

Body Worn Video (BWV)

Policy & Procedure

Greater Manchester Police

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1. Policy Statement

Greater Manchester Police (GMP) and the Office of the Police and Crime Commissioner (OPCC) are committed to maximising the use of its resources to capture the best possible evidence. When used effectively Body Worn Video (BWV) can promote public reassurance, capture best evidence, reduce harm and deter people from committing crime and anti-social behaviour. Use of BWV is mandated in certain circumstances however GMP encourages all officers to use BWV in any instances where one or more of these benefits will be gained.

Recordings made by BWV 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 may 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 maximum benefit from the use of BWV, ensuring 'best evidence' is secured and correctly retained in accordance with legislation, Force requirements and the Human Rights Act.

2. Scope

This policy and procedure applies to all operational officers, Traffic Police Community Support Officers (PCSOs) and Airport PCSOs using BWV equipment, and covers the overt use of BWV equipment and the subsequent management of the data obtained.

In the event of further roles being identified which may benefit from the provision of BWV, the Justice Working Group via the Criminal Justice and Custody Branch should be contacted. The rationale for the request should be given.

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 (See Section 6 - Associated Documents for further details).

The use of BWV is mandated for domestic abuse/domestic violence incidents, stop and search, events, football matches and also for Authorised Firearms Officers deployed to an

authorised firearms incident. In addition it can be used to record indecent images of children (IIOC), and child sexual exploitation (CSE).

This policy and procedure must be read in conjunction with the College of Policing Body Worn Video Guidance GMP's Data Protection Policy, GMP's Disposal of Items Containing Personal Data.

Authorised Firearms Officers (AFOs) should also refer to the North West Armed Policing Collaboration Standard Operating Procedure for the operational use of BWV.

3. Roles & Responsibilities

BWV operators

- You must ensure you have completed the training prior to utilising the cameras and software.
- You must read the College of Policing's Body Worn Video Guidance document.
- BWV is deployed as personal issue and is mandatory equipment which you must have with you before you parade on for duty. You must deploy your own camera and not take one that is assigned to another person.
- Cameras must be docked in a BWV cradle at end of shift, to upload footage (if any) and recharge the battery.
- BWV recording is incident-specific – decide for each incident whether use of BWV is appropriate and make separate recordings for separate incidents.
- You must use the National Decision Making Model (NDMM) and the Code of Ethics to ensure you make appropriate proportionate decisions about the use and application of this equipment and policy and procedure.
- Report any malfunctions or losses to the divisional radio single point of contact (SPOC) before the end of the tour of duty when the loss or malfunction became apparent.

Radio SPOC

On receipt of a broken camera, you should re-issue a new one and assign the new device to the officer on the BWV System. The broken one should be sent to Capita. This is the same process as for a broken radio.

4. Terms and Definitions

BWV (Body Worn Video)

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.

Buffer

GMP's BWV cameras will operate a rolling 30-second buffer in standby-by mode. When recording mode is started, the camera will add the 30 second buffer to the start of the recording. The 30-second buffer period will be video only, and will not include audio.

5. Procedure

There are seven principles for the use of BWV which provide the strategic underpinning of Force policy. These are:

1. The use of body-worn video, by the police, is lawful.

Common law provides the police with the authority to use BWV in the lawful execution of their duties, for the purpose of the prevention and detection of crime.

2. Data will be processed and managed in line with Code of Practice on the Management of Police Information, APP on Information Management and the principles of the Data Protection Act 1998.

Data retention, review and disposal must be in line with relevant legislation and current guidance. Users must be able to ensure the integrity of data throughout the process.

3. The normal use of body-worn video will be overt.

Chief officers' must ensure that the capabilities of BWV equipment are clear to the public. This includes its ability to capture audio as well as visual imagery.

(BWV may be used in covert policing, subject to the relevant authorities).

BWV cameras are designed to operate with notifications (i.e. lights, beeps and vibrations) so that both officers and the public are aware that a camera is present and may be recording audio and images. When deploying to a Firearms incident, Authorised Firearms Officers are permitted to disable notifications for the duration of the specific incident, however this does not negate the requirement to inform subjects that images and sound are being recorded using BWV at the earliest practicable opportunity. The

disabling and enabling of notifications is captured by audit logs in the BWV system. All other use of BWV in the Force, including that by AFOs must take place with notifications enabled.

4. The operational use of body-worn video must be proportionate, legitimate and necessary.

Continuous non-specific recording is not permitted. Officers must use the National Decision Making Model and the Code of Ethics to ensure that they make appropriate and proportionate decisions around when to use BWV. When officers arrive at the part of the NDMM which requires them to consider powers, policy and legislation they should pay particular attention to the Human Rights Act 1998 (HRA), Data Protection Act 1998 (DPA) and Surveillance Camera Code of Practice.

Because continuous, non-specific recording is not permitted a rolling "buffer" is allowed to enable capture of context, i.e. the immediate lead-up to activation of camera recording. GMP cameras will be configured with a rolling buffer of 30 seconds of video (not audio). Video will therefore be continually captured and discarded on a rolling 30-second basis until the wearer has specifically activated recording mode, at which point audio recording will commence.

5. Use of body-worn video will be incident specific. Officers will use common sense and sound judgement underpinned by training and guidance when using body-worn video, in support of the principles of best evidence.

Officers are required to justify their use of BWV, however use is encouraged for all officers as outlined in Section 1 above. Limitations and exceptions are covered in this document.

6. Body-worn video does not replace conventional forms of evidence gathering (such as written statements and Police and Criminal Evidence Act 1984 (PACE) interviews), it supports them.

Officers will continue to follow current practices for achieving best evidence.

7. Consultation locally with communities on the use of body-worn video.

GMP has undertaken engagement with communities as an essential part in its introduction of BWV including completion of a communication and consultation programme with the following bodies:

Police and Crime Commissioner consultation – April 2013 to current;

Questionnaire – Officers and members of the public - July 2014;

Ethics Committee - September 2014 to current.

More in-depth information can be found in the College of Policing's Body Worn Video Guidance document.

5.1 Initiating Recording

At the commencement of each tour of duty (and for the duration), the camera must be placed into 'standby' mode. When a recording is needed to be made, the camera must be then turned onto 'record' mode.

On attending an incident whereby the officer believes the activation of the BWV is necessary, 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 a body worn video camera which is recording what we say and do"

When attending an incident, the normal process is to start recording before engaging and stop the recording after engagement has finished; e.g. start recording before knocking on the door and stop recording after you leave the premises.

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. However if it not appropriate to record, the reason(s) should be entered in your pocket note book (PNB), as failure 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.

If you need to stop recording during an incident, state the reason(s) for doing so and similarly if you subsequently restart recording.

Individuals may request that BWV recording is turned off – in many situations recording should continue to fulfil the legitimate policing purpose; however, use your discretion and professional judgement based on the NDMM and Code of Ethics. Whatever your decision, state your reason(s) while the camera is still recording, before it is switched off.

If a member of the public requests that their interaction with you is recorded (i.e. stop search) then unless there are clear reasons to do otherwise, recording should take place.

When recording in areas where individuals would have a strong expectation of privacy, clear justification is required.

Users should also exercise care in using BWV where it may cause serious offence, e.g. during religious worship.

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.

5.2 Recording Stop and Search

GMP has mandated that BWV is used to record every stop and search encounter as these involve powers that can have a potentially negative impact on some community relations. All stop and search encounters must be recorded unless the search would expose intimate parts of the body.

A video recording does not replace the need for compliance with GMP's Stop and Search Policy.

When using BWV to record stop and searches users should remember:

- A video recording does not replace the need for a written record of the search, a stop search form is to be completed by the user and given to the person stopped or searched at the time or within the specified time period.
- Persons searched are not obliged to give their name, address or date of birth to the officer conducting the search.

There is no specific power within PACE to take a photograph or video image of a person during a stop and search, but such action is not explicitly prohibited (subject to the exclusion in 5.1 above).

If a stop and search does not result in any evidence of criminal conduct, any non-evidential material must be promptly destroyed in line with data protection requirements.

All stop search recordings must be tagged regardless of whether you decide to mark the footage as "Evidential" or "Pending". If you have recorded such an incident you must add the letters "SS" to the Tags section in the media player screen as appropriate. Stop search recordings will be retained for 12 months to assist in lay observation. There may be occasions when lay observation of BWV is undertaken in order to gain community feedback and subsequently support any potential organisational learning.

5.3 Recording a 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 Investigating Officers 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.

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

In keeping with standard practice at the scene of an incident that is deemed suspicious or likely to require investigation, the BWV user should always ensure minimal disruption to the scene. Additionally, all personnel should be required to withdraw from the scene so that it can be contained and secured until the appropriate resources (for example, crime scene investigators) are able to investigate. BWV can provide a valuable supplementary overview, but does not replace the need for specialist services and equipment.

When planning the execution of a search warrant or similar operation, some consideration should be given to how many BWV users will be present and to how many (or which of them) will record specific elements of the operation. Evidentially and for the purposes of continuity, all officers equipped with BWV and engaged in a search should ensure that their BWV equipment is switched on and recording prior to entering the premises and remains so during the entire searching process.

5.4 Recording in Private Dwellings

Under normal circumstances, officers should not use BWV in private dwellings. However, if a user is present at an incident in a private dwelling and is there for a genuine policing purpose, they are entitled to make a BWV recording in the same way as they would record any other incident.

Officers should use the NDMM and the Code of Ethics to assist them to come to a justifiable and proportionate decision about whether recording in a home is necessary. When considering relevant legislation and Powers, special consideration must be given to Article 8 of the Human Rights Act 1998, individuals have a right to respect for private and family life. Using BWV in a dwelling is always likely to be particularly intrusive, especially during the times of day when occupants are likely to be in bed. Users should, therefore, exercise discretion and record only when it is relevant to the incident and necessary for gathering evidence, where other reasonable means of doing so are not available. All recordings require a lawful basis in order to justify infringing Article 8.

If an occupant of the premises objects to the recording taking place but an incident is ongoing or allegations of a criminal nature are being made, users should continue recording but explain their reasons for doing so.

If, during the course of the recording, it becomes clear that the incident is not a police matter (e.g. not an allegation of a suspected or potential offence) and as such would not have been the subject of an entry in a user's pocket notebook, the user should cease recording. The user should also make a verbal announcement that the recording is being stopped, prior to stopping the video. If it is deemed appropriate, the user may wish to announce that if any incident begins while they are still present recording will resume immediately.

5.5 Recording Victim or Witness First Accounts

BWV may be used to capture the first account of victims and/or witnesses at an incident. However, it should not always be used to capture the first account in cases that do not require an immediate response. Users should seek permission prior to recording victims and/or witnesses of serious crime, or involving children or vulnerable adults, who may be eligible for special measures.

The first account is principally about determining any action that is immediately necessary. Officers should only ask such questions as necessary to:

- Establish if an offence has been committed;
- Establish where it occurred and who was responsible;
- Assess the current risk to the victim(s) and witness(es);
- Identify and prioritise areas of the investigation.

Such recordings do not replace the need for formal written statements from victims or witnesses, but they can be used as supporting evidence. They may also be considered as hearsay evidence, where appropriate, and used in accordance with the provisions of the Criminal Justice Act 2003, particularly in domestic abuse cases.

In situations where there are multiple witnesses users should, wherever practicable, keep witnesses physically separate to avoid contaminating descriptions or other evidence. Users should separate BWV recordings of multiple witnesses using the bookmarking process.

When users are dealing with a vulnerable adult or a child (a person under 18) as a witness or victim, the initial contact/meeting should not be recorded on BWV without obtaining permission. This evidence would be subject to disclosure and available to the defence, which is contrary to the witness's or victim's entitlement to opt out of being visually recorded and having their identity masked by a screen when providing evidence at court.

BWV may be used when dealing with priority victims (victims of most serious crime, persistently targeted victims and vulnerable or intimidated witnesses) with their consent. Users should only ask questions to help ascertain if a criminal offence has taken place, where it occurred, who is responsible and to ensure the victim is safe.

BWV must not be used to record investigative interviews or interviews under caution. Digital Interview Recording (DIR) or mobile DIR must always be used in these situations.

5.6 Recording Incidents of Domestic Abuse

GMP has mandated that BWV is used to capture images following reports of domestic abuse, except in exceptional circumstances. (Exceptional circumstances should be recorded by the officer in their pocket note book along with the rationale).

BWV can be beneficial when used to capture images following reports of domestic abuse. Such reports may include alleged assaults, criminal damage, or incidents which contribute to a pattern of coercion and control. The recording provides an immediate and exact record of the disturbance throughout the scene and the emotional effect on the victim and their family or other immediate witnesses.

Using BWV in such instances can significantly strengthen a prosecution case, drawing attention to the true extent of the offending. The recording can provide evidence that supports grounds for an arrest and, where a victim or witness is reluctant to provide a written complaint, it may also be useful in determining when to proceed with a case without the victim's support. Such images may strengthen a case even further by changing the mind of an initially reluctant or hostile victim, so that they agree to support a prosecution. Victims of domestic abuse tend to diminish the impact of the incident as time passes. The initial use of BWV can be used to capture immediate emotions and reactions.

In instances where allegations of assault are made and officers observe no injuries or other evidence of note, users should be aware that injuries such as bruising may take time to show and so BWV may not record the whole picture.

BWV users should gather all evidence of actual domestic abuse or of any encounter where they believe such abuse may occur, remembering that all recordings have to be justifiable and proportionate. Evidence captured by BWV can support other sources of evidence in the case in addition to the victim's account.

BWV users should be aware that recordings made at non-crime domestic abuse incidents may have significance in future prosecutions. BWV users attending such incidents must give consideration to any risk factors that they subsequently record in the DASH (Domestic Abuse, Stalking and Honour-Based-Violence) form and, where appropriate, any history of incidents involving the victim which might support that they are being subjected to any form of abuse.

Where such a history exists or where risk factors are present, users should consider treating the recording as evidential material so that it can be retained to support victims and their children in possible future prosecutions, or to assist in other proceedings such as applications for non-molestation orders or restraining orders. There may be occasions when you have BWV footage that is not going to be used for any form of prosecution but could be used to support another action, for example; to support the decision making process in whether to grant a domestic violence prevention notice/order, to inform discussion and decisions at MARAC meetings, to support a multi-agency response to the “voice of the child” in relation to DA child protection matters, or to support prison recall processes. In these circumstances, the footage should be marked as pending with the appropriate DA tag.

All domestic abuse incidents must be tagged regardless of whether you decide to mark the footage as “Evidential” or “Pending”. If you have recorded such an incident you must add the letters “DA” to the Tags section in the media player screen as appropriate.

5.7 Recording Public Order Incident

The GMP BWV Privacy Impact Assessment (Privacy Issues and Risk Mitigation) includes considerations for collateral intrusion relevant to its use at public order incidents. This is to assist data controllers in evaluating whether the use of BWV is justifiable and works through compliance considerations in the context of public order policing.

For pre-planned public order operations, Commanders should consider the public perceptions and community impact of BWV in public order deployments: the effect on others within the event, both in relation to collateral and crowd dynamics; the effect on perception before and during peaceful protest; and ultimately its impact on public confidence. You should provide specific briefings to officers with regards to the use of BWV. BWV is mandatory at pre planned events and football matches.

BWV must not be deployed as a pseudo Evidence Gathering Team (EGT) tactic.

BWV should only be used to capture an officer’s personal interaction with another as per the national BWV guidance.

After activating the BWV officers must give their name, rank and force number along with a rationale for switching the BWV on if practicable to do so, for example when delivering a ‘five

step appeal'. BWV should only be switched off once that interaction has concluded and where practicable the officer should verbalise that the BWV is being switched off.

5.8 Recording Indecent Images of Children and Child Sexual Exploitation

BWV devices, along with mobile phones (work profile only), can be used to capture evidence involving IIOC and CSE where necessary. Officers and staff are to ensure that this process is managed carefully.

IIOC and CSE material can be recorded in cases, for example, where:

- indecent images of children are viewed by an officer on social media, or
- an indecent image is visible on a suspect's computer during a warrant.

Capturing evidence in this way should not be used as an alternative for seizing exhibits, as this still provides the best forensic opportunities to obtain evidence.

Officers submitting BWV/mobile phone evidence are required to follow the process below:

Monday to Friday 07:00 – 21:00 and Saturday/Sunday 08:00 – 16:00

Before docking the camera, officers must telephone the Digital Investigation Unit (DIU). Arrangements for docking the device, or attending DIU with the mobile phone, will be made and the footage locked down. Officers must also generate a High Tech Crime Unit (HTCU) submission request via the systems portal.

Outside the Above Hours

If footage is required to be locked down outside of the above hours, officers should secure BWV without docking it until a member of the DIU is on duty. Alternatively, if other footage on the device is required (for example, if an offender is in custody and evidence is required for court the following morning), the device can be docked and officers must ensure an email is sent to the DIU. The officer must also generate a HTCU submission before the end of that tour of duty, detailing the date and times of the offence so it can be locked down and the images can be obtained.

5.9 Use of BWV in Reports of Rape or Serious Sexual Assault

Anonymity

There are times when audio and visual footage will assist in reported cases of rape; **however, the importance of anonymity for a victim is of paramount importance.**

There are instances, particularly with stranger or acquaintance rape where the offence has taken place away from the victim's home, but the victim later reports it from their own home. In these cases the use of BWV could record details of part of the outside/inside of the victim's home which could lead to the disclosure of private information to the defence counsel.

In these cases the officer must request advice from the Senior Investigating Office, with a view to the Imaging Unit removing the visual part of the footage, but retaining the audio.

Conversely, if it is reported as a domestic rape, or where the parties are known to one another and/or the address is a crime scene, the use of BWV (both audio and visual) would be beneficial to the investigation.

Explicit and Informed Consent

The **explicit and informed consent** of victims of rape and serious sexual offences should be obtained before their initial accounts are recorded on a BWV. Where the emotional or physical condition of a victim to a serious sexual offence is such that there is any doubt about their capacity to give informed consent a BWV should not be used.

Specially trained officers (STO) should still complete a written first account as this will assist the handover process to a detective and will also be needed at St Mary's when victims are taken for Sexual Assault Referral Central (SARC) examination.

5.10 Objections to Recording

In principle, users are not required to obtain the expressed consent of the person or persons being filmed.

If the subject of an encounter requests that the BWV be switched off, the user should advise the subject that:

- Any non-evidential material is retained for a maximum of 31 days only (in accordance with the DPA and MOPI),
- Access to the material is restricted and will only be accessed where there is a legitimate policing need; all actions within the digital evidence system are audited.
- Recorded material is police information and can be accessed on request in writing in accordance with the FOIA (unless an exemption applies) and is also accessible via a subject access request in accordance with the DPA. Disclosure will take place unless a

relevant exemption applies and also access to other footage can be requested under the Freedom of Information Act.

It is then for the user to consider on a case-by-case basis whether or not to switch the BWV off. There should always be a tendency to record (within the confines of legislation) unless circumstances dictate otherwise. An officer who fails to record an incident will be required to justify their actions as vigorously as any officer who chooses to record a similar encounter. However, in all cases recording can only be justified when it is relevant to the incident and necessary in order to gather evidence.

If the user deems it necessary to turn off their BWV but events subsequently develop that require further investigation or proceedings, they should:

- resume recording to capture any potential evidence;
- make the appropriate verbal announcements;
- record the circumstances in their pocket notebook (in the same way as they would for a partial recording).

5.11 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.

5.12 Recorded Evidence for Use at Court

To prove the authenticity of recordings required as evidence in a trial at court, evidential continuity statements may be necessary. Such statements confirm that any securely stored master copy has not been tampered with in any way and must, therefore, include the following content:

- Equipment serial number/identifying mark;
- Day, date and time the user took possession of the equipment (time A);

- Day, date, time and location the user commenced recording (time B);
- Day, date, time and location the user concluded recording (time C);
- Day, date, time and location that the master copy was created and retained in secure storage (time D);
- If any other person had access to or used the equipment between times A, B or C and time D (if so a statement will be required from that person).

To allow the recorded evidence to be presented in court, users must preserve the master copy as an exhibit.

Creation of exhibits must follow the Home Office Digital Imaging Procedure.

5.13 Information Management

- All digital images obtained for policing purposes should be treated in accordance with Authorised Professional Practice (APP) on Information Management, APP Code of Practice on the Management of Police Information (MOPI) and the Data Protection Act 2018.
- All footage recorded to the BWV device should be uploaded at the end of the officer's tour of duty. This can be carried out on any docking station throughout the Force.
- Only search, access or view BWV material in line with GMP's Information Security Policy and Appropriate Use of Electronic Communications and Information Systems Procedure. All actions on the BWV system are audited.
- Users should not store evidence on removable storage cards/media.
- Officers may view BWV footage within the digital evidence system where they have a justifiable policing need; this includes their own footage and that captured by other officers. Remember that all actions are audited and you may be asked to justify the reason for your access.
- Where BWV material is used as evidence, it will be an exhibit. If it is unused, the disclosure regime applies and the material must be disclosed on the relevant MG forms in a prosecution file.
- Where redaction has been necessary it must be clear, both within GMP and when making BWV footage available to the CPS, which items are for disclosure to the defence and which are not.
- BWV material may be used to review and enhance how incidents are dealt with, improving the professionalism of policing and providing a powerful tool for behavioural change and continuous improvement. It may be necessary to redact footage where appropriate.

- BWV material will be stored according to GMP's Retention and Disposal of Policing Records.
- BWV may be marked on the BWV system as either 'evidential' (will be retained in line with MOPI guidelines) or 'pending' (will be retained for 90 days). Data uploaded and not categorised will be stored 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.
- Footage and images will be stored on the system so they are retrievable and accessible for replay and viewing, and kept in an environment that will not be detrimental to the quality or capacity for future viewing. They should be appropriately labelled and include information regarding review or disposal dates.

5.14 Providing Copies for the Defence

BWV material should be disclosed to the defence in the same manner as other case exhibits, although it may be provided electronically rather than on physical media such as DVDs. A suitable summary of the evidence will suffice as initial details of the prosecution case. It should only be necessary to provide copies to the defence in the case of actual or anticipated not guilty pleas. Local consultation should take place to ensure that while necessary information is provided as swiftly as possible, resources (both time and physical) are not wasted through providing materials that will not be used.

It is important to ensure that copies to be served on the defence do not contain any sensitive information such as the addresses of witnesses. Users should produce an edited version of the footage and mark the copy as prepared for service on the defence.

5.15 Sharing BWV Material with Other Agencies and the Media

This must be in accordance with GMP's Information Sharing Policy. Once the decision has been made to release material, the partner agency should be made aware that they are responsible for its appropriate use and storage. For hard copy media this may be done by writing a letter outlining the partner's responsibilities, including the extent of permitted use.

Users should transfer material in a secure manner and maintain continuity of evidence, e.g. through a pocket notebook entry and exhibit label. Users must maintain an audit trail.

There may be occasions when lay observation of body worn video is undertaken in order to gain community feedback and subsequently support any potential organisational learning. Guidance has been developed to support staff in this process and this should be followed in any lay observation activity. You can find the guidance, including in which circumstances lay observation can be undertaken, by visiting the BWV intranet page.

5.16 Training

All officers using BWV will be required to complete the appropriate NCALT learning package prior to using the cameras and BWV system. Additional information can be found on the BWV intranet page.

5.17 Complaints Against Users of BWV

Body worn video will primarily be obtained and retained for criminal proceedings but users should be aware that it may also be used in relation to complaints against police officers and staff. Where complaints about the conduct of BWV users are made, these may be investigated by Professional Standards Branch in accordance with current policies.

5.18 Subject Access Requests (SAR)

This policy and procedure will assist the data controller in identifying the correct footage when data subjects exercise their right to make a Subject Access Request (SAR). It is also reasonable for the person making a SAR to assist a force retrieve relevant footage by, as far as practicable, identifying the officer and providing the location, date and time of the interaction. The requestor is not obliged to give a reason for making a SAR.

To ensure they are satisfied that they are supplying footage to the correct person in accordance with the Data Protection Act 2018 (DPA), the data controller may require a description or photograph of the requester. It is vitally important that data controllers have systems in place to support the efficient response to SAR's, providing an effective response to the data subject and reducing the impact of multiple SARs which could have a significant demand and cost impact to the Force.

Officers must:

- Be aware that people included in a BWV recording are entitled to obtain a copy via a subject access request and to explain that the footage may be deleted after 31 days;
- Be able to explain the process for obtaining a copy of a SAR and direct them to the Force website;
- Be conversant with the published Force policy relating to the retention, review and disposal arrangements for this category of data.

Additional information can be found within the Data Protection Policy.

6. Associated Documents

[College of Policing Body Worn Video Guidance 2014](#)

North West Armed Policing Collaboration Standard Operating Procedure for the Operational Use of Body Worn Video (Restricted document)

Public Order Evidence Gathering Teams Policy

Stop and Account/Search Policy

Supplying an Evidential Album to the Crown Prosecution Service

7. Statutory Compliance & Consultation

7.1 Statutory Compliance

7.1.1 Equality Act (2010)

Users must exhibit sensitivity when using BWV in places of worship and other religious areas. If BWV is used in hospitals or places where people may be in vulnerable situations or in various stages of undress, care must be exercised that footage is appropriately recorded.

7.1.2 Data Protection Act (1998)

This policy has been assessed for compliance with the Data Protection Act and has found to be compliant. The policy assists with in ensuring data protection compliance by covering the following data protection issues: necessary and proportionate capture of footage, the provision of fair processing information where possible, retention and disposal, sharing, and subject access.

7.1.3 Freedom of Information Act (2000)

The Freedom of Information Act 2000 (FOIA) grants a general right of access to all types of recorded information held by public authorities, which may include digital images recorded by BWV. This policy has been assessed as disclosable upon request under Freedom of Information.

Requests for footage will be assessed carefully by the Information Compliance and Records Management Unit taking into the harm of disclosure and release into the public domain.

8. Appendices

N/A