

# **Body Worn Video (BWV)**

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## **Policy & Procedure**

**Greater Manchester Police**

**April 2013**





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## 1. Policy Statement

Greater Manchester police are committed to maximising the use of its resources to capture the best possible evidence, by taking advantage of new technology. Body Worn Video (BWV) significantly enhances evidence gathering opportunities and when available should be used in all appropriate circumstances. To enable this, all users must be aware of their responsibilities in relation to its deployment and retention to safeguard users and the integrity of the digital product.

When used effectively BWV can promote public reassurance, capture best evidence, modify behaviour, prevent harm and deter people from committing crime and anti-social behaviour. Recordings will provide independent evidence that will improve the quality of prosecution material and may reduce the reliance on victim evidence, particularly those who may be vulnerable or reluctant to attend court. BWV can also impact on the professionalism of the service and assist in the continual development of our staff. Officers, trainers and supervisors can utilise the equipment to review and improve interactions and interventions.

### 1.1 Aims

This policy and procedure is intended to enable officers to comply with legislation and guidance to create evidence for use in court proceedings. It also stipulates the training required, use of the device, capture, retention of footage and how this will be shared. This will ensure:

- BWV is only utilised by officers who are trained
- The safety of the officers utilising the equipment
- BWV is deployed in appropriate circumstances
- The data is managed appropriately, in accordance with legislation, force requirements and the Human Rights Act
- Integrity of the data is ensured, which will withstand scrutiny from any agency
- GMP computer network is not compromised
- Maximum benefit from the use of BWV, ensuring 'best evidence' is secured

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## 2. Scope

This policy covers all aspects of the use of BWV equipment by members of staff and the subsequent management of the data obtained. Whilst BWV may be utilised in public order situations, this document does not replace the policy and procedures for other users of visual recording equipment, such as that used by Public Order trained Evidence Gatherers.

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## 3. Roles & Responsibilities

This policy is owned by Criminal Justice and Custody branch and will be regularly monitored and reviewed to ensure changes in legislation and equipment are reflected.

### Division or Branch Commander

- You should ensure that officers and staff are allocated to the roles identified below and under their responsibilities.

### **Operations Chief Inspector**

- The practical implementation of this policy at a local level will be monitored by the divisional Operations Chief Inspector.

### **Department supervision / Sergeants**

- You should familiarise yourself with this policy and ensure only trained officers utilise the equipment and software.

### **BWV operators**

- You should familiarise yourself with this policy and procedure and comply with it.
- You must ensure you have completed the training prior to utilising the cameras and software.
- You must adhere to the processes in this document.
- You are responsible for what you have chosen to record or omit. Remember you may have to justify your decision making, ultimately in court.
- Only GMP purchased BWV devices can be utilised by staff.

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## **4. Terms and Definitions**

All images recorded are the property of the Force and must be retained in accordance with force procedures and the Association of Chief Police Officers (ACPO) Practice Advice on Police Use of Digital Images. They are recorded and retained for policing purposes and must not be shown or given to unauthorised persons other than in accordance with specified exemptions.

BWV is an overt method by which officers can obtain and secure evidence at the scene of incidents and crimes. These procedures are intended to enable officers to comply with legislation and guidance to create evidence for use in court proceedings.

BWV – Body Worn Video

Burn – The copying of data to a DVD

Capture – The recording of images and audio

Evidential footage – Known to be required for an offence

Intelligence footage – Thought to be relevant to a particular target or incident(s)

## **5. Procedure**

## Equipment

The BWV equipment is generally a body mounted camera with built in microphone. The camera stores digital files which, once recorded, cannot be deleted or amended by the operator. Each digital file carries a unique identifier and is time and date stamped throughout. Dedicated software, DEMS (Digital Evidence Management System) will manage the downloading, storage and burning to DVD of the digital files. This provides a full audit trail ensuring evidential continuity is maintained. It will be the responsibility of the divisional Single Points of Contact (SPOC) to report any malfunctions to the Criminal Justice and Custody branch (CJ&C).

## Training

All response officers on divisions using BWV will be required to complete the NCALT learning package. Additional guidance on DEMS and a Frequently Asked Questions document have been produced, in addition to a Video Box message. All can be accessed through the intranet. The eLearning may be completed individually or as a team led by a supervisor. Once a supervisor is satisfied that a member of staff has completed the eLearning, details of authorised users will be supplied to the SPOC who will issue the necessary log on details.

Only response officers who have received the appropriate training will be able to 'self issue' the equipment. Cameras will be signed out by officers using their network login and BWV password on DEMS.

## Recording an Incident

Guiding principles are;

- Response officers will wear BWV when on operational response duty
- The camera should be switched on when footage might support 'professional observation' or would corroborate what would be written in a pocket book.
- The decision to record or not to record any incident remains at all times with the user.
- The user should be mindful that failing to record incidents that are of evidential value may require an explanation in court.

It is evidentially important to record as much of an incident as possible; therefore recording should begin at the earliest opportunity. Recording must be incident specific. Operators should not indiscriminately record entire duties or patrols and must only use recording to capture video and audio at incidents that would normally be the subject of PNB entries or as 'professional observation', whether or not these are ultimately required for use in evidence.

## What to say

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:

### Date, time and location

Confirmation, where practicable, to those present that the incident is now being recorded using both video and audio

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, but users should use straightforward speech that can be easily understood by those present, such as, "I am wearing and using body worn video".

### Collateral intrusion

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

### Private dwellings

In private dwellings, users may find that one party objects to the recording taking place; for example in domestic abuse situations. In such circumstances users should continue to record and explain the reasons for recording continuously. These include:

- That an incident has occurred requiring police to attend
- That the officer's presence might be required to prevent a Breach of the Peace or injury to any person
- The requirement to secure best evidence of any offences that have occurred, whether this is in writing or on video and the video evidence will be more accurate and of higher quality and therefore in the interests of all parties
- Continuing to record would safeguard both parties with true and accurate recording of any significant statement made by either party
- An incident having previously taken place may reoccur in the immediate future  
Continuing to record will safeguard the officer against any potential allegations from either party

The filming in domestic circumstances could be an issue with some faiths. An example may be where the female may not have a face covering within the home. Officers should be aware of this fact and be practical and sensitive to the wishes of those involved in these cases. This could be turning the camera head away (where the device allows) or leaving the room, so there will be an audio record, but not a visual one.

Unless specific circumstances dictate otherwise (see below) recording must continue uninterrupted from commencement of recording until the conclusion of the incident or resumption of general patrolling.

## **Concluding a recording.**

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 other duties or activities.

Recording may also be concluded when the officer attends another area such as a custody centre where other recording devices are able to take over the recording.

Prior to concluding recording the user should make a verbal announcement to indicate the reason for ending the recording this should state:

Date, time and location  
Reason for concluding recording

## **Stop & Search**

All 'stop and search' encounters should be recorded unless the search is an 'intimate search' or 'strip search' or if the search requires removal of more than outer clothing. A video recording does not replace the need for compliance with the stop and search policy.

## **Selective Capture and Bookmarking**

Selective capture does not involve deletion of any images, merely the user making a choice of when to record and when not to record. It also describes the process of temporarily stopping and restarting recording in order to 'bookmark' the recorded footage. This breaks the digital file into chunks, which makes reviewing and sharing with defence and CPS easier.

**There are no circumstances in which the deletion by the user of any images already recorded can be justified and any such action may result in legal or disciplinary proceedings.**

## **Selective Capture**

In general the BWV user should record entire encounters from beginning to end without the recording being interrupted. However the nature of some incidents may make it necessary for the user to consider the rationale for continuing to record throughout entire incidents.

For example the recording may be stopped in cases of a sensitive nature or if the incident has concluded prior to the arrival of the user. In all cases the user should exercise their professional judgment in deciding whether or not to record all or part of an incident.

In cases where the user does interrupt or cease recording at an ongoing incident they should record their decision on video, PNB or similar log including the grounds for making such a decision.



## Bookmarking

In recording an incident it is likely that BWV users will encounter victims, offenders and witnesses as well as recording the visual evidence at the scene itself. Bookmarking is a means by which users may separate encounters with each of these types of person or occurrence in order to allow for easier disclosure at a later time. For example if a police officer has recorded an encounter with a witness including disclosure of their name and address this section should not be shown to the suspect or their legal representative.

It is recognised that bookmarking is not always practicable due to the nature of incidents and therefore this should only be attempted if the situation is calm and the operator is easily able to undertake this procedure.

Prior to any temporary suspension for the purpose of bookmarking the user should make a verbal announcement for the purpose of the recording to clearly state the reason for suspending recording. The user should also announce that they have recommenced recording at the same incident as before.

The bookmarking process will result in short breaks between clips of just a few seconds. When creating the master disk exhibit for court the user must include all bookmarked sections for the incident as one complete master recording of the incident.

## Witness First Accounts

If the BWV user is approached by victims or witnesses who are giving their first account of the crime the user may record the encounter using BWV but this should be considered against the needs of the individual with due sensitivity to the nature of the offence being reported. Any initial disclosure from victims and witnesses recorded by BWV should be treated as an evidential recording and submitted to the investigating officer. This is important to ensure compliance with statutory identification procedures under PACE Code D.

**Such recordings do not replace the need for formal written statements from victims or witnesses but they can be used as supporting evidence for the statements and can also be considered as hearsay evidence and used in accordance with the provisions of the Criminal Justice Act 2003.**

If this recording amounts to the victim's first notes or initial description of suspects they may refer to the relevant section of the video when making their written statement. Care must be taken to ensure that only the witness's account is reviewed by the witness and they must not be allowed access to other sections of the recording. The extent of any review by the witness to assist with making their statement must also be recorded in their statement.

Care should be taken to ensure that should a victim or witness provide a 'first description' of the offender on video, that this fact should be recorded and submitted to the investigating officer. This is important to ensure compliance with statutory identification procedures under PACE Code D.

## Recording of Interviews

BWV should not be used to record interviews of suspects under caution which occur at a police station. It may be used to record interviews which take place other than at a police station. Should a record of interview be required then ROTI typists should be tasked through ICIS Case with file details and provided with a copy of the footage.

BWV can and should be used to capture hearsay evidence. An example of this is where a store detective gives his account to an investigating officer, in the presence and hearing of the suspect.

## Scene Review

An additional use of BWV is to record the location of objects and evidence at the scene of a crime or incident. This can be particularly beneficial in allowing the Senior Investigating Officer an opportunity to review scenes of serious crime or in effectively recording the positions of vehicles and debris at the scene of a serious road traffic collision.

If reviewing a scene this should be treated as an evidential recording and where possible the officer should provide a running commentary of factual information to assist later viewers.

## Limitations on Use

BWV is an overt recording medium and can be used across a wide range of policing operations. There are a few examples of situations where the use of BWV is not appropriate. In all cases users and supervisors must use their professional judgment with regard to recording.

The following examples of where the use of BWV is not appropriate are for guidance only and this list is not exhaustive.

Intimate searches - BWV must not be used under any circumstances for video or photographic recording to be made of intimate searches.

Legal privilege - users must be careful to respect legal privilege and must not record material that is or is likely to be subject of such protections.

Private dwellings - whilst use of video at the scene of domestic violence incidents is covered in other sections, users must consider the right to private and family life, in accordance with Article 8 of the Human Rights Act, and must not record beyond what is necessary for the evidential requirements of the case.

Vulnerable Witness interview (VWI) - the use of BWV is not a replacement for VWI and vulnerable victims must be dealt with in accordance with force policy 1130/2012 - Investigative Interviewing Policy.

Explosive devices - 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.

## Uploading, File references and Exhibits

All footage recorded to the BWV device will be downloaded at the end of the officer's tour of duty. Officers should return the units to their home station. Once downloaded the camera is cleared of all footage and ready to be booked out again.

Evidential footage downloaded will be saved. It will be identified by **users entering the Crime or Fwin number in the incident ID column and other details such as exhibit number, suspects and other relevant details in the Notes column.** This can be used to search on in the future.

Evidential footage will be considered any data that is:

Evidence of an offence

Supporting evidence for any process - i.e. charge, Fixed Penalty Notice, Penalty Notice for Disorder etc

Footage that is required for a relevant and proportionate policing purpose - i.e. footage taken of an overcrowded town centre taxi-rank to highlight the need for an extended facility to Local Authority partners

Footage which should be revealed under The Criminal Procedure and Investigations Act 1997

Data will not be downloaded to any device other than through the dedicated BWV docking computers provided.

Data downloaded as **non-evidential** will be stored on DEMS for 31 days. During that time it is searchable and can be retrieved and marked as evidential. After this period it will be automatically deleted.

As soon as reasonably practical, the user will make a DVD working copy. If the working copy contains any sensitive information, i.e. witness details, and has not been sanitised, clearly mark it '**Do not disclose**'.

BWV is supporting evidence and officers will be required to provide written statements which must include the audit trail for the capture of the footage and the subsequent production of the master disc/DVD. Where more than one BWV device is present at the scene of an incident or the area of the incident is also covered by a CCTV system the officer in the case (OIC) must ensure that all available footage of the incident is secured as exhibits in consideration of any defence arguments that may be presented.

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## 6. Associated Documents

The Body Worn Video DEMS user guidance and Frequently Asked Questions can be found on the intranet.

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## 7. Consultation & Statutory Compliance

### 7.1 Consultation

[Interested parties, both within and outside the Force, should be given a fair opportunity to comment on the draft policy & procedure. List, in the table below, who has been consulted on the policy & procedure outlining any dissenting views or other significant issues raised and how they have been resolved. The list shown provides examples and should be tailored for each policy & procedure.

Department	Comments
IT	
Finance	
Human Resources	
Training	
Health & Safety	
Information Security	
Information Compliance	
Any other relevant operational business area.	

Once you have completed this template, please forward it to Strategy & Policy Section (contact details can be found on the [intranet](#)). This section will submit the paper for circulation to members of the Joint Negotiating Consultation Committee (JNCC), attended by a range of staff associations, 28 days prior to the Preview meeting for their views, discussion and approval at the JNCC Preview meeting.

Following approval by JNCC Preview meeting, the policy & procedure will be submitted to the next Chief Officers' Group for final approval.]

### 7.2 Statutory Compliance

#### 7.2.1 Data Protection Act (1998)

[The draft policy & procedure – new or revised - needs to be assessed by the Information Compliance & Records Management Unit to make sure it complies with the Data Protection Act 1998. A compliance assessment should be carried out if the business activity concerns any processing of personal data. For further advice about what constitutes personal data, see the [Force Data Protection Policy](#) or consult the Information Compliance Unit on 61150.

The Strategy, Planning & Policy team can arrange for your policy & procedure to be assessed for you. Once it has been assessed, complete this section by outlining any changes made, or state 'no changes required' and confirm that the policy & procedure is compliant with the Act.]

## 7.2.2 Freedom of Information Act (2000)

[Under the FoIA a policy & procedure may be disclosable to the public, either on the Force website or upon request. Please consider whether your policy & procedure, or a section of it, could be immediately published. Whenever a request is made under FoI, it is assessed by the Information Compliance Unit for disclosure, and the policy & procedure owner would be consulted.]

## 7.2.3 Equality Act 2010

[Outline how the policy & procedure helps to meet the General Equality Duty, which requires the Force to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the 2010 Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant *protected characteristics* to be considered are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The majority of our policies & procedures will either have an impact on the service that we deliver to the public or on our staff and, therefore, will require documentation of the due regard that was had to the General Equality Duty. However, if it is decided that your policy & procedure will not have any effect on equality for any of the protected characteristics, then the rationale for that decision should still be recorded in this section. You can get more advice from the Equality Team, Tel. 62203 or 62206.]

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## 8. Appendices

[The main bulk of the document should contain only procedural information. Keep any further information in the appendices.]