

South Essex Parking Partnership

Policy and Operational Procedural Guidelines

For the use of

BODYWORN CCTV CAMERAS

Motorola (Edesix) guide 1.00

1. Introduction

- 1.1 This document sets out Chelmsford City Council's Policy and Procedural Guidelines for the use of Bodyworn CCTV cameras by Civil Enforcement Officers (Parking) within SEPP.

It will enable employees to comply with relevant legislation relating to video recording and outline the associated benefits to Civil Enforcement Officers (Parking) and the general public. It also documents best practice procedures with regard to integrity of data, images and video as well as its security and use.

- 1.2 The use of Bodyworn CCTV can provide a number of benefits which include a deterrent to acts of aggression or verbal and physical abuse toward Civil Enforcement Officers, in addition to providing evidence to support internal or Police investigations.

- 1.3 Bodyworn CCTV forms part of a Civil Enforcement Officers' Personal Protective Equipment and is provided solely for Health and Safety purposes. It will be used in an overt manner and reiterated by Civil Enforcement Officers wearing clear identification that it is a CCTV device.

Prior to commencement of any recording Civil Enforcement Officers will give a clear verbal instruction that recording is taking place.

- 1.4 Bodyworn CCTV will not be used to gather evidence for Parking Enforcement purposes, nor will it be used as a tool to assist in the general monitoring of staff. However, it may be used for the purposes of internal investigations if the Council is in receipt of a direct complaint alleging wrong doing or misconduct.

2. Legislation & Statutory Guidance

2.1 The integrity of any video data recorded will be considered in accordance with the following legislation and Statutory Guidance:

Data Protection Act 1998

Freedom of Information Act 2000

Human Rights Act 1998

Protection of Freedoms Act 2012

Home Office Surveillance Camera Code of Practice

Information Commissioners Code of Practice

2.2 Data Protection Act 1998

The Information Commissioner's Office is the regulator for the Act and has given guidance with regard to CEO use of Bodyworn CCTV equipment. This legislation regulates the processing of 'personal data' or 'sensitive personal data' whether processed on computer, CCTV, still camera or any other media.

Any recorded image that is aimed at or may identify a particular person is described as 'personal data' and covered by this Act and will include images and audio captured using Bodyworn equipment. The use of Bodyworn CCTV in this guidance is 'overt use' meaning that equipment is not to be worn or used in a hidden or covert manner.

Where an individual asks to view footage, this is called a 'Subject Access Request'. The requester is only allowed to see footage of themselves and anyone who has provided consent for their images to be viewed by them.

2.3 Freedom of Information Act 2000

This Act grants a general right of access to information held by public bodies, which is not personal data. Information released under FOI can include statistical and other non-personal information.

2.4 Human Rights Act 1998

Article 6 provides for the right to a fair trial. All images captured through the use of a Bodyworn device have the potential for use in court proceedings and must be safeguarded by an audit trail in the same way as any other evidence.

Article 8 of the Human Rights Act 1998 concerns the right for private and family life, home and correspondence. Recordings of persons in a public place are only public for those present at the time and can still be regarded as potentially private. Any recorded conversation between members of the public should always be considered private and users of Bodyworn equipment should not record beyond what is necessary when recording a confrontational situation.

Chelmsford City Council will ensure that the use of Bodyworn CCTV equipment by its Parking Civil Enforcement Officers is widely advertised prior to commencement. The Council will issue a formal press release in addition to publishing information on its web site.

The Council will further ensure that the use of Bodyworn CCTV is reiterated by CEOs wearing it in a prominent position (normally on their chest) and that its forward-facing display is visible to anyone being recorded. Additionally, CEOs will wear identification that it is a CCTV device and make a verbal announcement prior to commencement of any recording.

2.5 Protection of Freedoms Act 2012

Part 2 creates new regulation for, and instructs the Secretary of State to prepare a code of practice towards, closed-circuit television and automatic number plate recognition.

Chapter 1 gives the full regulatory legislation of CCTV and other surveillance camera technology which relates to a Code of Practice and interpretations.

2.6 Home Office Surveillance Camera Code of Practice

The integrity of any video data recorded will be considered in accordance with this Statutory Guidance.

The Home Office is the regulator for this guidance with regard to CEO use of Bodyworn CCTV equipment. This guidance is centered around “12 Guiding Principles” which Chelmsford City Council will adopt and adhere to at all times.

2.7 Information Commissioners Code of Practice

The Information Commissioners Code of Practice is the Statutory Guidance issued that runs in conjunction with the Surveillance Code of Practice issued with regard to CEO use of Bodyworn CCTV equipment.

3. On Street Operational Guidance and Best Practice

3.1 Training

All CEOs will receive full training in the use of Bodyworn CCTV. This training will include practical use of equipment, on street operational guidance and best practice, when to commence and cease recording and the legal implications of using such equipment.

Additionally, CEOs receive ongoing refresher training in 'Conflict Awareness'.

3.2 Daily Use

Bodyworn CCTV will only be used in the event that a CEO finds themselves in a confrontational situation where they are subject to, or feel that they are likely to be subject to, verbal or physical abuse.

The CEOs are requested to commence filming after they have issued a verbal warning of their intention to turn on the Bodyworn device. However, where this is not always possible it does not have any legal implication.

Recordings will not be made whilst performing standard patrol duties, or for the gathering of any evidence related to a parking contravention.

All recordings will be held within a specifically designed secure web based system.. Access to this system and the recordings within is restricted to authorised password account holders only within the Parking Team and Senior Managers responsible for Parking Services.

3.3 Start of Shift Procedure

All CEOs will be issued with their own Bodyworn CCTV device. At the commencement of each shift the CEO will ensure that the unit is fully functioning and that it has been cleared of all previous recordings.

The check will also include verifying that the unit is fully charged and that the date and time displayed is correct.

3.4 Recording

Recording must be incident specific. CEOs must not indiscriminately record entire duties, patrols or PCN issue processes and must only use recording to capture video and audio at specific incidents. For the purposes of this guidance an 'incident' is defined as:

- a) As soon as a vehicle is logged in contravention of a restriction or
- b) An engagement with a member of the public which, in the opinion of the CEO, is confrontational and where the CEO believes that they may be subject to physical or verbal abuse or
- c) the CEO is approached by a member of the public in a manner perceived as aggressive or threatening.

d) the CEO has reason to believe that they may be subject to confrontation by using their intuition and experience.

At the commencement of any recording the CEO should, where practicable, make a verbal announcement to indicate why recording has been activated and where possible this should include the date, time and location together with confirmation that the incident is being recorded using video and audio.

The purpose of issuing a verbal warning is to allow a member of the public to modify what would otherwise be regarded as unacceptable confrontational or aggressive and threatening behaviour. If, at any time during an incident the CEO considers that the use of Bodyworn CCTV or the issuing of a verbal warning is likely to inflame a confrontational situation the CEO may use discretion to disengage from further discussion and withdraw from the incident.

A standard specific form of words to be used in any warning to a member of the public has not been prescribed, but CEOs should use straightforward speech that can be easily understood by those present such as:

“Sir / Madam, as part of our policy I would like to inform you that I will be recording this conversation”

3.5 Playback

CEOs will need to be fully aware of the legal implications once digital images and audio have been recorded. To this end they are unable to open or view any footage from the camera.

Any request to view captured video by a member of the public will need to be made in writing to Chelmsford City Council in line with the ‘subject access procedure’. Evidence of identity prior to viewing must also be provided.

3.6 End of Shift

CEOs should ensure that any CCTV footage required for evidential purposes has been logged with their line manager and that any Incident Reports have been completed.

It is the CEOs responsibility to ensure that their Bodyworn device is placed on charge at the end of their shift.

3.7 Storage of Data

All recorded footage will be uploaded to the Bodyworn camera software by automatically via a docking station.

The Parking Enforcement Manager or Team Leader on duty will ensure that any footage to be retained has been correctly bookmarked in the ‘Incident’s folder and that supporting Incident Reports have been completed.

For Incidents where the Police have not been in attendance The Parking Enforcement Manager or Team Leader will review the recording and a decision made on whether referral to the Police is appropriate.

The Parking Enforcement Manager or Team Leader will Arrange for the footage to be viewed securely by the police or by using the secure viewing portal within the system.

All retained data will be kept until all investigations have been completed or prosecution has taken place before deletion. All data not required for evidential purposes will be deleted after upload as part of the software's standard filing and deletion set up.

3.8 Transfer of data

Any footage requested by the police as part of their investigation will be Viewed securely in secure environment or via the secure viewing portal.

Details of this process and any relevant information i.e. PC name or collar number, date, time etc will be logged within the incident report form so there is a full audit trail.

