



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-01062

Keyword: Operational Policing

Subject: Body Worn Cameras

Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act I can confirm that the Police Service of Northern Ireland does hold information to which your request relates and this is being provided to you. We consider that some of the information you seek in request number 11 is exempt by virtue of Section 40(2) of FOIA and have detailed our rationale as to why this exemption applies. We have also provided you with links to guidance issued by the Information Commissioner's Office which we have followed in responding to your request.

Request 1

The date when body-worn cameras (BWCs) were first introduced to the Northern Ireland Police force (including the number of BWCs introduced and unit) and dates and numbers of BWCs introduced to further units (if applicable).

Answer

The Service wide roll out of Body Worn Video (BWV) cameras for the Police Service of Northern Ireland (PSNI) started in June 2016, being introduced District by District for the following units in each District; Local Policing Teams, Neighbourhood Policing Teams, District Support Teams, Tactical Support Groups including Dog section, Roads Policing Units. The 11th and final District was completed in July 2017. 2053 cameras have been deployed in a shared pool system.

Request 2

Are BWC used in all or only specific instances (e.g. suspected domestic violence call outs)?

Answer

Officers in PSNI are trained that recording with BWV should be incident specific.

Request 2a

If only in specific instances, what are these (e.g. suspected domestic violence call outs)?

Answer

Officers are trained that BWV can be used to gather evidence across a wide range of operational situations such as -

- Domestic abuse incidents should be recorded
- Stop and Search encounters should be recorded

Some other examples where BWV could be used (a non-exhaustive list – so long as justified recording) are as follows -

- Public order
- Premises and crime scene searching
- Scene attendance
- Witness first accounts
- During arrest

Request 3

What is the guidance for activating the camera, and turning them off?

Answer

Users are trained to begin recording at the start of an evidential encounter or at the earliest opportunity thereafter, and finish recording when the incident has finished. Officers should not indiscriminately record entire duties or patrols. Users are reminded to be mindful of Data Protection Act and Article 8 of the ECHR the right to respect for private and family life especially in private dwellings – and must not record beyond what is necessary for the evidential requirements of the case. Intimate searches or in any other circumstances where persons are in a state of undress must not be recorded. Users must be careful to respect legal privilege and must not record material that is, or is likely to be, subject to such protections.

Request 4

Is there officer discretion regarding when the camera should be switched on or off?

Answer

The decision to record or not to record any incident rests with the officer. Officers are reminded in training however, that decisions not to record must be documented or recorded as it is likely to require explanation in court or during a misconduct/complaint investigation.

Request 5

If yes, what guidance is provided to officers regarding their use of discretion to turn the cameras on and off?

Answer

Officers use professional judgment in line with training and guidance when using body-worn video, in support of the principles of best evidence. The operational use of body-worn video must be justified as being proportionate, legitimate and necessary. The National Decision Model should be used continually as a thought process for deciding to record footage or deciding to continue recording depending on the circumstances. Users should capture as much evidence as possible (including the context of the encounter) and should always try to record as much of an incident as possible. Users should begin recording at the start of an incident or at the earliest opportunity thereafter. Officers are trained to be mindful that failing to record an incident is likely to require explanation in court or during a misconduct/complaint investigation.

Request 6

If a victim of a crime is being recorded and requests that the recording is terminated, will it be?

Answer

The officer will explain to the victim the potential benefit of the recording, but will ultimately seek the continued co-operation of the victim, and if the suggestion of only recording audio is still off putting then the officer will stop recording and continue with making the appropriate written record.

Request 7

If a potential perpetrator of a crime is being recorded and requests that the recording is terminated, will it be?

Answer

The officer will explain to the person that BWV records everyone's conduct, safeguards all parties, enables best evidence, and accurately records the incident. The officer will at that time make a judgement if continuing to record will aggravate the situation to the point of threatening the safety of those present, and may decide to turn the camera off.

Request 8

If a member of the public is being recorded and requests that the recording is terminated, will it be?

Answer

The officer will explain to the person that BWV records everyone's conduct, safeguards all parties, enables best evidence, and accurately records the incident. The officer will at that point make a judgement if continuing to record will aggravate the situation threatening the safety of those present, and may decide to turn the camera off.

Request 9

If an incident occurs in the presence of an officer wearing a camera, and no footage is recorded, will this trigger any further action or consequence e.g. requirement to undertake further training?

Answer

Officers are trained that if an incident was not recorded that otherwise should have been, then a notebook entry should be made to explain the reasons for not making a recording. If an officer continually failed to record evidential encounters then it would be for line management to decide any further necessary action.

Request 10

Are all camera-wearing officers required to undertake training on how to use and operate them? Please give information on the content, duration, and the frequency of training.

Answer

Officers must complete a mandatory 2 - 3 hour classroom based training session before their details are uploaded allowing access to book out and use a camera. The training is based on current College of Policing Guidance.

Request 11

Please provide a copy of the specific guidance document that outlines operational procedure and usage.

Answer

Please see attached copy. We have removed the names of personnel from within this material. Those staff would not have an expectation that their personal information would be released into the public domain. PSNI have relied on section 40 (2) of the FOI Act. This exemption is an absolute exemption which means there is no requirement on the PSNI to consider whether there is a public interest in disclosure. We must however consider whether release of the information would breach the General Data Protection Regulations ('GDPR') or the Data Protection Act 2018 ('DPA'). This information is 'personal data' under the GDPR (Article 4).

As this information is 'personal data', PSNI considered whether disclosure would contravene any of the six data protection principles contained within the GDPR

The six data protection principles are good information handling standards which PSNI must comply

with in relation to how it handles personal information, including deciding whether to disclose it or not. In particular, the first principle requires personal data to be processed in a lawful and fair manner'. In considering whether it is 'fair' to any individual to release information about them, PSNI considered the likely expectations of those individuals and the nature of the information involved. Those staff members would not have any reasonable expectation PSNI would disclose such information of this nature about them. We consider as it would be unfair to those individuals and therefore a breach of the first principle of data protection legislation. This information is therefore exempt under section 40 (2) of the FOIA as it contravenes data protection legislation to release it.

The full text of exemptions can be found at www.legislation.gov.uk and further guidance on how they operate can be located on the Information Commissioners Office website www.ico.org.uk.

Request 12

Has the use of police BWC in the Northern Ireland police been evaluated? If yes, we formally request a copy of the evaluation report.

Answer

As part of the BWV project PSNI will be looking at benefits realisation, for the period August 2017 to July 2018, this is a work in progress at present.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk.

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psnipolice.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.