

<i>Title & Version</i>	PSNI guidance on Usage of Body Worn Video (BWV)	s.F40
<i>FOIA exempt?</i>	No	
<i>Author</i>	[REDACTED] Criminal Justice Branch	s.F40(2)
<i>Organisation</i>	PSNI, Community Safety Department, Criminal Justice Branch	s.F40(2)(a)
<i>Summary</i>	Provides operational guidance on when and how to use Body Worn Video (BWV) appropriately	s.F40(2)(b)
<i>Effective from date:</i>	01 August 2021	s.F40(3)(A)
<i>Review date:</i>	31 July 2022	s.F40(3)(A)(a)

OPERATIONAL GUIDANCE: USE OF BODY WORN VIDEO (BWV)

TITLE	PAGE NO.
<u>Aim</u>	2
<u>Why use BWV?</u>	2
<u>Good practice</u>	3
<u>When to use BWV</u>	3
<u>Supervision of Use</u>	5
<u>Quick Start Guide</u>	6
<u>How to use the BWV camera</u>	7
<u>Retention and management of BWV footage</u>	8
<u>How to clip or redact BWV footage</u>	10
<u>Making copies of BWV footage for PPS</u>	13
<u>Related Documents</u>	15
<u>Glossary of Terms</u>	15
<u>Monitoring and review</u>	15
<u>Legal basis</u>	15
Appendix A	17

1. AIM OF GUIDANCE

- 1.1 This document provides guidance for officers on the appropriate use and management of Body Worn Video (BWV). It will be of most relevance to investigating officers and their supervisors.

2. WHY USE BODY WORN VIDEO (BWV)?

- 2.1 The Common law provides police with the authority to use Body Worn Video in the lawful execution of their duties and for the purpose of the prevention and detection of crime. Its use can enhance the quality of evidence provided by police officers, which in turn assists with reducing crime, the fear of crime and swifter justice by way of early guilty pleas and admissions. It also has the potential to significantly enhance public confidence through providing a more transparent and accountable aspect to policing.
- 2.2 Contemporaneous video evidence can provide compelling evidence of the behaviour and actions of suspects and enables the raw emotion and action from the scene to be replayed in the courts in a manner that could never be captured in a written statement.
- 2.3 The use of BWV engages privacy and data protection issues, therefore BWV data is processed and managed in line with the Code of Practice on the Management of Police Information (MoPI), <https://www.app.college.police.uk/app-content/information-management/management-of-police-information/> Authorised Professional Practice on Information Management <https://www.app.college.police.uk/> and the principles of the Data Protection Act 1998. <http://www.legislation.gov.uk/ukpga/2018/12/contents/enacted> which the PSNI will manage in accordance with the appropriate legal and ethical considerations. The PSNI Body Worn Video Privacy Impact Assessment can be found here <https://www.psni.police.uk/globalassets/advice--information/body-worn-video/body-worn-video-pia-v-1-2.pdf>
- 2.4 It is important that the public have confidence in the delivery of policing services. Treating people fairly and with respect is central to establishing trust with communities. Police must also ensure that the most vulnerable in society have the confidence to report crime and are reassured by our response to crimes committed against them. BWV has a role to play in achieving these aims.
- 2.5 For this reason, the default use of BWV will be overt and must be proportionate, legitimate and necessary within both private and public premises.
- 2.6 The use of BWV will be incident specific and requires police officers to use common sense and sound judgement when using in support of the principles of best evidence. Guidance is provided to assist officers decide when the use of BWV is appropriate, as well as clearly articulating those occasions where there is an *expectation* of its use.
- 2.7 BWV does not replace conventional forms of evidence gathering (such as written statements and Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE) interviews), rather it supports them.

3. GOOD PRACTICE

- 3.1 When activating the camera to record, the officer will (where it is possible and practical to do so) announce to those present that video and audio recording is taking place.
- 3.2 BWV may be used to capture the first account of victims and/or witnesses at an incident. Officers should seek the permission of a victim prior to recording serious crime victims and witnesses, or involving children or vulnerable adults, who may be eligible for special measures.
- 3.3 A first account is principally about determining any action that is immediately necessary and establishing points to prove. Officers should only ask such questions as necessary to:
- (a) Establish if an offence has been committed;
 - (b) Establish where it occurred and who was responsible;
 - (c) Assess the current risk to the victim and witness, &;
 - (d) Identify and prioritise areas of the investigation.
- 3.4 For Domestic Abuse incidents, where an offender is present, a BWV recording captures evidence of their demeanour and language, any continuing offending behaviour such as further abuse directed towards the victim, and evidence of any difficulty in restraining the offender if they are particularly aggressive.

4. WHEN TO USE BWV

- 4.1 BWV can be used to gather evidence across a wide range of operational situations.

The following are key issues;

- **Domestic abuse** incidents should be recorded. Any Domestic Abuse incidents without a recording will require a reasoned explanation why this is so, which will need to be agreed by a supervisor and noted
- **Stop and Search** encounters must be recorded in their entirety. Any Stop and Search incidents without a recording will require a reasoned explanation why this is so, which will need to be agreed by a supervisor and noted
- **Spit and Bite Guards.** Body Worn Video must be used when applying Spit and Bite Guards outside the custody suite. Any encounters without a recording will require a reasoned explanation why this is so, which will need to be agreed by a supervisor and noted.

- **Use of Force.** Officers must use BWV to capture any incident where it is reasonably foreseeable that the use of force may be necessary. The entirety of the incident should be recorded. Any Use of Force encounters without a recording will require a reasoned explanation why this is so, which will need to be agreed by a supervisor'.
- **Custody.** BWV must be turned off before entering a Custody Suite. The custody suite is defined as the area inside the building which is covered by CCTV. The car park or vehicle dock are classed, in this instance, as outside the Custody Suite.

Whilst it is a matter of individual officer discretion regards when BWV might be used, there is an *expectation* the officer will use BWV to record (unless there are legal or operational reasons not to do so) in cases involving:

- Public order
- Traffic offences;
- Arrests;
- Searching premises/land/vehicles;
- Critical incidents;
- Use of force against persons or property, &;
- Giving a direction to an individual or group under any statutory power.


4.2 In addition an officer *should* also consider using BWV where:

- (a) It may assist in providing a record of evidence in respect of the investigation of any offence or suspected offence. This includes initial accounts in reports of rape or sexual assault where the victim has consented and has the capacity to consent;
- (b) It would be beneficial to provide transparency of an encounter;
- (c) The user would have been expected or required to have completed a written record or report of an encounter or incident, &;
- (d) A recording may be of evidential value in the future and to make a recording is proportionate and lawful in the circumstances.

4.3 BWV **must not** be used in the following circumstances;

- (a) Within Court premises including the Courtroom and any public areas including the grounds of the building;
- (b) Indiscriminately, or for an entire duty or patrol;
- (c) During an intimate or strip search.

- (d) Where the recording might breach legal privilege. This is where the communication (verbal, written, electronic etc.) in question is between a professional legal adviser and their client, with the sole or dominant purpose of giving or obtaining legal advice.

Further information, guidance and access to training material on the use of BWV can be accessed at  s.F31
 s.F31(1)
 s.F31(1)(a)
 s.F31(1)(b)

5. Supervision of use

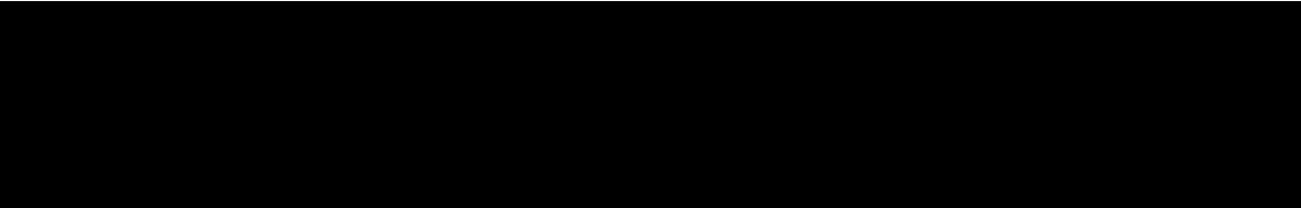
5.1 The use of BWV has the potential to significantly enhance public confidence through more effective and transparent policing and improving the investigation of complaints.

5.2 As a result, it is essential that supervisors are monitoring the use of the system by officers under their supervision in terms of both quality and suitability. All those who are authorised in the use of the system are told at the time of training of the types of incidents which should be recorded as well as those times when recording is not appropriate.

5.3 Any BWV footage being submitted as evidence must be reviewed by a supervisor prior to submission.

5.4 Supervisors are required to Review Body worn Video footage of Use of Force incidents as part of the Use of Force approvals process. There is an expectation that Supervisors will review a sufficient sample to of body-worn video footage to identify and disseminate learning and hold officers to account when behaviour falls below acceptable standards.

5.5 Supervisors are required to review and dip sample Body Worn Video of Stop and Search encounters as laid down in the Stop and Search Service instruction

 s.F31
 s.F31(1)
 s.F31(1)(a)
 s.F31(1)(b)



s.F31
s.F31(1)
s.F31(1)(a)
s.F31(1)(b)

The use of these reports should form part of routine supervision duties.

6. QUICK START GUIDE

Start of Shift

s.F31
s.F31(1)
s.F31(1)(a)
s.F31(1)(b)



Start Recording

When to Record



- Domestic abuse incidents
- During arrest
- Critical incidents
- Stop and Search
- Traffic offences
- Searching premises/land/vehicles
- Use of force against persons or property
- Giving a direction to an individual or group under any statutory power

Stop Recording



When *not* to Record

s.F31
s.F31(1)
s.F31(1)(a)
s.F31(1)(b)

End of Shift

- Within Court premises including the Court room and any public areas including the grounds of the building;
- Indiscriminately or for an entire duty or patrol;
- During an intimate or strip search
- Where the recording might breach Legal privilege

s.F31
s.F31(1)
s.F31(1)(a)
s.F31(1)(b)

7. HOW TO USE THE BWV CAMERA

s.F31
s.F31(1)
s.F31(1)(a)
s.F31(1)(b)

s.F31
s.F31(1)
s.F31(1)(a)
s.F31(1)(b)

11. RELATED DOCUMENTS

11.1 National Police Chiefs' Council Position Statement: Using Body Worn Video to record initial contact with Victims, Witnesses and Suspects. 2015.

11.2 College of Policing Body Worn Video 2014

11.3 Policenet Body Worn Video – Various training material

11.4 Body Worn Video Training materials - [REDACTED]	s.F31
	s.F31(1)
11.5 Police Service of Northern Ireland Body Worn Video Users Security Operating Procedures [REDACTED]	s.F31(1)(a)
	s.F31(1)(b)

11.6 Police Service of Northern Ireland Body Worn Video Privacy Impact Assessment [REDACTED]

11.7 Service Instruction 05/17 – Public complaints and the role of the Police Ombudsman.

12. GLOSSARY OF TERMS

- BWV Body Worn Video
- CPT Case progression Team
- ICS Information and Communications Services
- OCMT Occurrence Case Management Team
- PONI Police Ombudsman for Northern Ireland
- PPS Public Prosecution Service
- VCST Volume Crime Support Team

13. MONITORING AND REVIEW

[REDACTED]	s.F31
	s.F31(1)
	s.F31(1)(a)
	s.F31(1)(b)

14. LEGAL BASIS

14.1 This guidance is deemed to be Human Rights compliant as it does not negatively engage any Article under European Convention for Human Rights (ECHR). Consideration has been given to United Nations Convention on the Rights of the Child (UNCRC).

14.2 This guidance has been subject to a screening exercise under Section 75 Northern Ireland Act 1998 which shows no adverse differential impact.

- 14.3 The Police Service acknowledges that the use of BWV technology will have an impact upon the privacy of individuals from crime victims, witnesses and suspects extending to officers and the public, consequently the service has completed and published a Privacy Impact Assessment (PIA).

This PIA document has been developed to examine the risks and document mitigation processes, procedures and measures that will ensure proportional, legitimate and consistent use of BWV technology in the delivery of policing services to the community.

- 14.4 All Police officers and certain designated staff are subject to Public complaints about their conduct under the Police (Northern Ireland) Act 1998 and associated legislation. All officers have a duty to secure and preserve evidence of complaints against Police. Although BWV evidence is chiefly obtained in regard to criminal proceedings any recordings are also evidence in relation to complaints against officers and staff, protecting legitimate police action, and must be secured at the earliest opportunity.
- 14.5 All complaints against police about the operational use of BWV cameras for police purposes must be dealt with according to Service Instructions relating to the recording and forwarding of complaints as set out in SI 05/17 'Handling Public Complaints & the Role of the Police Ombudsman'.