

BODY WORN VIDEO

Aberdeen City Division Procedure

Procedure Owner:	Superintendent (Operations), Aberdeen City Division
Procedure Author:	Command Support Officer, Aberdeen City Division
Due for review on:	1 October 2013
Equality, ECHR, Data Protection, HandS, GPMS and MOPI compliant:	Yes
Suitable for Publication Scheme:	Yes
This version approved:	

REVISION HISTORY

Version	Date Issued	Comments/Summary of Revision
1	29.05.12	Initial version adapted from Aberdeen Division Local SOP (2010)
2	07.06.12	Amended version produced
3	21.06.12	Amended version produced
4	26.08.12	Amended version produced
5	26.09.12	Amended version produced
6	08.02.13	Amended version produced
7	09.07.13	Amended version produced

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1. PURPOSE

1.1. This procedure supports delivery of the following aims and objectives:

- It complies with Police Scotland's Strategic Policing Priority to 'Make communities safer and reduce crime by demonstrating pioneering approaches to partnership and collaboration at a national and local level';
- It cuts across delivery on a number of the Aberdeen City Division Priorities and also the strategic objectives of partners;
- It provides additional protection for staff.

1.2. This Procedure has been introduced in the wake of the successful evaluation of the Aberdeen Division Body Worn Video pilot and its accompanying Standard Operating Procedure in order to support the Division-wide rollout of the 'My Witness' Video Badge Body Worn Video (VWV) cameras.

2. EFFECTIVE DATE

2.1. This version of the Procedure is effective from 1 October 2012.

3. APPLICATION AND SCOPE

3.1. This Procedure will apply guidance and an operational framework for the use of 'My Witness' Video Badge BWV systems by Police Officers, or Police Staff under the management of Grampian Police. It will also relate to the back office management of cameras and any video footage.

3.2. Grampian Police and the Police Federation highly recommend that all Officers utilise the BWVs at all times when deployed on Operational Duties. The previous use of BWVs in the Division have proven that it provides all staff with additional protection in relation to spurious complaints and to be a strong deterrent in relation to assaults on staff. In addition the Aberdeen Pilot has shown that the BWV evidence has negated the need for a high number of Officers to attend Court as Police witnesses and has also reduced the demand on Officers to provide statements for court purpose. The Police Federation encourages Officers with any queries on the use of BWVs to contact them or a member of their own Command Team

3.3. The BWV equipment provides additional corroboration and protection without restricting an Officer's actions or movements. It can be used to record incidents and loci providing a digital video image which can then be used in Court proceedings. Additionally, it provides protection for the Officers as it is a visible deterrent to any potential assailant, making a clear statement that their actions will be recorded on video with audio capture, and records the actions of the Officer, thereby reducing the potential for false allegations. It also has considerable potential for use as a learning tool to inform future training and

disseminate good practice.

- 3.4. This Procedure applies to any Aberdeen City Division Police Officers and Police Staff who have occasion to deploy, operate or manage the BWV system.

4. RESPONSIBILITIES

- 4.1. The various Operational Policing Business Areas have responsibility for owning, implementing, monitoring and reviewing the Procedure, under the strategic oversight of the Local Police Commander.
- 4.2. All Line Managers whose staff may be using the BWV system have responsibility for ensuring that the devices are used and maintained appropriately.

5. LEGAL BASIS AND COMPLIANCE

- 5.1. The Police and Fire Reform (Scotland) Act 2012 gives the Chief Constable responsibility for the operational direction and control of Police Service of Scotland. Accordingly, the Chief Constable may approve and issue any necessary instructions, including Service Procedures.
- 5.2. The Police (Scotland) Regulations 2004, prescribes the requirement for Officers to carry out all lawful orders, which includes Service Procedure.
- 5.3. Scottish Police Authority General Terms and Conditions of Employment for Support Staff require Police Staff to comply with Service Procedure.
- 5.4. Compliance with the content of this Procedure will ensure that Officers and staff of Police Scotland, Aberdeen City Division or the Scottish Police Authority are viewed as professional service providers.
- 5.5. Officers and staff who do not comply with this Procedure may fall subject to proportionate supervisory intervention or misconduct action.

6. PROCEDURES

- 6.1. In total 330 'My Witness' BWV cameras have been purchased, along with around 34 Docking Stations and a similar number of 2 Terrabyte external hard drives. All will collectively be distributed throughout the Division.
- 6.2. The Docking Stations allow for up to seven cameras to be simultaneously charged or downloaded. Up to three Docking Stations may be connected to a single computer, although it is likely that the maximum will only be two, at the Base Station located within Queen Street CPT, Aberdeen City Division.

- 6.3. The Docking Stations, external hard drives and the desktop computers to which they are connected are collectively referred to as 'Base Stations' within this Procedure.
- 6.4. All cameras are specifically designed for law enforcement and the BWV Units consist of a CCTV camera housed within a tamperproof and reinforced casing. The devices are simple to operate with a one-touch function to initiate or stop recording and are easy to wear as they don't contain any external wiring connected to a video recorder. As a result, it is not possible to review video files whilst on patrol. The device has a capacity of up to eight hours recording and 12 hours standby, and the front cover protecting the lens is clearly and overtly marked with the letters 'CCTV' and the Police logo. Each file carries a unique identifier and is time and date stamped throughout using Co-ordinated Universal Time (UTC), which is the primary time standard by which the world regulates clocks and is generally synonymous with GMT. Once recorded, the encrypted files cannot be deleted or corrupted by the operator, or indeed viewed by an unauthorised person without the necessary 'My Witness' Video Manager software.
- 6.5. For lengthy recordings Officers should note that the BWV system breaks the footage down into a series of individual video files, each of 15 minutes in length, therefore an incident lasting one hour will correspond to four separate files. It would therefore be important to select all of them if ultimately either preserving the footage or 'burning' a DVD for evidential purposes.
- 6.6. All personnel will log in to the 'My Witness' Programme manager software using their unique 4 digit Police identifier and password. While all personnel will have sufficient authorisation to undertake all day to day activities, including marking footage for retention and burning DVDs, only those with Supervisor status, generally Supervisors and BWV Trainers, will be able to manually delete footage, e.g. if the external hard drive is full and requires purging or the Court case has been disposed.
- 6.7. Compliance with Information Security procedures will mean that when downloading to another Base Station, for example where an Officer has a custody, all users of whatever level of authorisation will require someone from that Station to log on to the BWV software, if necessary creating an ID for them, before any footage can be downloaded and burnt to DVD. In these instances properly indexing the BWV software and the Officer's Official Police Notebook becomes even more important.
- 6.8. Users will download files from cameras into these external hard drives via a specific desktop computer at each Station or Business Area that has been equipped with a DVD Burner. The systems will be pre-configured to ensure that footage can only be downloaded via desktop PCs to the external hard drives, which will be securely connected to them. It will not be possible to download footage to the actual computer desktops or 'U' hard drives and Users will be unable to otherwise manage the files, other than to mark them for Preservation and 'burn' them to a DVD in the event that the footage is required for evidential purposes. Following the download process, the BWV memory will be

automatically deleted. Files will thereafter be secure and accessible only to those with Administrator status and Officers authorised by the Chief Constable to certify documentary evidence for Court under Sections 279 or 283(1) of the Criminal Procedure (Scotland) Act 1995.

- 6.9. Stocks of recordable DVD-Rs or DVD+Rs, together with paper sleeves, can be ordered through Business Area Administration Offices.
- 6.10. The Units, which will only function if they have been Assigned using the 'My Witness' software to an Officer. This will be primarily on a 'pool' basis though it may be personal issue in a few specific cases, and deployment will be on an intelligence-led basis in line with the principles of the National Intelligence Model. In most cases, deployments will be managed through the daily or fortnightly Tasking and Co-ordinating Group processes.
- 6.11. All Officers will be fully briefed on the care of BWV equipment. The devices are waterproof and 'ruggedised' but reasonable care must be taken, without compromising Officer safety.
- 6.12. All BWV Units are the subject of a minimum of a one year warranty in respect of any defects, however, loss or damage to the equipment will not fall within the terms of any warranty. In the first instance any faults, damage or loss of equipment should be reported to a Supervisor who will forward the item(s) to the Single Point of Contact within their Division or Department for consideration of repair or replacement.
- 6.13. Officers must be careful when connecting the camera to the 'iPod'-type connector to ensure that the 'minus' sign faces the rear of the device otherwise this may result in a significant repair bill.
- 6.14. Damage to or loss of the BWV equipment will necessitate the submission of an OPS 9/1 Subject Report outlining the full circumstances through normal supervisory channels, where appropriate, together with the faulty BWV Unit.
- 6.15. When not in use, Supervisors will ensure that all BWV Units, Docking Stations and external hard drives are securely stored in a suitable room within the Police Office or Department to which they have been assigned.
- 6.16. Prior to deploying the BWV Units, Officers will first carry out a simple preliminary check to confirm that the device is functioning correctly. This will entail little more than briefly switching the BWV Unit on and off by sliding the lens cover up and then back down again. The result of this check and the BWV Unit's serial number should be recorded in the Officer's official Police notebook. The BWV Unit will then be set on standby so that it will be ready to be activated for use as and when required.
- 6.17. The use of BWV devices will be incident driven. Officers who wish to record an incident should start recording on their approach and continue to record until such time as their involvement with the incident is completed. As best practice, a short introduction should be dictated by the operating Officer, indicating date,

time, location and type of incident, however, in some cases the immediate or serious nature of the incident will require that recording commence without any verbal introduction.

- 6.18. There will be instances where it is necessary to stop recording, such as during legal or medical interviews, where members of the public are wishing to talk in confidence or during intimate searches and when people are in a state of undress. It is appropriate to do this, but a brief explanation should be dictated by the Officer before so doing. Officers must be aware that restarting recording will create a new digital video file with the appropriate time and date stamps.
- 6.19. Officers should be aware of the ability to add commentary to any recording explaining what they are viewing. This is particularly appropriate when taking a video recording of a locus and it would be considered as good practice to do so. Examples of the benefits of this can be found on a short compilation video, accessible on the Intranet [here](#).
- 6.20. When practical, Officers should inform members of the public with whom they engage that they are using a video camera. When entering a building, the owner or occupier should, when circumstances allow, be advised that the Officer is recording. Any objection will be acknowledged but will not necessarily preclude recording and the Officer should state the reason for continuing to record. Incidents involving domestic violence, whether reported or suspected, would fall into this category. If it is considered appropriate to stop recording, a brief explanation should be dictated.
- 6.21. In the event the equipment is turned off at the subject's request and items are then found that may be the subject of further investigation or proceedings, the Unit should be switched on to capture the subsequent evidence, accompanied by a short verbal explanation by the Officer.
- 6.22. Where a person becomes a suspect or an accused, they should be cautioned as per normal practice. The wording of the caution should, however, be amended to read, "**I must caution you that you are not obliged to say anything, but anything you do say will be video recorded, noted and may be used in evidence.**" There will, however, inevitably be circumstances in which for example, due to their dynamic nature it will not be possible to administer a formal caution as above. In these instances there is no evidential loss provided the Common Law caution above is administered at the first opportunity thereafter.
- 6.23. In the event that a suspect requires to be detained under Section 14 of the Criminal Procedure (Scotland) Act 1995, the Officers should repeat the Statement to Suspect included on the Aide Memoire Form ADMEM.5 (May '09). Reference to the suspect being video recorded should also be included in the statement.
- 6.24. In the event that Officers require to caution and charge and arrest a suspect, a similarly amended caution should be used as laid out in the Aide Memoire Form ADMEM.7 (Jun '08).

- 6.25. Officers will be aware that a CCTV system already exists within many of the Cell Blocks within the Divisional area, therefore the use of BWV Units should be carefully considered, especially if it might compromise the decency of a suspect or accused, for example during an intimate search.
- 6.26. As there is currently a CCTV system within some of the Intoximeter Rooms, notably the one at Aberdeen City Divisional Headquarters, Officers should not use BWV Units while using the Intoximeter device.
- 6.27. At the end of their tour of duty, Officers will normally download any recorded images to the relevant desktop computer at the Station or Office at which the device was originally assigned. Immediately upon being downloaded to a computer, the footage is automatically deleted from the BWV Unit.
- 6.28. In instances where it is not convenient for Officers to download footage at the originating Station or Office, most commonly in cases where they have a custody and are not able to return, then the footage can be downloaded at a separate Base Station by selecting the 'Associate with this Basestation' option, **however, the Officer would need to remember to configure and re-associate the device via the Factory Settings option back at the originating Base Station to make it available for redeployment.**
- 6.29. For instances where footage from more than one BWV camera is used it is possible to link all to a single 'Incident' so that when a DVD is later burnt all the sequences are automatically transferred onto one disk.
- 6.30. In the event that footage is required for evidential purposes, Officers will use a blank DVD-R or DVD+R on which they will affix and complete adhesive Form 26.1-A.9. and 'burn' a copy to it. Downloading times will vary and in some cases footage may be 'burned' in real time, though this should be the exception rather than the rule. It will be the responsibility of the Officer 'burning' the DVD to ensure its security and lodge it as a Production.
- 6.31. Form 26.1-A.9. also acts as the appropriate Section 279 or 283 Certificates included at Appendix 'B', certifying the DVD as a true copy. They are available for transposing onto labels suitable for attaching to DVDs and these have been approved by the Procurator Fiscal. These can be used with the Label settings on the large Canon printers available in Aberdeen City Division. Business areas have been advised that suitable labels are available in a matt/non smudge finish from Lyreco, Product No J8676, which come in packs of 25 sheets, two labels per sheet. Form 26.1-A.9 is available for download from the Reports page on the [Intranet](#).
- 6.32. If the operations outlined in paragraphs 6.27 and 6.28 are deemed likely to incur any overtime, they will be passed on to the next available Supervisor or Officer with Administrator authorisation commencing duty for allocation as appropriate.
- 6.33. Inspectors, or in their absence Sergeants, will ensure that any BWV devices issued at their Station(s) have been replaced in the Docking Station and, therefore, footage has been downloaded and batteries recharging prior to

Officer(s) terminating duty.

- 6.34. Images of no evidential importance will be kept for a period of 31 days in keeping with existing guidelines for the storage of video images. Thereafter, the system will automatically delete these images, unless a Supervisor has previously selected the footage for continued retention for other specific purposes, ie as a learning tool or in cases involving an actual or a likely complaint about the Police.
- 6.35. On a regular basis, an Authorised Officer will check those files which have not been marked as required for evidential purposes and are still retained on the system to ensure appropriate governance. It is not possible to stipulate a set time as some external hard drives may handle considerably more data than others. The Authorised Officer¹ will also check the database and liaise with Officers as appropriate to ensure that those files that have been so marked have been 'burnt' to DVD, in which case they too can be deleted. A similar course of action may be required if the collective amount of footage on the external hard drive begins to exceed its capacity, however, a warning indicator will appear on the 'My Witness' Video Manager screen.
- 6.36. Where a Reporting Officer requires to make copies of a previously 'burnt' DVD for inclusion with a Standard Police Report, they may use any of the 'My Witness' designated desktop computers, all of which will be equipped with a DVD burner to make copies. In relation to DVDs, in most cases a total of two copies will be required to accompany a Standard Police Report as Case Related Documents, though this may change according to the circumstances of each case.
- 6.37. The 'My Witness' Video Manager allows for still snapshot images to be taken if the video footage is paused at the appropriate point during playback. The image can then electronically accompany any SID or other Briefing Page-type entry.

7. REPORT WRITING AND DISCLOSURE

- 7.1. Where BWV evidence is available, Reporting Officers will highlight this fact at the beginning of their Description of Events (disclosable) within the SPR Summary and within the 'Visually Recorded Evidence' section of the disclosable tab. Thereafter, all relevant evidenced recorded by BWV will be highlighted within the main body of the Description of Events section (disclosable to Defence Agents and the accused). The following bullet points provide for an indication of the type of detail required:
- (i) BWV Unit serial number or identifying mark;
 - (ii) day, date and time the Officer took possession of the equipment;
 - (iii) day, date, time and location they commenced recording;

¹ This may be most likely to be someone on Protected Duties but in most cases a Sergeant would be nominated to perform this role in respect of the housekeeping of external hard drives.

- (iv) day, date, time and location they ceased recording;
- (v) day, date, time and location the master copy disk was created and then sealed;
- (vi) Production No(s);
- (vii) whether any other person had access to or used the Unit between either of these times (if so, then a statement would also be required from that person).

7.2. In the Analysis of Evidence field (non-disclosable), a narrative of relevant BWV footage with date and time stamps will be included.

7.3. In the Remarks field (non-disclosable), any issues relating to non-disclosable information contained within a BWV file will be highlighted for the attention of the Procurator Fiscal.

8. COMPLAINTS PROCEDURE

8.1. There will be a clearly documented complaints procedure. Complaints which are made verbally or in writing by a member of the public must be recorded in writing, acknowledged and acted on in an appropriate manner.

8.2. In the event of any complaint where satisfaction has not been reached regarding any Data Protection issues, the person making the complaint will be advised to contact:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Tel: 0303 123 1113 or (01625) 545745

Fax: (01625) 524510

Email: casework@ico.gsi.gov.uk

website: <http://www.ico.gov.uk>

9. RELATED LEGISLATION, PROCEDURES AND INFORMATION SOURCES

9.1. Legislation

- (i) Data Protection Act 1988;
- (ii) Human Rights Act 1988;
- (iii) Regulation of Investigatory Powers (Scotland) Act 2000;
- (iv) Freedom of Information (Scotland) Act 2002.

9.2. Information Sources

- (i) [Body Worn Video Page on the Aberdeen City Division Intranet;](#)
- (ii) Guidance for the Police Use of Body Worn Video Devices - Home Office: Police and Crime Standards Directorate (2007).

10. REVIEW DATE

- 10.1. The effectiveness and ongoing relevance of this Procedure will be subject to an annual formal review through feedback collated by the Command Support Officer, Aberdeen Division from nominated Divisional and Business Area Single Points of Contact, under the oversight of the Superintendent (Operations), Aberdeen Division, and Assistant Chief Constable (Operations).

FORM 26.1-A.9 CERTIFICATE OF AUTHENTICATION

**Form 26.1-A.1
Certified copy
- by person in
possession and control
of original**

**CERTIFICATE IN TERMS OF THE
CRIMINAL PROCEDURE (SCOTLAND) ACT 1995,
SECTION 279 AND SCHEDULE 8**

CERTIFICATE OF AUTHENTICATION

I, ¹ _____

being the person in possession and control of the original of the copy document on which this certificate is endorsed/to which this certificate is attached ² hereby certify that it is a true copy of the original which is in my possession and control.

Date: _____ Signed: _____

(INSERT DETAILS OF THE COPY DOCUMENT TO WHICH THIS CERTIFICATE RELATES - LIST AND DESCRIBE)