



Body Worn Video (Policy & Procedure)

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Version History

04/09/2014	V 1.1 – Para 3.3.1 inserted to set out expectations regarding Domestic Incidents.

Policy

1.0 Statement

Merseyside 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
- Merseyside Polices' computer network is not compromised
- Maximum benefit from the use of BWV means 'best evidence' is secured
- Members of the public are not unnecessarily subjected to video recording and any recordings made are only retained where there is a legitimate policing purpose for doing so.

1.2 Objectives

The main objective is to make best use of Body Worn Video technology to detect and prevent crime. More Specific objectives are to:

- Increase crime detection rates
- Increase and improve intelligence gathered
- Assist Criminal Justice partner agencies in delivering best evidence
- Reduce Officer case build time and court appearances.
- Ensure BWV is used in compliance with relevant legislation.
- Increase control of digital evidence as crime exhibit

1.3 Application and Scope

All police officers and police staff, including the extended police family and those working voluntarily or under contract to Merseyside Police must be aware of, and are required to comply with, all relevant policy and associated procedures.

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

This policy applies particularly to those officers and staff employed within Departments / Units that are main users of Body Worn Video technology and its evidential product. These include:

- ✓ Uniformed BCU Officers
- ✓ Matrix Serious & Organised (Uniformed Services)
- ✓ Roads Policing
- ✓ Mounted
- ✓ Force Operations
- ✓ Dog Section Officers
- ✓ Criminal Justice Department
- ✓ CCTV Investigation Unit

The Chief Officer lead for Body Worn CCTV technology is the Assistant Chief Constable responsible for Protective Services

1.4 Outcome Evaluation

This section should reflect the specific objectives and include separate explanations of how progress against each of the objectives will be measured.

2.0 Roles & Responsibilities

This policy is owned by MXS Investigative Support and will be regularly monitored and reviewed to ensure changes in legislation and equipment are reflected.

2.1 Area Commanders

- Should ensure that the roles and responsibilities required below are allocated to the appropriate officers and staff.

2.2 Operations Chief Inspector

- The BCU Operations Chief Inspector will monitor the practical implementation of this policy at a local level.

2.3 Department supervision / Sergeants

- Must familiarise themselves with this policy and ensure only trained officers utilise the equipment and software.

2.4 BWV Operators

- **MUST** familiarise themselves with this policy and procedure and comply with it.
- **MUST** ensure they have completed the training prior to utilising the cameras and software.
- **MUST** take responsibility for what they have chosen to record or omit. As they may have to justify their decision making during any subsequent court or other investigative proceedings.
- Only Merseyside Police purchased Body Worn Video devices can be utilised by staff. Under no circumstances must any privately owned BWV devices be used to capture evidence by any Merseyside Police employee.

2.5 Terms and Definitions

All images recorded are the property of Merseyside Police 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. Images 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.

Some key terms used in the policy sections of this policy document are summarised below:

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)

MOPI – Management of Police Information

2.6 CCTV Investigation Units

The CCTV Investigation Unit will be responsible for the burning of evidential footage and supplying of that footage to our criminal justice partners. Furthermore the unit will be the administrative centre for BWV in respect of the systems management of DEMS (Digital Evidence Management System)

3.0 Procedure

3.1 Equipment

The BWV equipment is a body-mounted camera with a 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 systems administrator to report any malfunctions to the relevant department, including Corporate Criminal Justice and Professional Standards Department.

3.2 Training

All Neighbourhood response officers in BCUs using BWV will be required to complete the NCALT learning package. Additional guidance on DEMS and a Frequently Asked Questions document has been produced, in addition to an I-View video. All can be accessed through the intranet. The E-Learning 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 E-Learning, details of authorised users will be supplied to the systems administrator who will issue the necessary log on details.

Only officers who have received the appropriate training will be issued the equipment. Cameras will be signed out by supervisory Officers in conjunction with officers using their network login and BWV password on DEMS.

3.3 Recording an Incident

Guiding principles are:

- Neighbourhood Patrol Officers will wear BWV when on operational duty.
- The camera should be switched on when footage might support 'professional observation' or would corroborate what would be written in a Police issue pocket notebook.
- The decision to record or not to record any incident remains at all times with the trained user.
- The BWV user should be mindful that failing to record incidents that are of evidential value might 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.

3.3.1 Domestic Incidents

The use of BWV remains at the discretion of the trained user. However, a decision has been made at Chief Officer level, that all BWV Officers must record at all domestic related incidents they attend, including their approach and arrival at scene.

Officers must be satisfied that the incident has reached a conclusion before any recordings are finalised.

3.4 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
- Incident type
- 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 a body worn video camera which is recording both video and sound..."

3.5 People Objecting to Recordings

The use of body worn video is being introduced for a legitimate policing purpose and if a member of the public objects to being videoed then they should be informed that the use of BWV is authorised within Merseyside and the public must expect officers to use this equipment when they are dealing with incidents to which they have been called, or incidents which dynamically require the attention of a police officer. The video recording will not be ceased at the request of a member of the public. If an officer feels the recording is unnecessarily inflaming a situation then they can use their judgement, following the principles of the National Decision Model, to either turn off the equipment, or place the camera into "stealth" mode. This turns off the overt screen and flashing LED light and gives the camera the appearance of being inactive.

3.6 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. Any persons recorded as part of a Policing incident can and may be deleted from the footage by authorised and trained professionals. Users must note that this process will be carried out in exceptional circumstances only and not as a matter of course. Decisions surrounding this process will be taken on the sensitivity of the footage captured.

This does not detract from the use of BWV device to capture a full 360-degree video of any scene, which the Officer attending wishes to capture. Examples of offences where scenes should be captured are:

- Murder
- Serious Assaults
- Unexplained deaths
- Suicides
- Domestic Assaults
- Criminal Damage
- Road Traffic Collisions

Officers must be aware that the above list is not exhaustive and it is at the discretion of the Officer if they choose to record any scene. **See section 3.7 for further details**

3.7 Private Dwellings

In any private dwelling, users may find that one party objects to the recording taking place for example in Domestic Incidents. In such circumstances users should continue to record and explain the reasons for recording continuously which 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 all parties against any potential allegations.

The filming in domestic circumstances could be an issue with some cultural and religious beliefs. An example may be where a female in her home may not dress as she would usually be in public e.g wearing head or face coverings. Officers should be aware of this fact and be practical and sensitive to the wishes of those involved in these Policing incidents.

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.

3.7.1 Forced Entry into premises a part of a warrant

As a minimum the initial contact with occupants to confirm powers of entry/warrant etc, method of building entry and any subsequent damage to doors should be captured on BWV. This will assist in any subsequent enquiries relating to the circumstances and impact of these incidents.

3.8 Crime Scenes:

It is evidentially important to record as much detail of any given crime scene; therefore recording should begin at the earliest opportunity. All Officers are asked to capture a slow 360 degree capture of all crime scenes linked to serious offences, ensuring that the footage captures all persons present including members of the public as this will provide the SIO with previously lost evidential data and will introduce savings during the investigative process. Each crime scene recorded must be highlighted as evidential data and brought to the attention of the SIO at the earliest opportunity.

3.9 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. Officers must however be aware that not all areas of these departments are covered by CCTV, and it is therefore at the discretion of the Officer if they are to record any incidents within these areas, such as escorting prisoners to cells not containing CCTV. This discretion may include the decision to continue videoing a detained person whose behaviour is something which may be captured for evidential purposes.

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

- Date, time and location
- Reason for concluding recording

3.10 Stop & Search:

All 'stop and search' encounters must 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.

3.11 Selective Capture and Book Marking:

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. Officers must however be aware that stopping a recording during any Police Incident may require an explanation at court. Please see below for further guidance.

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. The BWV hardware used by Merseyside Police is fully auditable and any deleted recordings or removal of any part of the camera are automatically reported to the systems administrator.

3.11.1 Selective Capture

Selective Capture is a phrase to cater for the choices made by officers about which elements of an incident to video. 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 STORM log including the grounds for making such a decision.

3.11.2 Book Marking

Book marking 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. When recording an incident it is likely that BWV users will encounter victims, offenders and witnesses as well as recording visual evidence of the scene itself. 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 Book Marking 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 Book Marking, 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 book marking process will result in short breaks between clips of just a few seconds. When creating an evidential copy disk exhibit for court, the user must include all bookmarked sections for the incident, as one complete evidential copy recording of the incident.

3.12 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 the witness reviews only their account 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.

3.13 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, although this practice is not recommended.

3.14 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 (SIO) 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. See section 3.5 for further clarity.

3.15 Witness Identification:

Witnesses to a Policing Incident where the offender is present should under no circumstances be shown the video captured on the BWV. Officers should revert to Police and Criminal Evidence Act 1983 Section D (Annex E) Showing of Photographs or other controlled identification processes for further guidance. [Click Here](#)

BWV is an overt recording medium and can be used across a wide range of policing operations and incidents. 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 – BWV 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 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 the current force 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.

3.16 Uploading, File References and Exhibits

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

All recorded footage is automatically downloaded and is saved on the secure networked data storage facility. Any saved evidential footage must then be identified by users entering the NICHE Crime or STORM log number in the incident ID column and other details such as exhibit number, suspects and other relevant details in the Notes column. Any additional information entered into these fields may be used to search on in the future making it easier to retrieve footage required.

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 must NOT be downloaded to any device other than through the dedicated BWV docking computers provided. Any attempt to do so will result in the automated reporting of such an attempt and any user found doing so, may be liable for prosecution or disciplinary procedures.

It is the responsibility of the BWV Recording Officer to ensure that evidential footage is correctly downloaded and that the URN for the footage is fully recorded on the associated NICHE Record.

It is also the responsibility of the OIC in a case to ensure that any appropriate footage is made available in a format that is suitable to the requirements of where it is to be played, (for example currently, Courts require DVD Versions of footage, so OICs would need to ensure that the footage is burned onto an appropriate disc and made available for court).

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.

BWV is supporting evidence and officers will still 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.

3.17 DVD Evidence requests.

All requests for copy evidence and edits must be initiated through NICHE tasking, using the CCTV2 document found in the reports tab. Officers and staff must fully complete this document indicating the requirements of the copy / edit i.e. time lines. The task must then be directed to the CCTV Unit for completion.

3.18 In Custody / Overnight Arrests

Following arrest/charge, if evidence is required for the next court session, then requests for BWV DVD evidence for these in-custody cases should be directed to the Interview Support Team for the relevant Custody Suite. It is then the responsibility of the relevant BCU/Department to ensure that the footage is made available for court.

4.0 Public Worn Cameras

Merseyside Police is committed to maximising the use of its available technology to capture the best possible evidence. Victim-worn Body Worn Video (BWV) significantly enhances evidence-gathering opportunities, and as such should be considered for use in the appropriate circumstances, dependant on the level of threat to the member of the public. To enable this, all users must be aware of their own personal responsibilities in relation to use of this equipment as a tactical option in the investigatory process.

To enable the use of this technology, Merseyside Police has purchased a number of **EDESIX** Video Badge Cameras, which could be considered for use by victims. In certain circumstances officers could consider these for use, but this must be properly managed and in every single occurrence the use must be fully justified and a rationale as to why the more appropriate use of a Reveal Media Camera has not been undertaken. The use of an Edesix Camera by a police officer must be authorised and documented as such by an officer of at least the rank of Inspector.

If any Officer considers the use of a camera as part of their investigation and wishes a member of the public to wear such equipment, for the sole purpose of gathering evidence, then a number of steps must be taken to ensure a full risk assessment is considered, before any such deployment.

The aim of allowing members of the public to wear this new technology is to:

- Increase crime detection rates
- Increase and improve intelligence gathered
- Assist Criminal Justice partner agencies in delivering best evidence
- Reduce Officer Court case build time and associated court appearances.
- Maintain compliance with relevant legislation
- Increase control of digital evidence as crime exhibit
- Enhance confidence and satisfaction in the Police.

Where an Officer believes that the utilisation of a digital recording device will enhance the chances of gaining valuable intelligence or evidence, the following steps must be taken before any **Edesix** camera is authorised for use.

Any Officer who is considering the use of the **Edesix** cameras must note that the OIC will assume responsibility for any camera deployment throughout the entire duration of its use, and contact must be established on a regular basis to ensure the safety of both the user and the Police-owned equipment being used.

4.0.1 Niche Records

The officer in charge of the investigation must ensure that each separate camera deployment has its own unique Niche record on which, details of where and how the camera will be used and stored must be included. This record must also include the details of the person taking responsibility of the camera.

4.0.2 Risk Assessment

Each Camera deployment must have a bespoke Risk Assessment pertinent to the particular circumstances of the deployment and investigation attached to the relevant Niche record, and this must be updated accordingly. In assessing the risk surrounding the use of an overt camera, a written record must be made at the time of assessment on the factors that apply. The source of any particular piece of information must be identified and clearly visible in the Risk Assessment.

4.0.3 Risk Mitigation

The level of risk can only be properly determined when an officer takes the full report details for any crime or Niche occurrence. If there is any reason to believe that any person who wears a camera may be at risk of physical harm as a result of wearing a camera, then this option must be clearly justified or any risks removed or mitigated before the deployment takes place.

4.0.4 Risk Assessment QA

The risk assessment must be quality assured and agreed by a Risk Assessment Trained Supervisory Officer and confirmed on Niche.

4.0.5 Risk Assessment Governance

Supervising Officers must ensure that risk assessments and prompt appropriate investigative actions are regularly overseen and reviewed and documented as such. This must all be placed onto the associated Niche Record on which the review frequency must be justified and agreed before the camera is deployed. The importance and relevance of risk factors will depend on the circumstances of each case and will need investigation to determine if they are a cause for concern.

4.0.6 NICHE RMS Supervisory Input

Any decision to change the level of risk must be endorsed by a supervisor on the associated Niche record and the authorising officer for the review must be at least one rank higher than the original decision making officer. The rationale behind this must also be fully recorded on the Niche Record.

4.0.7 Perceived Increased Risk to Victim - Escalation

In any case, where the member of public using a camera and the investigating officer believes that they are or could be subject to a greater risk than that previously identified, the record and use of the camera must be brought to the attention of an appropriate Inspector – if it is believed that this increase in risk is urgent, then this should be the CIM. If it is felt that the use of the camera has brought an immediate risk to the member of the public, then the Force Duty Officer must be informed as soon as possible.

4.0.8 Increased Risk – Withdrawal of Camera

In any instance, where the risk to the member of the public using the camera is heightened unreasonably, then the use of the camera must cease. The OIC must ensure that the equipment is retrieved and the Niche record updated accordingly.

4.0.9 Risk Assessment Guidance to Victim

Before any camera is handed to any member of the public, Officers must ensure that the member of the public is fully aware of any risks associated with wearing a camera supplied by the Police. Guidance must also be given to the member of the public as to when and where cameras are to be used and securely stored and they must be made aware of the risk assessment related to the use of the camera.

4.0.10 Harm Occurs to Victim – Action to be taken

In any case, where as a direct result of the use of the camera, harm occurs to the member of the public, consideration should be given to invoking 'Critical Incident' status. This will include asking

the advice of the Force Duty Officer, particularly where there are significant concerns regarding the vulnerability of the person and their family must be considered.

4.0.11 Investigation Concluded

Once the use of the camera is no longer required or justified, then it is the responsibility of the OIC in the case to ensure the retrieval of the camera and update of the Niche record. The camera must then be recorded as being returned and booked in by a supervisory officer.

4.1.0 Provision of Data to Outside Organisations

System data must not be provided or sent outside of force without prior permission from the System Owner and/or the force Information Governance Manager.

Any data sent outside the Force must be compliant with the Data Protection Act, The Management of Police Information (MOPI) guidance, GPMS and the force Information Sharing Policy.

Relevant documentation must be completed therefore prior to sharing. Any information advice must be taken from the Information Governance Manager to ensure the requirements within relevant legislation have been met. In all cases you must inform any organisation to which the data is sent of the protective marking associated with the information.

4.2.0 Retention & Disposal

4.2.1 Retention and Legislation

All CCTV & digital media evidence must be retained / disposed of in accordance with the Human Rights and Data Protection Act.

4.2.2 Disposal

All media at the conclusion of its appropriate evidential lifecycle must be considered for recycling/destruction. VHS tapes must be degaussed, and disposed of as confidential waste. CD/DVD's must be shredded and disposed of in accordance with existing force policy.

4.2.3 APP Advice

Further advice can be obtained from the ACPO Authorised Professional Practice link:

[http://www.ncalt.pnn.police.uk/app/Final PDFs/APP Information Management.pdf](http://www.ncalt.pnn.police.uk/app/Final%20PDFs/APP%20Information%20Management.pdf)

5.0 Human Rights Legislation

Merseyside Police must act in a way that is compatible with the European Convention of Human Rights (ECHR). Of particular relevance to retention periods of CCTV is Article 8 ECHR, which protects the right of an individual's private and family life.

Further advice can be found using the link shown below

[ECHR Home](#)

6.0 Data Protection Act 1998

The Data Protection Act 1998 (DPA) will be relevant to the retention of CCTV if the footage held is about a living person who can be identified from that data.

For more information see ACPO [Data Protection Manual of Guidance](#).

7.0 Freedom of Information Act 2000

Under the FOI individuals have the right to request any information held by a public authority.

Further advice can be obtained from the below shown link: -

Source - [Freedom of Information Act 2000 - Advice for Organisations - ICO](#)

8.0 CCTV Unit - Security Policy

All staff engaged in the processing of CCTV and digital evidence must ensure that they comply with the 'Acceptable Use of IT' Policy.

Source - <http://intranet.merpol.lan/content/CHttpHandler.ashx?id=17412&p=0>

9.0 Protection of Freedoms 2012 (CCTV Codes of Practice: Aug 2013)

On the 12th August 2013, the Surveillance Camera Codes of Practice came into force. The Codes are pursuant to Sec 29 of the Protection of Freedoms Act 2012. Merseyside Police is a 'relevant authority' as defined by Section 33 of the 2012 Act, and as such must show due regard to the code when exercising any function to which it relates.

Whilst this is a Code of Practice, it is pursuant to Sec 29 of the Protection of Freedoms Act 2012, and is admissible in evidence in criminal or civil proceedings and a court or tribunal may take into account a failure by a relevant authority to have regard to the code in determining a question in any such proceedings.

For further information [Protection of Freedoms Act 2012](#)

10.0 Digital Image Capture / Evidential Continuity

Merseyside Police has a variety of digital image capture devices at its disposal. (Blackberry devices, Digital Cameras.) The fundamental issue surrounding each device is the audit trail following image capture, and the means and method of retention, disclosure and disposal. These key elements are enshrined in a number of Acts of Parliament, supported by national guidelines issued by the Police College / Home Office.

11.0 General Principles

The following general principles must be adhered to in respect of 'Overt Digital Images' within the Force:

Use of private capture equipment owned by police officers or police staff must be restricted to use as a last resort. Any such images must be treated as third party images.

The master copy is the first copy made from the capture device and must be named as such immediately and securely stored.

Any further copies will be working copies and must be identified as such.

A full audit trail must be established and maintained at the point of image capture or at the point of retrieval or seizure from third party. The audit trail will document the working processes from capture through to disposal.

12.0 Continuity of evidence

The data must include:

- Date footage taken
- Identity of recorder
- Officer in Case
- Crime / Incident Reference Number
- Exhibit Number
- Offence type
- Details of Images captured - in the case of injury photographs the name of the victim must be included
- Location footage taken

13.0 Police Powers to take images

Section 116(2) of the Serious Organised Crime & Police Act 2005 & s.64A of PACE

This allows a police officer to photograph a person away from a police station, with or without their consent. Further advice can be found using the following link:

[Police and Criminal Evidence Act 1984](#)

14.0 Uploading of Images onto force systems

Images may be uploaded onto Force systems, provided they support the evidential probity of the case.

Future migration strategies for evidential images that need to be retained for long periods will be adopted by the Force Information Technology Department as and when the business requirement is defined.

MOPI requires that all police information is reviewed in order to ensure that it is still necessary for a policing purpose and is adequate and up to date and also states that any review / disposal process must be documented within the audit process.

14.1 Image Enhancement

Any imagery that may affect an evidential outcome at court needs to have been prepared with the best forensic practices using the most appropriate equipment / software. The CCTV Investigation Units MUST undertake ALL submissions for this work

If the case is a major investigation under the direction of an SIO, any image enhancement is likely to be through liaison between the SIO and CCTV Investigation Unit.

Officers must NOT under any circumstances attempt to alter or enhance imagery.

Officers who are uncertain regarding aspects of court presentation of imaging evidence must contact the CCTV Investigation Units for advice.

15.0 Use of Summaries of Visually Recorded Evidence in Cases Referred to the CPS for Charging Decisions.

Advice regarding the above procedure can be found at the below link.

<http://intranet.merpol.lan/content/CHttpHandler.ashx?id=10907&p=0>