



**Parking Services**

**Operational Procedural Guidelines**

**For the use of**

**BODY WORN VIDEO DEVICES (BWVD's)**

# 1. Introduction

This document sets out Parking Services Procedural Guidelines for the use of Body worn Video Devices (BWVD's) It will enable Parking Services staff to comply with the relevant legislation relating to video recording and outline the associated benefits to Parking Services Staff 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.

- 1.1 The use of BWVD's can provide a number of benefits which include a deterrent to acts of aggression or verbal and physical abuse toward Parking Services staff, and providing evidence to support Police investigations.
- 1.2 BWVD's forms part of Parking Services' Personal Protective Equipment and is provided solely for Health and Safety purposes. It will be used in an overt manner and emphasized by Parking Services staff wearing clear identification that it is a body worn video device. Prior to commencement of any recording, where possible, Parking Services staff will give a clear verbal instruction that recording is taking place.
- 1.3 BWVD's will not be used to gather evidence for Parking Enforcement purposes nor will it be used to monitor a member of staff under any circumstances.

## 2 Legislation

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

**Data Protection Act 1998**

**Freedom of Information Act 2000**

**Human Rights Act 1998**

**Surveillance Commissioners CCTV Code of practice 2014**

**Information Commissioners CCTV Code of Practice 2015**

- 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 Body worn video device equipment. This legislation regulates the processing of 'personal data' or 'sensitive personal data' whether processed on computer, BWVD's, 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 Body worn equipment. The use of a BWVD 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 for access to the footage this is called a 'Subject Access Request'. The requester is only allowed to access footage of themselves and anyone who has provided consent for their images to be viewed by them. More information is available at

[http://www.swindon.gov.uk/info/20061/data\\_protection/395/data\\_protection](http://www.swindon.gov.uk/info/20061/data_protection/395/data_protection)

### **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 using a Body worn device have the potential to be used 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.

2.5 Parking Services will ensure that the use of a BWVD equipment by its staff is widely advertised prior to commencement. The Council will include on the Parking Services Web page information about the wearing of BWVD by its staff and or issue a formal press release in addition to publishing information on its web site.

2.6 The Council will further ensure that the use of a BWVD is emphasized by staff wearing it in a prominent position (normally on their chest) and that it's forward facing display is visible to anyone being recorded. Additionally, staff will wear identification that it is a Body worn video device and make a verbal announcement, where practicable, prior to commencement of any recording. The Council will adhere to the Surveillance Commissioners Code of Practice 2014 and the Information Commissioners CCTV Code of Practice Version dated 21/05/2015, which includes BWVD's, in all aspects referring to Body Worn Video Device.

## **3 On Street Operational Guidance and Best Practice**

### **3.1 Training**

All Parking Services staff will receive full training in the use of 'Body worn video device (BWVD). 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, staff can receive yearly refresher training in 'Conflict Awareness'.

All Parking Services staff will be given a procedure sheet. Each member of staff will sign that they have read the instructions and will be given back a copy for their information. Parking Services will hold one signed copy. (See Appendix 3)

### 3.2 Daily Use

The BWVD will only be used in the event where staff find themselves in a confrontational situation where they are subject to, or feel that they are likely to be subject to, verbal or physical abuse.

- Recordings will not commence until the member of staff has issued a verbal warning, where possible, of their intention to turn on the BWVD.
- Recordings will not be made whilst performing normal duties.
- All recordings will be held securely.
- Access to recordings will be restricted to authorized personnel in the Parking Team.

### 3.3 Start of Shift Procedure

All Parking Services staff will be issued with their own BWVD. At the commencement of each shift, members of staff will ensure that their unit is fully functioning. It will be their responsibility to advise a Team Leader of any malfunction with the BWVD. The check will also include verifying that the unit is fully charged and that the date and time displayed is correct by comparing it to the office based PC`S. Completing the Daily BWVD Sheet (appendix 1).

### 3.4 Recording video and audio

Where your BWV system cannot record audio and video separately, it should only be used where the recording of audio and video together can be justified. This is important as there will be situations where either audio recording or visual recording will be more intrusive.

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

An engagement with a member of the public, which in the opinion of the member of staff is confrontational, and where the member of staff believes they may be subject to physical or verbal abuse.

The member of staff is approached by a member of the public in a manner perceived as aggressive or threatening.

At the commencement of any recording the member of staff should, where possible, make a verbal announcement to indicate why recording has been activated.

The purpose of issuing a verbal warning is to allow a member of the public to modify any unacceptable confrontational or aggressive and threatening behavior. If, at any time during an incident the member of staff considers that the use of a BWVD or the issuing of a verbal warning is likely to inflame a confrontational situation, the member

of staff may use discretion to disengage from further discussion and withdraw from the incident as per the risk assessment.

A specific form of words to be used in any warning to a member of the public has not been prescribed, but members of staff should use straightforward speech that can be easily understood by those present such as 'I am wearing a Body worn video device and I am now recording'.

### **3.5 Playback**

Members of Parking Services staff will need to be fully aware of the 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 or by another police officer subsequently involved in the investigation of the incident. Requests from the Police for access to the footage must be directed to the Councils Security Manager. Any request for access to captured video by a member of the public whose image was captured during an incident as specified in 3.4, will need to be made in writing to The Councils Data Protection Officer in line with the Councils 'subject access procedure'.

### **3.6 End of Shift**

Members of staff should ensure that any CCTV footage required for evidential purposes has been correctly bookmarked and that any Incident Reports have been completed.

Team leaders will be responsible for ensuring all Body worn devices have been connected correctly to the docking station to enable downloading and charging. Completion of the Daily BWVD Sheet (appendix 1)

### **3.7 Storage of Data**

- a) All recorded footage will be uploaded to a hard drive held in the Security Managers Security Control Room; a notification email advising of the upload to be sent to the Security Manager by the Team Leader on duty.
- b) The Team Leader on duty will ensure that any footage to be retained has been correctly bookmarked and that supporting Incident Reports have been completed.
- c) For Incidents where the Police have not been in attendance either the Parking Services Manager, Operations Manager or the Team Leader will review with the Security Manager the recording and in consultation with the parking operative operating the device decide whether referral to the Police is appropriate. If a decision is made to take no further action the footage to be uploaded as in (a) above. The information will then be retained for 28 days in line with Parking Services retention period. If a decision is made to involve the Police follow 3.5 above
- d) Once a decision has been made, the Information Asset Log needs to be completed.

- e) The Security Manager in the Control Room will keep all retained data until all investigations have been completed or a prosecution has taken place. If the Police have taken possession of the footage they become the 'data controller' and any copy footage held by the Council to be deleted.

### **3.8 Authorized Personnel**

Service Manager for Parking and Enforcement  
Security Manager & Security Supervisor  
Parking Operations Manager

## **4 Requests for access to CCTV Footage**

### **4.1 Subject Access Request**

Any application to access footage is covered by Swindon Borough Council 'Subject Access Request' Procedure.

[http://www.swindon.gov.uk/info/20061/data\\_protection/395/data\\_protection](http://www.swindon.gov.uk/info/20061/data_protection/395/data_protection)

Requests must be made in writing (including emails and faxes) including the day and approximate time of the recording, with Proof of ID (a current photo of the applicant for checking purposes) and sent to The Council's Data Protection Officer. There is a charge for subject access of £10 per application. An online form is also available at:-

[http://www.swindon.gov.uk/download/downloads/id/872/sar\\_application\\_for\\_subject\\_access.pdf](http://www.swindon.gov.uk/download/downloads/id/872/sar_application_for_subject_access.pdf)

# Daily BWV Sheet

Date \_\_\_\_\_

Start of shift

End Of Shift

Camera No	Staff Name	Camera Working	Camera fully charged	Date Correct	Time Correct	Signature	Camera returned	Camera Charged	Incident? Go to Incident sheet	Team Leader
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										



## Appendix 3

### Procedure Sheet for Parking Services and Body worn Devices

#### Daily Use

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**End of Shift**

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**I have received training in the use of Body Worn Devices and I am aware of the procedures for using the Device.**

.....Print Name

Signed.....Date.....