: equipment such as smartphones, Go-Pro type cameras or hand-held video cameras would not fall into this definition).

4.2 **Fly Tipping Cameras** – a camera to be mounted outdoors in a fixed position by Street Management staff, employed by Charnwood Borough Council for the primary purpose of recording video. The cameras are Dhaua 25x Zoom 4MP PTZ with 100M Night IR and smart detection Plus.

4.3 **Fly Tipping Cameras** – A camera to be mounted outdoors in a fixed position by Street Management staff, employed by Charnwood Borough Council for the primary purpose of recording video. The cameras will be a Dhaua 25x Zoom 4MP PTZ with 100M Night IR and smart detection Plus.

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4.4 **User** - A member of Street Management staff trained in the use of BWV or fly tipping cameras and authorised by the Head of Regulatory Services to use this equipment in an operational capacity.

4.5 **Staff** – All Street Management staff working under Regulatory Services.

5.0 Responsibilities

5.1 Head of Regulatory and Community Safety - The Head of Regulatory and Community Safety is responsible for the implementation and review of this procedure.

5.2 CCTV Team Leader: Responsible for CCTV code of practice and is also the Single Point of Contact (SPOC) to download video images from fly tipping cameras and video and audio from BWV. Enforcement Officers will take a short review on site following reports of a fly tip in the location using the fly tipping camera software but will then request that the CCTV Team Leader downloads the images to use for taking legal action.

5.3 ICS – Will be responsible for the security of all stored data.

5.4 CCTV Team Leader: Responsible for the deletion of any data not required using a retention policy.

5.5 Staff - All Street Management staff are responsible to work to this protocol to maintain the council's aims, and quality of service delivery. Further to this, all affected staff have a duty to ensure to be aware of the related legislation regarding the same.

5.6 A failure on the part of any person to act in accordance with any provision of this code does not of itself make that person liable to criminal or civil proceedings. This code is, however, admissible as evidence in criminal or civil proceedings, and a court or tribunal may consider a failure by a relevant authority to have regard to the code in determining a question in any such proceedings

6.0 Operational Deployment and Usage

6.0 Prior to deployment on duty

BWV - All staff equipped with BWV must record such in their pocket book. Conversely at the end of their duties, they must record, the safe return of the equipment to allow for a chain of custody of the devices to be available as required for inspection.

- Staff must check the BWV shows the correct time and date at the commencement of each shift. If the time and date are incorrect then refer to a manager for this to be amended.
- Ensure that the battery is fully charged
- All components are present and in full working order
- Camera is placed inside case with recording label clearly visible
- Report any defects to Managers/Senior Wardens

The BWV equipment will be checked regularly by Managers/Senior Wardens to ensure correct recording.

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Fly Tipping Camera – All staff used to deploy the cameras should record the date, location, and time they deployed the camera on the Street Management Team site.

This entry should also include the camera number, location, and the likely date the camera will be removed.

Once it has been collected at the end of the camera deployment period, the officer should also record the date and time they removed the camera on the Street Management team site.

- Staff should only review the footage if there is intelligence that an incident may have occurred – i.e. a report from a member of the public or an officer witnessing suspicious activity or evidence of a fly tip and/or at the end of the deployment period.
- The batteries should be checked before each camera is deployed.
- All components should be present and in full working order
- Camera is mounted in a fixed position and recorded on the team site.
- Report any defects to Managers.

6.1 When to start recording

BWV:

The decision to start and stop recording an incident will rest with the user and should be specific to the circumstances encountered. BWV equipment is set up to record specific incidents by activating the record button which also includes a 30 second pre-event recording. The council's expectation is that BWV should be used in any circumstance where:

- It may assist in providing a record of evidence in respect of the investigation of any offence/incident or suspected offence/incident. For example, dropping litter or dog fouling.
- When the user feels there is a risk of verbal or physical abuse
- When users would have been expected or required to have completed a written record or report of an encounter or incident.
- When deciding whether to record an incident or part of an incident, users must consider whether using BWV is proportionate and necessary in the circumstances.
- When attending or dealing with incidents, users should commence recording at the earliest possible opportunity to maximise the opportunities to capture evidence e.g. - best practice would be to activate recording prior to any conversation or interaction with a third party. Users should 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 the user has resumed to other duties.
- Where the user decides that a recording is not appropriate, or where recording does not take place in the circumstances outlined above, users should be able to justify why in their statement/pocket book or other record of the incident as appropriate.

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- Users should consider:
 - Article 6 ECHR (right to a fair trial);
 - Article 8 ECHR (right to private/family life);
 - Article 10 ECHR (right to freedom of expression): and
 - any vulnerability factors in relation to persons present when assessing whether the use of BWV is proportionate.
- Users must be mindful that the use of BWV does not replace existing requirements, procedures or policies obligations in respect of recording admissions, statements or declarations.
- The threshold for deciding whether an incident will be of evidential value is a low threshold. The incident may be required as evidence in other proceedings such as civil actions, or in relation to ongoing investigations that may not be immediately apparent to the user or the organisation. It is better to have recorded the footage and not need it than not to have recorded anything and subsequently finding that evidence was missed. Footage will be automatically deleted after 31 days if no longer required. Footage will only be viewed following a specific request to the CCTV Manager.
- Any other occasion when the user thinks a recording may be of evidential value in the future and to make a recording is proportionate and lawful in the circumstances.

Fly tipping cameras:

- Fly tipping cameras will only be deployed in areas where there is evidence of fly tipping incidents in the past 12 months.
- When the camera is deployed by the motion detector it will automatically start recording immediately. A light in the camera will indicate if the camera is recording.
- The camera will record the incident whilst there is motion detected, it will stop once no motion is detected.

6.2 During Recording - BWV

Users must be mindful that BWV is an overt recording mechanism. It should never be used in a covert manner. therefore, when users activate their BWV equipment they should, *unless it is impracticable to do so by reason of the situation, behaviour or condition of those present* make a verbal announcement, in plain language, to the following effect: “That video and audio recording is taking place”.

NB: It is also good practice to explain the nature of the incident or the reason why the recording has been activated. For example, that an offence has been committed – littering contrary to the Environmental Act 1990. This is then too recorded, as to your initial rational, and mind-set.

- If recording began prior to arrival at the scene of an incident (for example whilst En-route) then the user should inform those present, *unless it is impracticable to do so by reason of the situation, behaviour or condition of those present*, as to the fact that they are equipped with BWV and that audio and video recording is taking place. This should be in straightforward language.

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- Recording should, where practicable, be restricted to those individuals and areas where it is necessary to provide evidence or intelligence relevant to the incident. It is important that, where practicable, users minimise “collateral intrusion” on those not involved in the incident.
- The use of sound recording is proportionate providing it is related to a specific incident as detailed in section 6.2. The BWV equipment is not fitted with a ‘voice-activated’ function.
- The recording of whole conversations which are not related to a specific incident is not proportionate or appropriate therefore, the sound recording facility of the BWV equipment must not be used to record private conversations between members of the public.
- There are certain areas where there is a higher than usual expectation of privacy - for examples; toilets, changing rooms or homes. When considering the use of BWV in these areas, users must be mindful of the increased justification that will be required in respect of intrusion into the privacy of those being recorded.
- Recording should be uninterrupted from the beginning of the incident until the time the user decides it is no longer proportionate or necessary to continue recording.
- In cases a major incident is taking place or is likely to take place, users should continue to record until instructed otherwise by management or another Incident Commander.
- There may be occasions where the recording is inadvertently stopped during an incident - examples include the BWV being knocked off in a struggle, technical failure or the view of the camera and/or microphone becoming obscured. In these circumstances’ users should be prepared to explain why in their pocket books or record of the incident.
- User should not indiscriminately record entire duties, i.e. do not record an entire patrol shift.

During Recording – Fly tipping camera

Fly tipping cameras are used in an overt manner and will be used with the use of signage.

- Recording should, where practicable, be restricted to locations where it is necessary to provide evidence or intelligence relevant to the incident. It is important that, where practicable, users minimise “collateral intrusion” on those not involved in the incident.
- There are certain areas where there is a higher than usual expectation of privacy - for example; near homes and gardens. When considering the use of fly tipping cameras in these areas, users must be mindful of the increased justification that will be required in respect of intrusion into the privacy of those being recorded. Most fly tipping hot spots are in rural locations with no houses in the close vicinity,
- The camera will sit in standby mode until the motion detector is activated, then it will record footage until the motion stops.

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6.3 Objections and requests for/against recording

BWV

There may be occasions where a person objects to being recorded. Users may record overt video and audio without consent if this recording is for 'the detection and prevention of crime which includes personal safety'. The decision to continue recording should remain with the user, 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 objections made override the need to record an evidential encounter

- If the user decides to continue recording despite the objections of an individual, 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 for the prevention and detection of crime
 - Non-evidential material will only be retained for a maximum of 31 days as detailed in the procedure and as prescribed by the DPA 2018
 - Any material is restricted and will only be disclosed to 3rd parties in accordance with the law. For example, passed to Police as part of a criminal investigation.
 - 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 at an incident.
- Equally, users may encounter members of the public who specifically request that any encounter or interaction is recorded, even if the user does not feel that there is any evidential reason to do so. Unless there are clear reasons to do otherwise, the user 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 not be viewed and will be automatically deleted in line with existing guidelines (currently 31 days). Staff should also advise that further information relating to Charnwood Borough Councils Privacy Policy can be found on their website.

6.4 Post Recording –

BWV

All BWV footage should be uploaded onto the secure server as soon as practicably possible (no later than the end of shift). This will ensure there is continuity of evidence. The camera should be connected to the installed docking station and all footage will be automatically downloaded.

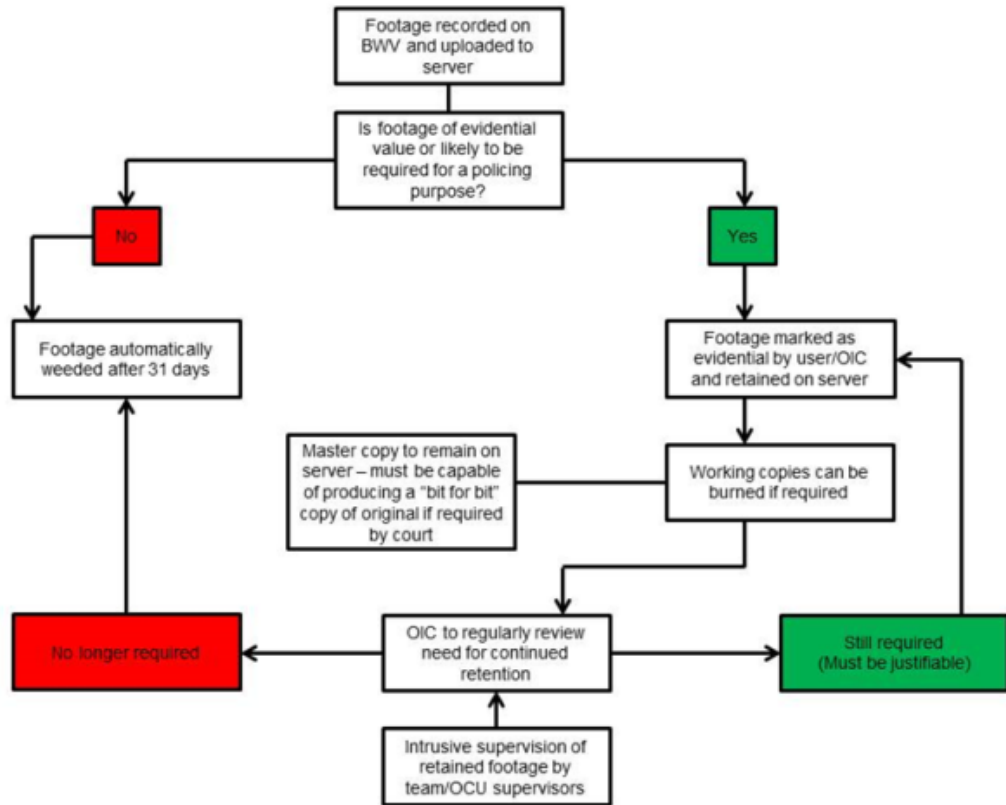
The BWV equipment is fitted with its own security to prevent the uploading of files to external drives. Any attempt to upload images or otherwise capture data is contrary to Council policy and will be dealt with under the Council's disciplinary procedures.

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Once a recording has been completed, the recorded data becomes property of the Charnwood Borough Council and is subject to Data Protection legislation.

Once the footage is uploaded, the user must advise management as to whether the footage is likely to be required at a future point, either as evidence or for some other investigation purpose.

The following process map should be consulted when considering post recording and retention decisions;



Once the footage is uploaded, the Officer who was alerted to the intelligence and dealing with the case must advise management as to whether the footage is likely to be required at a future point, either as evidence or for some other investigation purpose.

- The retention of footage should be in line with that for other exhibits. Once a case has concluded then consideration should be given as to the need for continued retention.
- Details of any associated Enforcement Body should be clearly documented on the continuation record/logs held by CCTV Manager.

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- The need for retention must be justifiable and tangible. Simply retaining footage in case, it may be required is not a strong enough test and the user in each instance must be capable of justifying why footage needs to be retained on a case by case basis.
- Any working copies of footage that are produced during an investigation should be retained until the conclusion of proceedings. (including any known appeals process if applicable.) When no longer required, such copies should be securely disposed of in accordance with the council's retention policy.
- It is not necessary to burn a 'master' copy on each occasion. The master copy is the first complete viewable footage of any upload and should be retained on the server in its unaltered state. If required by the court, a 'bit-for-bit' copy of the original footage must be burned and provided as required.
- To prove the authenticity of recordings required as evidence in a trial at court, it may be necessary for evidential continuity statements to be produced. Such statements confirm that any securely stored master copy (as above) has not been tampered with in any way and thus must include the following content:
 - 1. The equipment number or unique reference number
 - 2. The day, date, time and location that the user took possession of the equipment (Time 'A')
 - 3. The day, date, time and location that they commenced recording (Time 'B')
 - 4. The day, date, time and location that they concluded recording (Time 'C')
 - 5. The day, date, time and location that the master copy was created and retained securely on the server (Time 'D')
 - 6. Whether any other person had access to or used the equipment between times A, B or C and time D - if so, a statement will be required from those persons.
- Users and investigators must remember that where cases are prosecuted, footage is 'material gathered' during an investigation and therefore may be subject to disclosure responsibilities.
- Footage may be shared with other partners if a) It is proportionate and necessary for investigation purposes and b) the other partner is a signatory to an authorised information sharing protocol between them and the relevant Enforcement Body.
- The release of footage to the media for publicity purposes or appeals should be proportionate and necessary for the purpose intended. This would be with the authorisation of the Head of Regulatory Services
- Viewing of recorded images should take place in a restricted area which is the Street Warden office, Southfields or the CCTV control room or, on occasion, any other areas as approved by the Head of Regulatory Services.

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- Viewing of recorded images is not continual (as in the CCTV control room), so extra unauthorised persons shall not be allowed access to that area when a viewing is taking place and arrangements put in place to ensure that the viewing screens cannot be overlooked. Signage will be put in place to inform staff 'No Entry – CCTV review in progress'.
- Following a request from a third party to view images a record should be made detailing name(s) of the person(s) viewing the images, the reason for the viewing, and the outcome (if any) of the viewing.

6.5 Post Recording – Fly tipping camera

All footage recorded on the fly tipping cameras should be uploaded onto the secure server as soon as possible after the data has been collected. This will ensure there is continuity of evidence.

Once a recording has been completed, the recorded data becomes property of Charnwood Borough Council, and is subject to Data Protection legislation.

- The retention of footage should be in line with that for other exhibits. Once a case has concluded then consideration should be given as to the need for continued retention.
- Details of any associated Enforcement Body should be clearly documented on the continuation record/logs held by CCTV Manager
- The need for retention must be justifiable and tangible. Simply retaining footage in case, it may be required is not a strong enough test and the user in each instance must be capable of justifying why footage needs to be retained on a case by case basis.
- Any working copies of fly tipping camera footage that is produced during an investigation should be retained until the conclusion of proceedings. (including any known appeals process if applicable.) When no longer required, such copies should be securely disposed of in accordance with the council's retention policy.
- It is not necessary to burn a 'master' copy on each occasion. The master copy is the first complete viewable footage of any upload and should be retained on the server in its unaltered state. If required by the court, a 'bit-for-bit' copy of the original footage must be burned and provided as required.
- To prove the authenticity of recordings required as evidence in a trial at court, it may be necessary for evidential continuity statements to be produced. Such statements confirm that any securely stored master copy (as above) has not been tampered with in any way and thus must include the following content:
 - 1. The equipment serial number or unique reference number
 - 2. The day, date, time and location that the user took possession of the equipment (Time 'A')
 - 3. The day, date, time and location that they commenced recording (Time 'B')

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- 4. The day, date, time and location that they concluded recording (Time 'C')
 - 5. The day, date, time and location that the master copy was created and retained securely on the server (Time 'D')
 - 6. Whether any other person had access to or used the equipment between times A, B or C and time D - if so, a statement will be required from those persons.
- Users and investigators must remember that where cases are prosecuted, fly tipping camera footage is 'material gathered' during an investigation and therefore may be subject to disclosure responsibilities.
 - Footage may be shared with other partners if a) It is proportionate and necessary for investigation purposes and b) the other partner is a signatory to an authorised information sharing protocol between them and the relevant Enforcement Body.
 - The release of material to the media for publicity purposes or appeals should be proportionate and necessary for the purpose intended. This would be with the authorisation of the Head of Regulatory Services
 - Viewing of recorded images is not continual (as in the CCTV control room), so extra unauthorised persons shall not be allowed access to that area when a viewing is taking place and arrangements put in place to ensure that the viewing screens cannot be overlooked.
 - Following a request from a third party to view images a record should be made detailing name(s) of the person(s) viewing the images, the reason for the viewing, and the outcome (if any) of the viewing.

6.6 Documentation

- The use of BWV and fly tipping camera footage does not replace the need to write statements or complete records of encounters such as pocket book entries.
- Notes of incidents that have been recorded on BWV or fly tipping cameras should also include whether the footage has been reviewed prior to the writing of any notes. Those writing notes should also include whether any other persons were present at such viewings.
- It should be clear that whilst BWV and fly tipping camera footage will provide supplemental evidence and, in many cases, can shorten the statement writing process (e.g.: by covering descriptions and words used at incidents), it will still be incumbent on those present to justify their decisions and actions at incidents, regardless as to how obvious they may appear to be on the footage.

7.0 Data Protection and Subject Access Requests

- BWV and fly tipping camera footage should be considered in line with other CCTV imagery, and therefore subject to the same Data Protection provision

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- Users should be aware that requests for BWV or fly tipping camera footage may come about because of individuals or their agents asking for footage concerning them under the Data Protection Act (also known as Subject Access requests). This is managed by the CCTV Manager.
- Existing policies and procedures should be followed in respect of these requests.
- If a subject access request is received, the person receiving the request should, where practicable to do so, take immediate steps to preserve the footage to fulfil the request. However, a request for subject access is not reason to retain footage that would otherwise be deleted or removed from the secure server system. Users must therefore be careful to remind those enquiring in respect of subject access requests of the time limits around deleted or non-evidential footage. In cases where footage would otherwise have been deleted, once the subject access request has been completed, the footage should be deleted as normal.
https://www.charnwood.gov.uk/pages/data_protection_act

8.0 Diversity issues

Users need to be aware that the use of BWV or fly tipping camera footage can be intrusive and careful consideration must be given in respect of Article 8 ECHR (Right to family and private life)

Users must be aware that there may be implications when using BWV at homophobic, racial or other potentially emotive incidents. Users must be mindful to consider the needs of all persons involved at incidents and take steps to ensure that no group or individual is disadvantaged using BWV.

9.0 Training

- Operational BWV footage may be used for training purposes. The consent of the Head of Regulatory Services should be obtained before using footage from evidential incidents for training purposes.
- If using Operational BWV footage or fly tipping camera footage for training purposes, trainers must justify why this needs to be retained if it would otherwise ordinarily be deleted.
- Trainers must regularly review such retained Operational BWV footage to ensure retention is still proportionate and necessary for training purposes.
- If using footage for training purposes, trainers must consider taking steps to obscure persons on the material as necessary.
- Trainers must be aware that the retention of such footage will still need to be justifiable.

10.0 Risk Assessment

A risk assessment document has been drawn up concerning the use of BWV and fly tipping camera equipment. Users and managers should familiarise themselves with the contents of this risk assessment and implement the control measures where necessary and instructed to do so.

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11.0 References

Relevant legislation covering the use of BWV and fly tipping cameras can be found in the following Acts of Parliament:

- Data Protection Act 2018 - covering the processing, retention and management of personal data.
- Criminal Procedures and Investigations Act 1996 - covering the disclosure of material in criminal cases.
- Human Rights Act 1998 - Specifically Article 6 ECHR (Right to a fair trial) and Article 8 ECHR (Right to respect for family and private life)
- Regulation of Investigatory Powers Act 2000 - covering covert directed or intrusive surveillance.
- GDPR covering the processing, retention and management of personal data.

12.0 Monitoring and Review

This document shall be reviewed annually, or upon significant organisational/operational change.

Appendix A

Charnwood Borough Council – Street Management Body Worn Video (BWV) and Fly Tipping Cameras Impact assessment July 2019 – Reviewed October 2022

1.0 What will the organisation be doing with the images?

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

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2.0 Who will take legal responsibility under the Data Protection Act?

The Data Controller is Charnwood Borough Council.

The Head of Regulatory and Community Safety 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 and Fly tipping cameras standard operating procedure.

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

Charnwood Borough Council Street Management department will use the images and audio (images only for fly tipping cameras) 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 including fly tipping, littering, dog fouling
- Incidents of verbal/physical abuse against Street Wardens
- Complaints against Street Wardens

5.0 What are the benefits to be gained from its use?

The use of BWV and fly tipping cameras has the potential to significantly improve the quality of evidence provided by the Street Management Team in the drive to reduce environmental crime.

BWV and fly tipping cameras 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.

Fly tipping cameras are a motion triggered device recording video only to record incidents of fly tipping and to act as a deterrent for would be fly tippers.

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

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 images (and audio for BWV) have been used (nationally) in numerous court cases to provide clear evidence and achieve successful prosecutions.

7.0 Can less privacy intrusive solutions achieve the same objectives?

The Street Management Team 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.

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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 help in cases where the offender gives incorrect personal information. For fly tipping cameras the vehicle registration number and images of the offender will help to identify the individual (s).

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

The current system delivers the desired benefits for BWV. For fly tipping cameras the equipment is used at other councils successfully, so the same equipment has been procured to provide the same results. 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 and fly tipping cameras footage 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. The fly tipping cameras are motion triggered and once the motions have ceased the cameras will stop recording.

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.

Fly tipping hotspots will be checked prior to putting the cameras up to make sure there is no collateral intrusion. The cameras will only work when there is motion in the recording area, so it will not be recording all the time. Fly tipping locations are usually rural areas with minimal housing in the vicinity.

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