



BODY WORN VIDEO

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Approved by

Legal Services	N/A
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Note: *By signing the above you are authorising the policy for publication and are accepting responsibility for the policy on behalf of the Chief Constables.*

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Legal Basis

Legislation/Law specific to the subject of this policy document

Section	Act (title and year)

Other legislation/law which you must check this document against (required by law)

Act (title and year)
Human Rights Act 1998 (in particular A.14 – Prohibition of discrimination)
Equality Act 2010
Crime and Disorder Act 1998
Health & Safety Legislation
Data Protection Act 1998
Freedom Of Information Act 2000

Other Related Documents

- See [Appendix A](#)

Policy Aim

- 1.1 This policy establishes the legal basis and guidance for the use of Body Worn Video (BWV) devices within Norfolk and Suffolk Constabularies.
- 1.2 This document will:
 - Provide officers and police staff with the correct procedures for collecting, downloading, processing and presenting video evidence and appropriate retention. This will be in compliance with relevant legislation and codes of practice as stated in [Appendix A](#).
 - Ensure BWV is used correctly so that Norfolk and Suffolk Constabularies gain maximum benefit from the operational use of BWV.
 - Ensure BWV is used for a policing purpose and that processes are accurate and transparent. Public safety, community confidence and the criminal justice process will be improved by providing additional evidence in the form of BWV footage of incidents attended by Norfolk and Suffolk Constabularies.
- 1.3 This policy has been aligned with [Authorised Professional Practice \(APP\)](#) for [Information Management](#), associated Code of Practice on the Management of Police Information and [National Body Worn Video Guidance 2014](#).
- 1.4 This policy has taken into account the Data Protection Act, Information Commissioner's Office (ICO) Guidance and the requirements of the Surveillance Camera Commissioner in relation to the self-assessment tool.

2. Applicability

- 2.1 This policy is aimed at all Norfolk and Suffolk Constabulary personnel that are authorised to use BWV, their supervisors and managers.
- 2.2 BWV users, their supervisors and managers are expected to comply with this policy and training in its usage.
- 2.3 BWV equipment and the data captured is only to be utilised for policing purposes.
- 2.4 If officers/police staff do not use BWV in accordance with this document they may be held to account at a later stage.

3. Introduction and Use

- 3.1 The primary aim of BWV is to provide officers and police staff with a tool which helps to improve the efficiency and effectiveness of policing, whilst ensuring officer and staff safety.

3.2 In order to maintain trust and confidence in Police action, and comply with the requirements of Article 2 of the European Convention on Human Rights (ECHR), BWV is a useful means for recording evidence and for demonstrating transparency in respect of police response to incidents.

3.3 Areas where BWV delivers benefits include:

- Evidential quality – By using BWV the incident is recorded at the time, the evidence is therefore far more thorough than previously possible.
- Time saving – Potential savings due to early guilty pleas and a reduction in time spent investigating vexatious complaints about the actions of officers and police staff.
- Public order policing – Solicitors have accepted evidence when viewed the following day. It has also been noted that the behaviour of individuals change when a BWV is present.
- Domestic Abuse Incidents – A first account from the victim, witnesses and suspects at the scene is recorded verbatim on the BWV. The evidence is more impactful and can also be viewed by the court as well as reading a written statement.
- Professional development – The ability to review the actions of officers in detail as a professional development tool.
- Increased public confidence – Transparency of process, streamlined criminal justice process and potential increase in convictions due to the evidence provided by BWV will provide significant benefit to the community.

3.4 BWV is an overt system and is not be used for covert recording except in exceptional circumstances and where the necessary authorities have been granted. If used in a covert manner without necessary authorities, then there is a risk of evidence being ruled inadmissible and being excluded at court

3.5 The use of BWV must be proportionate and necessary to the situation. BWV use should be 'incident specific.'

3.6 Evidence gathered by use of BWV should only be used to corroborate, and not replace, evidence from other sources such as police officers or eye witnesses.

4. Recording an Incident

4.1 The expectation is that the BWV device should be used when there is an evidence gathering opportunity. Although there is currently no specific power within PACE to take a photographic or video image of a person, such action is not explicitly prohibited. It is accepted that on some occasions, e.g. technical failure, it may not be possible for the BWV to be used.

- 4.2 Officers and members of police staff who have been allocated personal issue BWV devices are expected to wear the devices whilst performing all general duties and/or whilst utilising a policing power.
- 4.3 When involved in a specific policing operation, the use of BWV will be directed within the operational order.
- 4.4 The user should also be mindful of the potential impact of not recording an incident on the Force's reputation. It is evidentially important to record as much of an incident as possible therefore recording should begin at the earliest opportunity from the start of an incident. It is expected that officers and staff will use BWV when applying a policing power or whilst gathering evidence.
- 4.5 There is an expectation from Norfolk and Suffolk Chief Officers that users will record the following incidents:
- When attending Domestic Abuse or suspected Domestic Abuse incidents.
 - Where a user gives a direction to an individual or group under any statutory power.
 - When a user decides to use statutory powers to stop a motor vehicle in order to engage with one or more of the occupants.
 - When users attend premises in order to make an arrest.
 - Prior to entering any land, premises, vehicle, vessel or aircraft in pursuance of any legal power in order to search those premises and for the duration of the search.
 - When a user stops a person in a public place in order to ask them to account for their actions in order to establish their possible involvement or otherwise in an offence.
 - When a user decides to conduct a search of a person, premises, land, vehicle, vessel or aircraft in accordance with PACE code A or any other statutory search power.
 - When attending Critical Incidents.
 - Where a user exercises the use of force against persons or property*.

*In certain situations BWV users may be asked to stop recording. In these circumstances the National Decision Making Model should be used to inform the decision as to whether the device will be switched off. If the device is turned off at the subject's request and items are then found that may be subject of further investigation or proceedings, the unit should be switched on to capture the subsequent evidence.

- 4.6 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 be automatically deleted in line with the retention policy in place.

- 4.7 The user must be mindful that failing to record incidents that are evidential is likely to require explanation to PSD should an incident be subject to a complaint.
- 4.8 If a complaint is made or incident occurs that requires reporting to the IPCC and requires investigation for which BWV footage is available, the managing officer should secure all evidence relating to the incident/complaint. However the BWV data management system should not be used to retain footage beyond the retention periods for evidential data.

Starting a Recording

- 4.9 At the commencement of any recording the user should, where practicable, make a verbal announcement to indicate why the recording has been activated, if possible this should include: the nature of the incident to which deployed or confirmation to those present that the incident is now being recorded using both video and audio.
- 4.10 If the recording has commenced prior to arrival at the scene of an incident the user should, as soon as is practicable, announce to those persons present at the incident that recording is taking place and that actions and sounds are being recorded. Specific words for this announcement have not been prescribed in this guidance, but users should use straightforward language that can be easily understood by those present, such as, "I am recording you", "I am recording this incident" or "everything you say and do is being recorded". It is recognised that there will be circumstances where this will not be possible, officers and staff are expected to recognise in what circumstances this is, and is not, possible.
- 4.11 Where the user does interrupt or stop recording, a verbal announcement appropriate to their circumstances should be used and recorded in writing.
- 4.12 If it becomes clear that the subject(s) being recorded use English as a second language, it is recommended that officers/police staff make efforts to ensure individuals are aware of BWV.
- 4.13 In so far as is practicable, users should restrict recording to areas and persons necessary, in order to obtain evidence relevant to the incident and should attempt to minimise collateral intrusion to those not involved. In circumstances where individuals are captured in any video or audio information and they are unrelated to any offence under investigation, their identities will be protected and anonymised especially should the matter be presented to a court.
- 4.14 Unless specific circumstances dictate otherwise, recording must continue uninterrupted from commencement of recording until the conclusion of the

incident or resumption of general patrolling. It is considered advisable that the officer continues 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 or activities.

Ending a Recording

4.15 Unless the incident is subject to a Post Incident Process (outlined in [Appendix C](#)), the decision to stop recording rests with the user. However, users should be satisfied that, in making the decision to stop recording, the risk of not capturing evidential material is minimised.

4.16 Users should, under normal circumstances, cease recording in the following instances:

- It is no longer justifiable or proportionate to record, e.g. if, after investigation, there is no likelihood of evidential material being recovered or used.
- The incident has concluded.
- A different recording system takes primacy, e.g. when an arrested person arrives in custody, the BWV user should cease recording as the custody cameras will take primacy for recording the encounter with the subject.

4.17 Users may render themselves open to criticism or challenge if they cease recording too early or whilst an incident is ongoing. Therefore, recording should continue until it is clear that the points above are satisfied, for example, by users recording themselves clearly leaving the scene or by making an announcement that a different recording system has taken over.

4.18 Where practicable, users should make an announcement that the recording is about to finish. Prior to concluding recording, the user should make a verbal announcement to indicate the reason for ending the recording. This should state:

- The location.
- The reason for concluding the recording.

Consent to Use BWV

4.19 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 'a policing purpose.' Authority to do this should not be confused with a power to take photographs without consent. Unless the incident results in a Post incident Procedure (see [Appendix C](#)), 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.

4.20 If the user decides to continue recording despite the objections of an individual, they should make a note, preferably in their Pocket Note Book but if circumstances dictate, then verbally on the actual recording as to why they have decided to do so. The following points can be used to advise members of the public as to why recording will continue:

- The reason the recording is taking place – usually this will be for the prevention or detection of crime.
- Non evidential material will only be retained for a maximum of 31 days as prescribed by Norfolk and Suffolk Constabularies' retention schedule.
- Footage is subject to the Data Protection Act 1998. Requests for access to footage can be considered under Section 7 of the Act, known as Subject Access.
- Access to any BWV material will be restricted and will only be disclosed to third parties in accordance with current legislation.
- The recording is being made in order to act as a corroboration of the encounter and thus can be used to back up the accounts of each party at an incident.

Please Note: If users are on private premises, they are only allowed to record if lawfully present on those premises.

5. Considerations for using BWV

5.1 Officers/staff are not expected to routinely record the transportation of individuals unless circumstances dictate otherwise.

5.2 If the recording covers the whole incident, it is not essential for the officer(s) to produce a written statement detailing the **entire** nature of the interactions contained in the video footage, as this is avoidable duplication. However, officers/police staff are reminded that they are accountable for all of their actions, including use of force and decision to arrest. The rationale for the officer's decision making and subsequent actions will still need to be captured in the form of a written statement. It is also necessary to ensure any ancillary evidence not contained on the BWV footage is included in a statement.

5.3 BWV should not be used for formal investigative interviews, e.g. the Achieving Best Evidence interview for evidence in-chief purposes, or a significant witness interview for the purpose of preparing a statement. The use of BWV for the interview of suspects is **not** permitted as it would be in contravention of **PACE Code C** and it is currently unsuitable for recording interviews with vulnerable or intimidated witnesses and victims.

5.4 BWV users must be mindful that, although the recording shows significantly greater detail than could be previously possible, the recording

contains only what is in the range of the camera and sound that is picked up by the microphone. Some offences, such as breaches of the Public Order Act 1986, require evidence that a person was put in fear. This evidence must still be included in the statements of those who were present and, if applicable, the BWV user.

- 5.5 Article 8 of the ECHR is the right to respect for private and family life, home and correspondence. Police officers/staff are required to consider this article when dealing with recorded images, whether they were made in public or private areas.
- 5.6 Officers should be culturally aware when utilising BWV and care should be exercised where use of the equipment may cause serious offence, for example during a religious ceremony. Users must have an increased justification to use BWV against this expectation of privacy.
- 5.7 Users of BWV must consider Article 8 when recording and must not record beyond what is necessary for policing purposes. If disclosing recordings for the purpose of tracing suspects or witnesses, this article must also be considered in tandem with the provisions of the Data Protection Act (DPA).

6. Limitations on Use of BWV

- 6.1 BWV cameras **must not** be worn or used in a hidden or covert manner. If the unit is hidden, their use would be subject to surveillance legislation, as per the Regulation of Investigatory Powers Act (RIPA). If used in a covert manner without necessary authorities, then there is a risk of evidence being ruled inadmissible and being excluded at court.
- 6.2 Users **must not** record medical procedures being carried out in public or private locations when the procedure is being carried out by a doctor or recognised medical practitioner. Any such capture should be disclosed.
- 6.3 The use of BWV at scenes remains best evidence, however, when using BWV whilst engaging with victims of sexual assault, written permission must be sought from the outset. This can be obtained with a signed entry in a PNB. Officers will be required to handle such situations with a high degree of tact and sensitivity, whilst being open and transparent with a victim. Officers may consider turning the camera lens away, allowing only the audio to be recorded.
- 6.4 Recording of searches using video **must not** be carried out if the search is an intimate search or strip search and if the search requires the removal of more than outer clothing.
- 6.5 Users **must not** record material that is or is likely to be subject to legal privilege.
- 6.6 Like many electrical items, BWV cameras could cause electrostatic interference which may trigger explosive devices. Therefore, BWV

equipment **must not** be used in an area where it is believed that explosive devices may be present.

6.7 BWV equipment **must not** be used in order to collect journalistic material.

7. Specific Incidents

7.1 Norfolk and Suffolk Constabularies believe there to be a number of priorities for the use of BWV. As outlined in 4.5 above, there are a number of circumstances where officers and/or staff will be expected to record. Additional guidance relating to high volume or particularly sensitive areas are expanded upon below.

Domestic Abuse

7.2 There is a presumption that BWV will be used when attending domestic abuse incidents and officers must be prepared to justify any decision not to record. Domestic Abuse (DA) incidents should be recorded on BWV unless one of the limitations, as outlined previously, is employed.

7.3 BWV users should gather all evidence of actual domestic abuse or of any encounter where they believe such abuse may occur, remembering that all recordings have to be justifiable and proportionate in the circumstances.

7.4 Users should be aware of the utility of the state of the property (for example damage caused during the incident). This may also include capturing evidence in relation to child safeguarding concerns.

7.5 Where the footage does not contain material of a criminal nature but is believed to be a Domestic Abuse or Non-Domestic Abuse stalker related incident and could be used to support Civil Orders, it will be a requirement of the MASH and/or district staff to ensure the footage is marked as evidential.

7.6 If there is material captured which is sensitive, or is likely to undermine the prosecution or assist the defence, this must be detailed on the relevant National File Standard compliant disclosure form. BWV users should be aware that recordings made at non-crime domestic abuse incidents may have significance in future prosecutions.

Stop and Search / Stop Account

7.7 The Stop and Search / Stop Account process should be treated as a potential evidence gathering opportunity and as such will be recorded.

7.8 The conduct of any Stop and Search / Stop Account process must comply with the relevant legislation and codes of practice.

- 7.9 Recording of searches using video must not be carried out if the search is an 'intimate search' or 'strip search' and if the search requires removal of more than outer clothing.
- 7.10 A video recording does not replace the respective need for a written, electronic or over the air 'record of search' to be completed by the officer.
- 7.11 Recording these categories of encounter with a BWV device will:
- Record the conduct of the officer during the search therefore safeguarding both parties and protecting the officer from false allegations.
 - Enable the officer to secure the best possible evidence of any offences that are disclosed during the search.
 - Accurately record any disclosures made by the subject.
- 7.12 Negative stop searches should be considered as non-evidential and as such, the footage will be deleted after 31 days. Positive stop searches should be considered evidential and footage will be retained in accordance with Norfolk and Suffolk Constabularies' Review, Retention and Disposal of Crime and Non-crime related information Schedule.

Scene Review

- 7.13 BWV can be used to record the scene of a crime or incident, however using BWV should not replace the need for CSI where appropriate.
- 7.14 If reviewing a scene, this should be treated as an evidential recording and the user should provide a running commentary of factual information.

Pre-planned Operations

- 7.15 When planning policing operations, the officer in charge of planning the operation should consider the circumstances in which BWV will be used on the operation and their decision should be recorded in the planning log or other record of the operation.
- 7.16 Officers in charge of planning police operations should also ensure that their decisions around the deployment of BWV on the operation are communicated to the users prior to the start of the operation in question. This may include sporting events including football matches or scheduled Police Support Unit (PSU) deployments.
- 7.17 Please see Appendix C for further guidance on the use of BWV by Police Support Units.

8. Post Incident Procedure

- 8.1 BWV recordings cannot justify, in isolation, any use of force. Users must still justify their actions, perceptions and decisions based on their honestly held beliefs at the time of the incident.
- 8.2 In the event of an incident where the Post Incident Process (PIP) is invoked users will continue to record until their arrival at the Post Incident Suite under the authority of the Post Incident Manager (PIM). This can be either in person or via the telephone. It will provide corroborating proof of the delivery of the no conferring notice at/near the scene as soon as practicable once the scene is secured, as well as evidence of the scene itself.
- 8.3 NOTE; this is the users corroborating evidence and is not a mechanism for recording the scene on behalf of the investigating bodies.
- 8.4 Recording by key police witnesses involved in the incident en route to the post incident location will also provide confirmation that officers did not confer about the incident in transit. This also applies to any officer not connected to the incident but escorting the key police witnesses to the PIP location.
- 8.5 On arrival at the Post Incident Suite users should continue to record until directed by the PIM. If there are extenuating circumstances, for example the officer is either injured or traumatised and requires medical intervention, then the PIM should be informed of this fact where early consideration of the need to continue to record will be assessed.
- 8.6 The PIM or appointed officer where practicable will ensure a further no conferring notice is given to key police witnesses on arrival at the PIP location. Unless extenuating circumstances apply as this should be done prior to the PIM authority to discontinue recording.
- 8.7 Once the PIM has directed the recording to cease, this will be recorded in the PIM log.
- 8.8 The PIM must ensure the need to continue recording once the officers have arrived at the PIP location is justified and that it doesn't impinge on their rights to privacy and legal privilege. Careful consideration is required to balance the needs of the officers and the need for a transparent and open PIP process.
- 8.9 Once recording has ceased the process for data retrieval should be adhered to.
- 8.10 For officers who are retained at the scene, the PIM in consultation with the investigating bodies may make the decision to instruct the officers to cease recording if there is no further evidential gain or other justification.

9. Disclosure

- 9.1 Users should be mindful of what information has been captured on the BWV recording. For example, has the officer asked a witness for their home address and contact numbers?
- 9.2 The investigating officer should make the CPS aware of any BWV evidence that contains sensitive material and ensure this is done via the case file's MG6 for the first hearing.
- 9.3 If there is material captured likely to undermine the prosecution or assist the defence, this must also be detailed on the MG6 series. All other relevant unused material must be detailed on the Streamline Disclosure Certificate, or MG6c or MG6d as per normal practice.

10. Viewing and Producing Evidential Copies of BWV Footage

- 10.1 There should always be a valid reason for the viewing of all captured BWV footage.
- 10.2 BWV users may view captured BWV material prior to writing their statement so long as this is declared. However, officers need to consider their perception of what has occurred during an incident, which may have led to them using force or restraint methods. Their perception at the time of the incident may be different to subsequent footage which is then viewed post event.
- 10.3 Any issues in relation to producing the BWV evidence should be highlighted to the CPS.
- 10.4 Where more than one BWV device is used during an incident the OIC must ensure that all footage is secured.

11. Data Retrieval and Management

- 11.1 All captured BWV footage will be uploaded to the relevant BWV data management system prior to an officer going off duty.
- 11.2 Access to BWV footage is restricted and cannot be disclosed to third parties unless in line with business policies and procedures.
- 11.3 Recorded data is 'police information' and it can be accessed on request in writing in accordance with Section 7 of the Data Protection Act 1998 and/or Section 8 of the Freedom of Information Act.
- 11.4 Footage not identified as evidential by staff will only be retained for 31 days in accordance with Norfolk and Suffolk Constabularies' Review, Retention and Disposal of Crime and Non-crime related information Schedule.

11.5 All footage of an evidential nature must be marked as such using the BWV data management system.

11.6 BWV footage of an evidential nature will be retained in accordance with the Constabularies' Review, Retention and Disposal of Crime Related Information policy and the Review, retention and disposal of crime and non-crime related information schedule. BWV footage relating to non-Crime traffic process incidents will be retained for 12 months.

12. Training

12.1 BWV equipment will not be issued to police officers and staff until the required training has been undertaken.

12.2 Before using BWV equipment, it is the user's responsibility to ensure they have completed the mandatory training package.

12.3 If unsure where to find the required training, users should contact their relevant training department for guidance

13. Responsibilities

13.1 Strategic responsibility for the use BWV lies with both Norfolk and Suffolk Constabularies' Chief Constables.

13.2 BWV single points of contact (SPOCs) are responsible for the tactical use of BWV and have been identified in Norfolk and Suffolk. Information relating to BWV SPOCs should be sought from the relevant department head.

14. Who to Contact about this Policy

14.1 Questions regarding this policy and its operation should initially be referred to the policy owners:

- Suffolk Constabulary, Police Headquarters, Martlesham Heath, Ipswich, IP5 3QS
- Norfolk Constabulary, Operation and Communications Centre, Jubilee House Falconers Close, Wymondham, Norfolk, NR18 0WW

14.2 This policy will be reviewed and updated in line with national guidance and may be subject to amendment or revision as a result of changes or developments to technology and/or the equipment used.

Appendix A – Associated Documentation

- [National Body Worn Video Guidance 2014](#). Norfolk and Suffolk Constabularies' Policy document is fully compliant with this guidance. Any changes that are subsequently made to the National Guidance will be reflected within this policy.
- The [Authorised Professional Practice \(APP\)](#) for [Information Management](#)
- College of Policing Code of Ethics
- [Surveillance Camera Code of Practice](#) – Home Office
- [CCTV code of practice - Information Commissioner's Office](#)
- ACPO and Home Office (2002) Digital Imaging Procedure 17 (DIP)
- Home Office/NCPE (2005) Code of Practice on the Management of Police Information
- Protection of Freedoms Act 2012 & Surveillance Camera Code of Practice ACPO (2007) Practice Advice on Police use of Digital Images Section 1.2 Criminal Justice Disclosure
- The [Data Protection Act \(DPA\) 1998](#) regulates the processing of personal data or sensitive personal data. Any image recorded that is aimed at identifying a particular person or learning about their activities, is described as personal data and is covered by the DPA. This is therefore likely to include all images and speech captured using BWV. Section 7 of the DPA grants a primary statutory right to access personal data (i.e. information about a living identifiable individual) with some disclosure exemptions (National Security, Law Enforcement). Recorded information which includes images from BWV devices will be covered by this legislation. In accordance with the eight Principles of the DPA and to comply with N&S's notified DPA business purpose = policing, all BWV devices can only be used for policing purposes, as opposed to personal purposes; the policing purposes being "protecting life and property; preserving order; preventing the commission of offences; bringing offenders to justice; and any duty or responsibility of the police arising from common or statute law".
- The [Criminal Procedure and Investigations Act 1996](#) (CPIA) places a requirement on police to be able to disclose both used and un-used images and be able to demonstrate that this has been done. Police generated digital images should be accompanied by a full audit trail, from capture of the image, throughout the entire management process including when they are passed to CPS, the defence or any supervised viewing. Deletion of any police generated images, or third party images in police possession, prior to their respective retention periods may amount to a breach of the Act if they are not then available for disclosure.
- The [Freedom of Information Act 2000](#) (FOIA) grants a general right to access all types of information held by a public authority, with some disclosure exemptions (National Security, Law Enforcement, and

Personal Information). Recorded information which includes images from BWV devices may be covered by this legislation.

- The [Human Rights Act 1998](#) (ECHR) provides that officers / police staff are required to consider Article 8, Respect for private and family life, home and correspondence when dealing with recorded images. This is whether the recordings were made in public or private areas. Recordings of persons in a public place are only public for those persons who are present at the material time and therefore still regarded as potentially private situations. Recorded conversations between members of the public should always be considered private. All recordings must not be beyond what is reasonable and necessary for policing purposes. If disclosing recordings for the purposes of tracing suspects or witnesses, this article must also be considered in tandem with the DPA. Article 6 provides the right to a fair trial. All images from a BWV device have potential for court use whether they are beneficial to the prosecution or the defence. They must therefore be safeguarded by a comprehensive audit trail.
- [Regulation of Investigatory Powers Act 2000](#) (RIPA) covers acts of direct or intrusive surveillance and identifies procedures and authorities required in these circumstances. The provisions of RIPA are not applicable to the use of BWV Devices, provided it is used overtly in the manner described in this guidance.
- [Police and Criminal Evidence Act 1984](#) (PACE). The use of footage from BWV complies with Section 64A of PACE (as amended by Section 116 Serious Organised Crime and Police Act 2005). If any BWV footage is to be used to assist with the identification of suspects, then officers / police staff must ensure that PACE Codes of Practice – Code D is followed.

Appendix B – Use of BWV by Armed Officers and Dog Handlers

Authorised Firearms Officers (AFOs) and Dog Handler Officers in Norfolk and Suffolk Police spend the vast majority of their time on duty engaged in Local Policing work that does not involve them deployed in an armed policing capacity. Unless deployed in an armed policing capacity, the use of BWV by AFOs and Dog Handler Officers should be governed by exactly the same procedures and instructions contained within the joint Norfolk and Suffolk BWV Policy.

BWV is an **overt** recording mechanism, and its use during covert tactics such as MASTS or Armed surveillance is not currently appropriate due to the limitations of the available technology and the high risk of compromising the policing operation. The use of BWV would also not be appropriate in circumstances such as Close Protection operations where its use is likely to compromise the discreet nature of the officer's deployment.

Officers will have an option to switch the BWV to a 'stealth mode' if they believe there is an operational necessity. This allows the BWV to still be used overtly (not hidden), but does not illuminate the red light or screen, and thereby reduces the potential attention that these illuminations may attract.

When an AFO is deployed in uniform on an armed operation the officer will, as soon as practicable, relocate the BWV from the body armour to a mounting on either the police baseball cap or ballistic helmet, as this will aid in giving a better representation of the officers line of sight.

Operational Use of BWV – When to Start Recording

The Norfolk and Suffolk Constabularies' policy around the decision to start and stop recording can rest with the user, based on specific circumstances. However, the actions of armed officers, particularly when they are involved in incidents that may result in a post incident procedure, will continue to be subject to intense scrutiny. In order to provide reassurance to the public around the integrity and transparency of our processes, AFOs will adhere to the processes set out below. Dog Handler officers supporting AFOs in armed policing deployments will similarly adhere to these procedures.

When AFO's or Dog Handler officers are deployed to any call warranting their deployment in an armed role, all occupants of the vehicle should commence recording. This also applies if the crew 'self-deploy' to an incident when the recording by all officers should commence as soon as practicable, any delay in starting the recording process must be recorded in any subsequent notes of evidence.

BWV can be used as a means of recording briefings for spontaneous firearms operations, or where a hand over is taking place at a scene or other location where other recording options may not be available or appropriate. This supports the guidance contained in Authorised Professional Practice, Armed Policing: Briefing, which states the most comprehensive method of providing an accurate record of the briefing, should be used.

Note: Briefings may contain information that is sensitive/confidential this should be taken into consideration during the BWV data retrieval where the footage should be security marked accordingly.

The recording of pre-planned operational briefings will continue to be conducted under the established arrangements and is not affected by this guidance. The criteria for the commencement of BWV recording should be included in the Tactical commanders briefing.

Covert Recording

Covert recording using BWV will not be conducted in Norfolk and Suffolk Constabularies, other than in exceptional operational circumstances, and any such covert recording will be conducted in accordance within the legislative framework set out in the Regulation of Investigatory Powers Act.

Recording Operational Deployments

The general requirement is for armed officers, and dog support officers supporting at a spontaneous armed policing deployment, to activate their BWV once assigned to a call (unless the criteria to 'self-deploy' is met, in which case it should be done so as soon as practicable). Officers should make a verbal announcement in plain language that the incident is being both audio and video recorded unless it is impracticable to do so by reason of the situation, behaviour or condition of those present, or because of the dynamics of an armed interception or intervention. This includes as soon as practicable during/after an armed challenge.

When deployed as part of an armed operation, such as Operation TEMPERER or a hospital guard, AFO's should not as a matter of routine be required to record the entirety of the their operational deployment, as this is likely to result in extensive collateral intrusion. In these circumstances it will be for the officer to activate their BWV at any point where they believe that evidence may be gathered, or where circumstances indicate that they may have to consider the use of force. Any identified criteria for the use of BWV in such an operation should be set out in the Tactical Commanders briefing.

Recording should, where practicable, be restricted to those individuals and areas where it is necessary in order 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.

In the event of a firearms operation becoming protracted, the use of BWV should be controlled to ensure that the balance between the transparency of police action and avoiding unnecessary capture of private data and collateral intrusion. Tactical and Operational commanders should consider the use of BWV and any potential for collateral intrusion as part of their ongoing considerations.

Decisions regarding the deactivation of the BWV must be recorded in line with current policy, to ensure that there is an auditable rationale for any decision in any subsequent enquiry. AFOs and Dog Handlers should notify the

Operational or Tactical commander of a decision to de-activate their BWV, or any failure of their BWV as soon as reasonably practicable.

Appendix C - Post Incident Procedures

BWV recordings cannot justify, in isolation, any use of force. Users must still justify their actions, perceptions and decisions based on their honestly held beliefs at the time of the incident.

In the event of an incident where the Post Incident Process (PIP) is invoked users will continue to record until their arrival at the Post Incident Suite under the authority of the Post Incident Manager (PIM). This can be either in person or via the telephone. It will provide corroborating proof of the delivery of the no conferring notice at/near the scene as soon as practicable once the scene is secured, as well as evidence of the scene itself.

NOTE; this is the users corroborating evidence and is not a mechanism for recording the scene on behalf of the investigating bodies.

Recording by key police witnesses involved in the incident en route to the post incident location will also provide confirmation that officers did not confer about the incident in transit. This also applies to any officer not connected to the incident but escorting the key police witnesses to the PIP location.

On arrival at the Post Incident Suite users should continue to record until directed by the PIM. If there are extenuating circumstances, for example the officer is either injured or traumatised and requires medical intervention, then the PIM should be informed of this fact where early consideration of the need to continue to record will be assessed.

The PIM or appointed officer where practicable will ensure a further no conferring notice is given to key police witnesses on arrival at the PIP location. Unless extenuating circumstances apply as this should be done prior to the PIM authority to discontinue recording.

Once the PIM has directed the recording to cease, this will be recorded in the PIM log.

The PIM must ensure the need to continue recording once the officers have arrived at the PIP location is justified and that it doesn't impinge on their rights to privacy and legal privilege. Careful consideration is required to balance the needs of the officers and the need for a transparent and open PIP process.

Once recording has ceased the process for data retrieval should be adhered to.

For officers who are retained at the scene, the PIM in consultation with the investigating bodies may make the decision to instruct the officers to cease recording if there is no further evidential gain or other justification.

Post Incident Accounts

The gaining of accounts from officers after an incident where a Post Incident Procedure is in place is addressed in APP- Armed Policing and associated circulars. The viewing of BWV footage by an officer in Norfolk and Suffolk Constabularies will therefore reflect national guidance. ~~Each Post Incident Suite will be equipped with docking facilities for BWV and~~ Once the officer has been given the direction from the PIM, their BWV device should be **seized**, deactivated and docked for download at that point. This will ensure that BWV

evidence is collated at the earliest opportunity and supports the transparency of the PIP.

A Senior Investigating Officer (SIO), in consultation with the PIM, may in safety critical situations direct viewing of the BWV to take place prior to the provision of Personal Initial Accounts; where this may assist with the initial investigation and reduce any identified risks.

If viewing does take place, full details of what footage has been viewed and by whom **must** be recorded. If an officer involved in the incident views the footage this **must** be recorded in their statements of evidence and **must** include whose BWV footage was viewed, what was viewed and the rationale for it.

Viewing of the BWV footage prior to the provision of a Stage 4 account will be under the direction of the appointed investigative body, for example the IPCC.

The Post Incident Process must be open and transparent and capable of withstanding scrutiny. If any officer has concerns that the integrity of the process is not being maintained, they must immediately bring this to the attention of the PIM.

Appendix D – Use of BWV by Police Support Units

Public Order Silver Commanders have the responsibility of deciding if BWV are worn by PSU Officers during a deployment and will record this decision and rationale.

BWVs must only be worn and/or used by PSU officers with the Silver Commanders authority.

Silver Commanders must consider the public perceptions and community impact of BWV in public order deployments. The effect on others within the event, both in relation to collateral and crowd dynamics, should also be taken into account as should the effect on perception before and during peaceful protest and ultimately its impact on public confidence.

Should BWV be used in public order deployments, specific briefings with regards to its use must be given to officers before each operation/event.

BWV should only be used to capture an officer's personal interaction with another, as per the national BWV guidance.

BWV must not be deployed as a pseudo Evidence Gathering Team (EGT) tactic.

If PSU Officers are required to deploy with BWV, they should make every effort to ensure the device is in good working order and it has sufficient battery life to last the length of the deployment.

Consideration must be given to the positioning of the camera and the effectiveness of the device during all three levels of mobilisation dress code.

After activating the BWV, officers must give their name, rank and force number along with a rationale for switching the BWV on if practicable to do so, for example when delivering a 'five step appeal'. BWV should only be switched off once that interaction has concluded and where practicable the officer should verbalise that the BWV is being switched off.

Mutual Aid

The requesting force must notify the force providing PSU officers if they are required to bring BWV for the deployment.

It is imperative that before being deployed on mutual aid the requesting force advises whether or not they have compatible downloading provisions for the responding force BWV system.

Where data from the BWV cameras is downloaded within the requesting force area, the Chief Constable of that area will fulfil the duties of data controller ensuring compliance with legal obligations under the DPA.

Alternatively, should footage be required to be downloaded within the responding force area, the Chief Constable of this force will fulfil the duties of data controller.