



Okehampton Town Council

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Draft Body Worn CCTV Policy and Operational Procedural Guidance

Introduction

- 1.1 Okehampton Town Council resolved in 2020 to provide body-worn CCTV for use by employees who work in the park and outdoor spaces following a series of incidents when they were subjected to verbal and physical abuse while performing day to day duties. Since implementation these incidents have significantly decreased, and the system is now rarely worn or used. The installation of a fixed CCTV system in Simmons Park and the town centre has also had a direct impact on the reduction of anti-social behaviour.
- 1.2 This document sets out Okehampton Town Council's Policy and Procedural Guidelines for the use of body-worn CCTV by its employees.

The system will enable employees to comply with relevant legislation relating to video recording and outline the associated benefits to them and the general public.

The guidelines also document best practice procedures with regard to the integrity of data, images and video as well as its security and use.
- 1.3 The use of body-worn CCTV can provide a number of benefits which include a deterrent to acts of aggression or verbal and physical abuse toward employees and members of the public using the Council's facilities, in addition to providing evidence to support internal or Police investigations.
- 1.4 Body-worn CCTV forms part of the park's employees Personal Protective Equipment and is provided solely for Health and Safety purposes. It will be used in an overt manner and reiterated by the wearing of clear identification that it is a CCTV device.

Prior to commencement of any recording employees will give a clear verbal instruction that recording is taking place.
- 1.5 Body-worn CCTV will not be used as a tool to assist in the ad-hoc monitoring of staff or those using the park for recreational or dog walking purposes.
- 1.6 The policy will be reviewed at least bi-annually.

Objectives

- 2.1 Use of the body-worn CCTV is designed to:
 - Promote the health, safety and wellbeing of employees when going about their normal day to day duties
 - Promote the health, safety and wellbeing of users of Council facilities
 - Reduce the likelihood and frequency of confrontational incidents, as protagonists will be aware that employees will have evidence of their behaviour which can be referred to the police
 - Reduce the possibility of the escalation of any incidents that occur
 - Capture evidence of a crime in progress in the event that an employee comes across such an incident, for example vandalism or assault
 - ~~Capture evidence of persons who refuse on request of an employee to pick up their dog waste or to keep their dog under control if, in the opinion of that~~

~~employee, it is out of control or causing a nuisance to other users of Council facilities (subject to agreement with WDBC).~~

Legislation & Statutory Guidance

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

Data Protection Act 2018
Freedom of Information Act 2000
Human Rights Act 1998
Protection of Freedoms Act 2012
Home Office Surveillance CCTV Code of Practice
Information Commissioners Code of Practice

3.2 Data Protection Act 1998

The Information Commissioner's Office (ICO) is the regulator for the Act. 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', is covered by this Act and will include images and audio captured using body-worn equipment.

The use of body-worn CCTV in this guidance is 'overt use' meaning that equipment is not to be worn or used in a hidden or covert manner. Requests by an individual to view footage is classified as a 'Subject Access Request'. The requester is only allowed to see footage of themselves. If an identifiable third-party appears in that footage then that third-party's permission or consent must be obtained, before the requester can view it.

3.3 Freedom of Information (FOI) 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.

3.4 Human Rights Act 1998

Article 6 provides for the right to a fair trial. All images captured through the use of a body worn 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 body-worn equipment should not record beyond what is necessary when recording a confrontational situation.

Okehampton Town Council ~~will ensure that the use of body-worn CCTV equipment by its employees is widely advertised prior to commencement. The Council will issue a formal press release in addition to publishing information on its web site.~~ has advertise the used of body-worn CCTV equipment.

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

3.5 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 CCTV technology which relates to a Code of Practice and interpretations.

3.6 Home Office Surveillance CCTV 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 use of body-worn CCTV equipment.

3.7 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 use of body worn CCTV equipment.

4. **Operational Guidance and Best Practice**

4.1 Training

All users will receive training in the use of body-worn CCTV by the Park-Keeper annually if in use, and on reinstatement if its use is required. This training will be given include practical use of equipment, operational guidance and best practice, when to commence and cease recording and the legal implications of using such equipment.

4.2 Daily Use

Body-worn CCTV will only be used in the circumstances described at 4.4.

Recordings will not commence until the employee has issued a verbal warning of their intention to turn on the body-worn device and commence recording. In the event of coming across a crime in progress not in the direct vicinity of the employee, this may not be possible. The decision to record is that of the user.

Recordings will not be made whilst performing normal duties.

4.3 Start of Day Procedure

Employees will be issued with their own body-worn CCTV device, if required, by the Park-Keeper. At the commencement of each shift the employee 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.

4.4 Recording

Recording must be incident specific. Employees must not indiscriminately record entire duties 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) An engagement with a member of the public which, in the opinion of the employee, is confrontational and where the employee believes that they may be subject to physical or verbal abuse, or
- b) The employee is approached by a member of the public in a manner perceived as aggressive or threatening, or
- c) To capture evidence of a crime in progress, for example vandalism or assault

- d) ~~To capture evidence of persons who refuse on request of an employee to pick up their dog waste or to keep their dog under control if, in the opinion of that employee, it is out of control or causing a nuisance to other users of Council facilities (subject to agreement with WDBC)~~

At the commencement of any recording the employee 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 employee considers that the use of body-worn CCTV or the issuing of a verbal warning is likely to inflame a confrontational situation the employee 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 employees 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”

All activations of body-worn CCTV, whether the material is stored or not, must be recorded in an Incident Log and the Town Clerk, or in their absence the assistant Town Clerk, must be informed at the earliest opportunity.

The body-worn CCTV devices are set, when on standby, to always keep recording video on their temporary buffer flash memories. This means that when the record button is pressed, the recorded footage will start from 10 seconds prior to the recording time. The devices also continue to record for 5 seconds after the recording has ceased.

4.5 Playback

Employees need to be aware that there are legal implications once digital images and audio have been recorded. To this end playback should only be at the request of a Police Officer attending the incident.

The showing of recorded material to members of the public will take place only in accordance with the law and with authorisation as set out in this policy.

Recorded material will only be disclosed to:

- a) An individual on receipt of a written Subject Access Request and once they have been identified as the person shown on the images, evidence of identity prior to viewing must be provided, or
- b) To the Town Clerk or, in their absence the Assistant Town Clerk.

4.6 End of Shift

Employees must ensure that any CCTV footage required for evidential purposes has been correctly bookmarked and that the Incident Log has been completed. It will be the employee's responsibility to ensure that their body worn CCTV device is placed on charge at the end of their shift.

Storage and Retention of Data

5.1 Storage

All recorded footage will be downloaded to a usb device by the Town Clerk, or in their absence, the Assistant Clerk, who will ensure that Incident Log has been completed.

For incidents where the Police have not been in attendance the Town Clerk, or in their absence the Assistant Town Clerk, will review the recording and make a decision on whether referral to the Police is appropriate.

The usb device containing the recorded footage will kept securely in the Council's main safe.

Retained data will be kept for up to 30 days after the date of the recording. All data not required for evidential purposes will be destroyed.

5.2 Transfer of data

Any footage requested by the police as part of their investigation will be copied to a disc/USB device, labelled and handed to them on completion and signing of the Incident Log.

Once in their possession the disc/USB device will fall under the police policy and guidelines for Data Protection. Details of this process and any relevant information i.e. PC name or collar number, date, time etc. will be logged in the Incident Log so there is a full audit trail.