



BODY-WORN VIDEO

2022



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- Cambridgeshire Constabulary
- Cheshire Constabulary
- City of London Police
- Civil Nuclear Constabulary
- Cleveland Police
- College of Policing
- Cumbria Constabulary
- Derbyshire Constabulary
- Devon & Cornwall Police
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- Wiltshire Police
- Home Office / NPCC / IOPC

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Foreword



Body-Worn-Video (BWV) is now well established within policing across every national and regional force within England and Wales. It is now a primary way that officers and staff gather evidence at almost every incident they attend. As a result, the expectation placed upon policing to use BWV is now so significant that it is right this document is reviewed and revised to reflect lessons learned over the past 15 years since body worn video cameras first arrived within Policing in England and Wales.

We are all too aware of how modern-day policing has changed considerably and continues to be a rapidly developing area of technology usage. It is only right that Policing makes the best use of such advancements and that we continue to strive to deliver the best possible service to the public.

As the National Police Chiefs Council lead for BWV, I am committed to ensuring the use of BWV remains lawful, proportionate and justified. To this end the time is right to revisit the Guidance for Police on this important piece of technology and how it fits into policing.

Recent events have shown policing nationally needs to reflect on how we deliver the best possible service to the public whilst at the same time ensuring we afford our officers and staff appropriate protection. It is important that we also allow our investigators to ensure the criminal justice system benefits from the best possible evidence being presented at court, and that accordingly we achieve the best possible outcomes for victims.

This document has been developed in consultation with the Home Office, the Crown Prosecution Service (CPS), the College of Policing and every UK regional and national police force including police forces from UK overseas territories and strategic operational partners.

It reflects the many lessons learned to allow forces to share, grow and expand their use of BWV to ensure the public can have trust and confidence in all we do, providing transparency and accountability in respect of our actions and decision making.

DCC Jim COLWELL

Devon and Cornwall Police
(National Policing Lead for Body-Worn Video)
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Section 1 – Introduction

Purpose

This guidance updates and replaces Home Office (2014) Guidance for the Police Use of Body-Worn Video Devices. It explains the relevant legal framework under which forces in England and Wales should operate BWV. It also provides consistency in operating procedures and information management processes for the practical use of BWV.

The guidance follows the structure of the key standards for the overt use of BWV. The procedures should be considered a minimum standard for using BWV devices. They should be used as a basis for force operating procedures or standing orders relating to the use of this equipment.

This guidance must be read in conjunction with, [2007 Police Use of Digital Images](#), [National Digital and Physical Evidence Retention Guidance](#), [Surveillance Camera Code of Practice](#) and [Technical Guidance for Body Worn Video \(BWV\) devices: CAST, 2018](#)

Definitions

Evidence is information given to the court and the jury to help them decide if a crime has been committed or not. Evidence tends to prove the truth or probability of truth about a fact put before the court and jury. In court, items of evidence are referred to as ‘material’.” [Evidence in criminal investigations \(publishing.service.gov.uk\)](#)

Key evidence is that evidence which either alone (the evidence of one witness) or taken together with other evidence (further witnesses or exhibits) establishes the elements of the offence to be proved and that the person to be charged committed the offence with any necessary criminal intent. ([CPS guidance \(DG6\) on charging for police and prosecutors](#))

A **Master File** is the definitive copy of the data, that is documented, and stored according to established procedures and can be examined by a court if required, to confirm the authenticity of the evidence relied on in proceedings. It is an unedited ‘bit-for-bit’ copy of the original recording stored securely, in line with force policy and procedures pending its production (if required) at court. It is to be treated as an exhibit. The Master File is only viewed if doubt is cast on the integrity of the Evidential Clips.

Evidential Clips are the version produced from the Master File for the investigation or other policing requirements/purpose which show the parts of the Master File which are evidentially relevant (or relevant unused material).

An exhibit ([CPS.Gov.uk](#)) is a document or other thing shown to a witness and

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referred to by the witness (including Police) in evidence. At common law it is within the power of, and is the duty of, constables to retain for use in court things which may be evidence of crime, and which have come into possession of constables without wrong on their part ([R v Lushington ex p Otto \[1894\] 1 QB 420](#)).

Under the Code of Practice issued under [part 2 of the Criminal Procedure and Investigations Act 1996](#), any police officer investigating alleged crimes has a duty to record and retain material which may be relevant to the investigation.

As a general rule, the courts entrust the prosecution with the exhibits pending trial and after committal. The prosecution duty is:

- to take all proper care to preserve the exhibits safe from loss or damage;
- to co-operate with the defence in order to allow them reasonable access to the exhibits for the purpose of inspection and examination;
- to produce the exhibits at trial (*R v Stipendiary Magistrate at Lambeth and another, ex p McComb* [1983] 1 All ER 321).

The term "*prosecution*" generally means the Crown Prosecution Service and the police. The police will retain all original exhibits unless it is absolutely essential for the Crown Prosecution Service to accept them.

Unused material is material which may be relevant to an investigation and has been retained in accordance with the CPIA Code of Practice, and which will not form part of the prosecution evidence in the case. BWV footage will be potentially disclosable as unused material if it is not being used as evidence.

Relevant material may be relevant to an investigation if it appears to an investigator, or to the officer in charge of an investigation, or to the disclosure officer, that it has some bearing on any offence under investigation or any person being investigated, or on the surrounding circumstances of the case, unless it is incapable of having any impact on the case. ([CPS guidance \(DG6\) on charging for police and prosecutors](#))

A **Non-Complex** edit of a Body-Worn video recording is one which is limited to simple blurring of faces or other parts of the video, partial removal of the audio or the creation of an 'Evidential Clip'

A **Complex** edit is any other manipulation of the video such as changing the video speed, or pixel enhancement etc. and is restricted to those who are accredited with the ISO17026 qualification (Forensic Digital Media Experts)

A **secure server** is an internal or cloud-based environment that is accredited to a level of at least OFFICIAL under the [Government Security Classification \(May 2018\) \(GSC2018\)](#). Footage captured on a BWV device which is assessed and categorized as SECRET or TOP SECRET is not to be stored on a networked Server and is to be managed.

SECRET or TOP SECRET Information is any information which under GSC(2018) is categorised as above OFFICIAL-SENSITIVE should not be stored on a Networked Solution (including local networks). Appropriate security needs

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to be put in place and the information managed in line with Force Policy according to the storage and retention of SECRET / TOP-SECRET information.

POLICING PURPOSE covers all situations where a user exercises a police power, where they would have ordinarily made a record of any such interaction, or there is a strong and reasonable presumption towards collecting/capturing evidence. A user may wish to record an encounter to show their own actions. This needs to be justified, cannot be used solely for the purposes of identification, and needs to be managed carefully in line with the principles of data management and evidence retention. Users should be prepared to account for their decision making in such instances.

Key standards for the overt use of Body-Worn-Video

BWV cameras are small, visible devices that are worn attached to the officers' uniform (usually on the head or chest). They are used to capture both video and audio evidence when officers are attending all types of incidents. The position of the camera allows for those viewing the footage to see the situation from the officer's perspective. The camera acts as an independent witness to police actions and interactions in an unbiased and secure recording.

The use of BWV by police ensures that video and audio evidence is obtained of incidents as they occur. The use of BWV ensures that police interactions are accountable and safeguards the user and members of the public alike.

BWV recordings bring many benefits to policing. The reasons why Police use BWV might include:

- an incident has occurred requiring the police to attend
- the BWV user's continued presence might be required to prevent a breach of the peace or injury to any person
- there is a requirement to secure best evidence of any offences that have occurred, and video evidence is more accurate and of a higher quality and, therefore, in the interests of all parties
- continuing to record will safeguard both parties as it is a true and accurate recording of any significant statement made by either party and of the scene
- the incident may reoccur in the immediate future
- continuing to record will safeguard the BWV user against any potential allegations from either party.

Users may encounter members of the public who specifically request that any encounter or interaction is recorded, even if the user does not feel that there is any evidential reason to do so. Unless there are clear reasons to do otherwise, the user should record such an encounter, but should remind the person requesting the recording that, unless there is an evidential reason to retain the footage, it will be automatically deleted in line with existing local guidelines

Objections to recording

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

If any person requests that the BWV be switched off, the user should advise the subject that:

- any non-evidential material is not retained for any longer than necessary
- this material is restricted and cannot be disclosed to third parties without the subject's express authority, unless prescribed by law
- recorded material can sometimes be police information and can be accessed on request in writing in accordance with a subject access request in accordance with the DPA or evidential disclosure (as appropriate).

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 some type of documentary form (in the same way as they would for a partial recording).

Recording an incident – basic standards and techniques

Where officers are provided with BWV, they should use it as described in this document to record incidents where public contact is necessary such as;

- initial response to incidents
- initial investigation of crime
- The use of police powers.

Users must use BWV whereby individual force policy mandates it and furthermore where there is a legislative requirement.

Where users fail to use BWV when required to do so, they will be required to justify their actions to internal/external scrutiny including the criminal justice system.

Under normal circumstances, all BWV users present at an evidential encounter,

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regardless of the fact that other BWV users may be present, should record the incident.

Users should always consider the circumstances and the people involved, for example, vulnerable persons.

Failing to record an incident may require explanation in court, although in some instances it is not appropriate to make a video recording. In such cases users should capture a record of this for future reference.

Users may not indiscriminately record entire duties or patrols. Recordings must be incident specific (whether or not the recording is ultimately required for use as evidence).

All recordings can be used in evidence, even if it appears to the user at the time of the incident that this is unlikely. All recordings should be treated as 'subject to investigation' until it is confirmed otherwise. If it becomes obvious that the recording will not be required as evidence, unless there are other extenuating circumstances, users should stop recording immediately.

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.

In order to comply with data protection legislation and [Human Rights Act](#) (HRA), wherever practicable, users should restrict recording to the areas and persons necessary in order to obtain evidence and intelligence relevant to the incident. Users should always attempt to minimise collateral intrusion on those not involved.

Principle 1

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

The Police's underlying power to use of BWV is derived from (i) Common Law Policing Purposes which may be summarised as: protecting life and property, preserving order, preventing the commission of offences, and bringing offenders to justice and/or (ii) any duty or responsibility arising from statute or other rule of law including court order and royal prerogative.

Principle 2

Data will be processed and managed in line with data protection legislation and the NPCC Digital and Physical Evidence Retention Guidance.

Retention, review and disposal must be in line with relevant legislation and current guidance. Forces must be able to ensure the integrity of data throughout the process and have due regard for the [Surveillance Camera Code of Practice](#).

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In relation to the duration for Evidence Retention, the [National Digital and Physical Evidence Retention Guidance](#) which is overseen by the NPCC Digital and Physical Evidence Group, should be followed.

The schedule for BWV retention is owned by the NPCC Records Management Working Group. The contact is [Kelly Scully](#), CJ Operational Manager (Digital, Physical and BWV Evidence) at Thames Valley Police as the current chair of the NPCC Digital and Physical Evidence Group.

Principle 3

The majority of 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).

Principle 4

The operational use of body-worn video must be proportionate, legitimate and necessary and incident specific. Officers will use common sense and sound judgement when using body-worn video, in support of the principles of best evidence. 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.

Compliance with the Human Rights Act 1998 (HRA), Data Protection Act 2018 (DPA) and General Data Protection Regulation and [Surveillance Camera Code of Practice](#) will ensure the use of BWV is always proportionate, legitimate and necessary. Continuous, non-specific recording is not permitted. Officers are required to justify their use of BWV making use of the [National Decision Model \(NDM\)](#). Unless force policy states otherwise, there should be a tendency towards capturing audio/visual evidence when deciding whether to record. Nevertheless, it is to be recognised that BWV has several limitations.

Principle 5

Forces will consult locally with their communities on the use of body-worn video.

Engagement will be proportionate to the local level of impact, which will be influenced by a force's decision to deploy BWV. Forces should carry out consultation to show due regard for the Public Sector Equality Duty and the [Surveillance Camera Code of Practice](#). Consultation is a consideration as part of completing or reviewing a Data Protection Impact Assessment (DPIA) and to comply with fair processing requirements in accordance with data protection legislation.

Section 2 – Principle 1

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

Legal requirements

This section outlines the legislation relevant to the police use of BWV. Further details of this legislation and its impact on local procedures can be found in [Police Use of Digital Images](#) and in the relevant legislation itself.

Data Protection Legislation

The use of BWV will invariably involve the capture and processing of personal data e.g., video and audio of individuals recorded. Consequently, this activity will fall under the scope and must be compliant with data protection legislation - the Data Protection Act 2018 (DPA 18) and the UK General Data Protection Regulation (UK GDPR). This is also likely to include Special Category types of data under the UK GDPR which is known as sensitive processing under DPA 18.

Where footage is obtained and processed for Law Enforcement Purposes DPA 18 applies. Law Enforcement Purposes is defined in Section 31 Part 3 DPA 18 as the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.

Where BWV is used for any other purpose UK GDPR applies. It is important to understand when operating BWV whether the purpose falls under Part 3 DPA 18 or UK GDPR as the legal obligations differs slightly e.g., the data protection rights of the individual(s) being recorded.

The DPA comprises six principles plus the accountability principle and Forces as data controllers have a legal obligation to comply with these principles, these are consistent across DPA 18 and UK GDPR;

	UK GDPR General Processing	DPA 18 Law Enforcement Processing
Principle 1	Lawful, fairness and transparency	Lawful and fair
Principle 2	Purpose limitation	Specified explicit and legitimate
Principle 3	Data minimisation	Adequate, relevant and not excessive
Principle 4	Accuracy	Accurate, up to date
Principle 5	Storage limitation	Kept no longer than is necessary
Principle 6	Security, integrity and confidentiality	Ensure appropriate security

Rights of the Individual

Data Protection Legislation provides data subjects with a number of rights listed below. If BWV is held by a Force for Law Enforcement purposes, then the right to data portability and the right to object do not apply.

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- Right to be informed
- Right of access
- Right to rectification
- Right to erasure (right to be forgotten)
- Right to restrict processing
- Right to data portability*
- Right to object*
- Rights in relation to automated processing

Principle 1 of data protection requires that the data subject must be informed of:

- the identity of the data controller
- the purpose or purposes for which the material is intended to be processed
- any further information that is necessary for the processing to be fair.

The Act requires this information to be made clear to those individuals who's personal

data will be processed. In the context of BWV, this is those who are included in the recording. There are various ways to inform data subjects that they are being recorded, including verbally at the time they are being recorded or, if this is not practicable because of an ongoing incident, as soon as possible afterwards. However, as a general rule, where an officer is in uniform and is clearly carrying or wearing a suitably identified camera (clearly labelled as an audio and visual recording device) this condition is considered to have been satisfied. Police force websites can also provide further information.

To assist in complying with principle 1, devices should be clearly labelled to alert a third party to the potential use of video and specifically audio recording equipment. Officers should also consider if the subject could be reasonably expected to understand that BWV was in use in the circumstances.

To ensure compliance with principle 1, the DPA and other DPA principles, forces wishing to use BWV should:

- Announce, where possible/practicable, to the subject(s) of an encounter that video and audio recording is taking place using BWV.
- Begin recordings at the earliest opportunity to offer transparency or to gather evidence. There is an expectation of the recording being uninterrupted until it becomes no longer required or no longer appropriate to continue recording. Once recording stops a rationale should be captured to justify why the user has stopped recording.
- Not make recordings of general patrolling duties unless this is part of a specific operation (e.g., public order duties at football matches).
- Securely hold all recordings in accordance with force procedures. Access to recordings must be controlled and only persons having the operational need to view specific incidents may view them.

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- Retain and dispose of all material recorded by a BWV device in accordance with published force evidence management policies and other guidance.
- Retain accurate metadata for factual recording of the incident/matter.
- Prior to disposal, take all reasonable steps to ensure that the images are not required as evidence in any case or complaint under investigation.
- Make a record of the destruction of any non-evidential recording.
- Ensure that officers are:
 - aware that people included in a BWV recording have certain rights under data protection legislation (as above).
 - aware that the rights can be requested verbally or in writing. Where in Force these are dealt with and pass any requests to the appropriate team promptly due to the calendar month statutory timeframe to process a request.
 - conversant with the published force policy relating to the retention, review and disposal arrangements for this category of data.
 - able to recognise a data breach or near miss and report to the appropriate team within Force

Where personal data is being shared, data controllers must ensure that this complies with their legal obligations under the DPA.

The DPA applies to internal police use of BWV evidence as well as to external use. If a force chooses to use BWV material for monitoring staff or for regular spot checks (for example, by professional standards departments) all relevant staff will need to be made aware of this during their training. For further information on the DPA, see [Data Protection Manual of Guidance](#), Part I Standards, the Information Commissioner's Office [website](#). (APP on [Data protection \(college.police.uk\)](#) deals with the practical application of DPA rules).

The European Convention on Human Rights

Article 6 of the European Convention on Human Rights (ECHR) provides for the right to a fair trial. All images from BWV can be used in court proceedings, whether they provide information that is beneficial to the prosecution or the defence. They must be safeguarded by an audit trail in the same way as other evidence that is retained for court.

Article 8 of the ECHR is the right to respect for private and family life, home and correspondence. Forces are required to consider this article when dealing with recorded images, whether they are made in public or private areas.

The use of BWV must be in accordance with the law and proportionate. For the purposes of the ECHR, it has been determined that police users have sufficient

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powers in common law to justify the use of BWV, see *R (on the application of Wood) v Commissioner of Police for the Metropolis* [2009] EWCA Civ 414 at [98] and *Murray v the UK* [1995] 19 EHRR 193. Use of BWV can, however, be viewed as an interference and so must always be justifiable, on a case-by-case basis.

In principle, the use of BWV is justifiable for preventing and detecting crime. BWV can collect valuable evidence for use in criminal prosecutions and provides a record to promote integrity and confidence in policing, and objective evidence of controversial events and interactions. It offers protection for the police and for citizens. However, a court may closely scrutinise this justification and it is essential that forces do not retain BWV recordings where there is no clear evidence of an offence, unless some other good reason exists for their retention.

Recordings of persons in a public place are only public for those present at the time. Those situations are, therefore, still regarded as potentially private (*Peck v United Kingdom* [2003] 36 EHRR 41; [2003] EMLR 287). Recorded conversations between members of the public should always be considered private. A person's reasonable expectation of privacy in the circumstances is relevant here.

Users of BWV must consider Article 8 of the ECHR when recording and must not record beyond what is necessary for policing purposes.

The guidance provided regarding compliance with the DPA applies equally to Article 8 of the ECHR and it is important that users follow this guidance to minimise the risk of non-compliance.

Attorney General's Guidelines on Disclosure 2020

The Guidelines ([See Attorney General's Guidelines on Disclosure 2020](#)) are issued by the Attorney General for investigators, prosecutors and defence practitioners on the application of the disclosure regime contained in the Criminal Procedure and Investigations Act 1996 ('CPIA') Code of Practice Order 2020.

These Guidelines replace the existing Attorney General's Guidelines on Disclosure issued in 2013 and the Supplementary Guidelines on Digital Material issued in 2013, which is an annex to the general guidelines. The Guidelines are intended to operate alongside the Judicial Protocol on the Disclosure of Unused Material in Criminal Cases.

Disclosure officers and/or investigators must inspect, view, listen to, or search all relevant material. The disclosure officer must provide a personal declaration that this task has been completed. In some cases, a detailed examination of every item of material seized would be disproportionate. In these cases, the disclosure officer can apply search techniques using the principles contained in Annex A. Whatever the approach taken by disclosure officers in examining material, it is crucial that disclosure officers record their reasons for a particular approach in writing

Charging (The Director's Guidance) - sixth edition, December 2020

In December of 2020, the Director of Public Prosecutions issued [Charging \(The Director's Guidance\) - sixth edition](#). This guidance applied to Body worn Video. In that document it states:

- Before taking decisions to prosecute, prosecutors and police decision makers should review any relevant audio-visual material to assess whether it is likely to be “key evidence” and used as part of the case or be unused and potentially disclosable.
- The assessment should cover any relevant conduct of the suspect(s) and witnesses, and any other impact it may have, as well as the visual or audio quality of the material. It should be considered alongside the other relevant evidence to assess its overall effect on the conduct of the case and its likely impact on the prospect of conviction.
- Where audio-visual evidence is assessed as being “key evidence”, it should ordinarily be made available to the prosecutor for the purpose of charging or prosecution. The relevant section of any audio-visual evidence should be clearly identified and extracted from any longer recording.
- Before any redaction is considered it is the officer’s responsibility to clip BWV footage to the evidential selection or material that meets the disclosure test. Experience has shown that key evidence rarely exceeds 10mins in length, there are exceptions to this such as Video recorded interviews, but the expectation is that the evidential section to be disclosed will be under 10mins in length.
- When considering Body Worn Video redaction the key consideration is the context in which the footage was recorded and the expectation of an individual’s right to privacy. An individual would not generally have an expectation of privacy where captured in a public place, unless there is a risk of harm/data loss from disclosure. The Data Protection Act is a legal requirement - Police and CPS do not have any special relationship that negates the need to redact and protect personal information.
- All redactions must be undertaken in compliance with your force policy regarding the respective responsibilities of the individual officer and forensic imaging team.

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.

The Act provides exemptions to the requirements to disclose information. For further information about the application of the FOIA to the police service and for further detail about exemptions, see [Manual of Guidance: The Freedom of Information Act](#).

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In making an FOI disclosure, third-party redaction may be necessary to prevent collateral intrusion.

Environmental Information Regulations 2004

The Regulations cover any recorded information a public authority holds that falls within the definition of ‘environmental information’. Members of the public are entitled to request environmental information which is not limited to official documents or information created– this can cover CCTV/footage.

Regulation of Investigatory Powers Act 2000

Part 2 of the [Regulation of Investigatory Powers Act 2000 \(RIPA\)](#) covers acts of directed and intrusive surveillance. The Act identifies the procedures and authorities required in these circumstances.

In specific circumstances BWV may be used covertly. When deployed for covert use, forces must comply with the provisions of RIPA.

Protection of Freedoms Act 2012 and the Surveillance Camera Code of Practice

Part 2 of the [Protection of Freedoms Act 2012](#) deals with the regulation of CCTV and other surveillance camera technology and introduces the [Surveillance Camera Code of Practice](#).

Section 29(6)(b) of the Act states that this code covers any other systems for recording or viewing visual images for surveillance purposes. This includes BWV.

Section 33(5) specifies relevant authorities who are placed under definition a duty to have regard to the code. In general terms, these relevant authorities include police forces in England and Wales, the non-territorial police forces, police and crime commissioners and the National Crime Agency.

A force must consider the code and its 12 guiding principles. The content will be relevant when a court considers whether the force has shown regard to the guidance in the code when exercising any of its functions, including the decision to deploy BWV.

Forces must provide strong justification where they wish to divert from the code’s principles. However, this does not prevent them from issuing local policy where appropriate. The Surveillance Camera Commissioner’s primary focus is the integrity of the entire process, which must be safeguarded at every juncture to ensure its transparency. Forces need to be able to justify all operational and procedural decisions made, from visual/audio capture to ultimate disposal.

Police and Criminal Evidence Act 1984

The Police and Criminal Evidence Act (PACE) Code D relates to identifying persons and includes the use of video under the definition of photograph.

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Section 64A of PACE permits a person to be photographed in certain circumstances, with or without their consent, by a constable elsewhere than at a police station, although it does not specifically refer to BWV.

The power applies if the person has been:

- arrested by a constable for an offence
- taken into custody by a constable after having been arrested for an offence by a person other than a constable
- made subject to a requirement to wait by a police community support officer (PCSO)
- given a direction by a constable under the [Anti-social Behavior, Crime and Policing Act 2014 \(Dispersal Orders\)](#)
- issued with a fixed penalty notice by a constable, PCSO or accredited person.

This power also includes the use of reasonable force to take the photograph and to require the person to remove head or facial coverings, or if necessary to remove such coverings themselves, but only within the scope of section 64A.

Section 64A does not include any power to carry out a sound recording.

Other circumstances in which BWV might be used to record images, such as the general operational use of BWV, are not covered by PACE.

If any BWV material is to be used to assist with identifying suspects, users must follow PACE Code D.

PACE Code E is the “Code of Practice on Audio Recording Interviews with Suspects”. Providing that Para 1.6 of Code E ([See link HERE](#)) is complied with and on the condition that the ‘device’ (i.e. the BWV camera) has been approved by the forces’ Chief Officer then it is authorised to be used for PACE interviews of suspects away from a Police Station (voluntary interviews).

Mental Health Use of Force Act – Body-Worn Video

The following guidance relates to the use of BWV against the context of policing Mental Health (MH). The NPCC agreed definition of a Mental Health Incident is:

“Any police incident thought to relate to someone’s mental health where their vulnerability is at the center of the incident or where the police have had to do something additionally or differently because of it.”

This guidance on use of BWV at MH related incidents applies whether the police are acting in a criminal justice capacity or acting in support of health-care services where a person’s mental health is a factor in the police decision making required.

BWV should be used when attending a mental health related police incident. BWV

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increases the transparency of policing when dealing with mental health and any footage recorded can be subsequently reviewed and submitted as evidence in what can often be a complex scenario. People with mental ill health or learning disabilities outline very different experiences and perceptions when dealt with by the police so BWV footage allows the introduction of review of the police & other agencies responses.

Where police intervention is required the capturing of evidence can be helpful to understand the rationale for action taken based on the scenario as it presented to attending officers. It will allow a greater degree of scrutiny of the wider partnership response to an incident, and better inform risk management practices and safeguarding approaches.

Discussions around the risk of BWV exacerbating symptoms and compromising care in mental health settings have begun to emerge (Olive 2019; Royal College of Nursing 2018a), but the majority of this research has been conducted in therapeutic settings. Policing of mental health generally takes place in a community-based interaction and as such BWV remains a valid tool in decision making for officers when attending an incident.

This guidance acknowledges that where the use of BWV can be clearly identified as having a detrimental impact on the behavior of a person subject to police intervention, consideration should be made to deactivating it and informing the person/s involved. Where clinical advice is received that the use of BWV is escalating the behavior of a person then this should be a consideration in deactivating the recording.

Any decision to de-activate BWV must take into account guidance on the direction for use of BWV particularly in terms of a legislative requirement or transparency where use of force is anticipated. Any decision to re-activate BWV should be documented for audit purposes

Section 12 of The Mental Health Units (Use of Force) Act 2018 states that if a police officer is going to a mental health unit on duty that involves assisting staff who work in that unit, the officer must take a body camera if reasonably practicable. While in a mental health unit on duty that involves assisting staff who work in that unit, a police officer who has a body camera there must wear it and keep it operating at all times when reasonably practicable.

Recording of Juveniles and those with limited mental capacity – Body-Worn Video

At this time, the use of BWV for the recording of juveniles is under review and further guidance will follow in due course.

Pending that update, officers should consider recording their rationale using the NDM for why they have recorded and ensure that the use of BWV is proportionate, legitimate and necessary. If gathering evidence in relation to a criminal investigation, then standard evidence capture rules would apply.

RASSO (Rape and Serious Sexual Assault)

At this time, the use of BWV for the recording of RASSO (Rape and Serious Sexual Assault) Portfolio and further guidance will follow in due course.

Pending that update, officers should consider recording their rationale using the NDM for why they have recorded and ensure that the use of BWV is proportionate, legitimate and necessary. If gathering evidence in relation to a criminal investigation, then standard evidence capture rules would apply.

Section 3 – Principle 2

Footage will be processed and managed in line with data protection legislation and NPCC Digital and Physical Evidence Guidance.

Management of footage

The use of BWV devices generates a large amount of digital material that must be stored appropriately and retained, reviewed and deleted. Forces must implement and publish a robust and effective policy and process for managing this. All digital images obtained by the police should be treated in accordance with NPCC Digital and Physical Evidence Guidance and the Data Protection Act 2018.

Management of records

Similar to the management of footage, the records that demonstrate that BWV has been used must be stored appropriately and retained, reviewed and deleted. Forces must implement and publish a robust and effective policy and process for managing this in line with the [APP on Information Management](#).

Audit trail

To prove the authenticity of recordings required as evidence in a trial at court, evidential statements may be necessary. Such statements confirm that any securely stored master file is the original 'bit for bit' file direct from the recording device.

A BWV management platform must provide a full audit record for any BWV file, either (Master File or Evidential Clips) that can be produced for court as required to evidence any interaction with it.

Logging

A BWV management platform must be capable of meeting the logging obligations in accordance with Section 62 of DPA 18.

Producing exhibits

To allow the recorded evidence to be presented in court, forces must preserve the masterfile as an exhibit.

As a rule, users are not to store evidence on removable storage cards/media. The primary, and preferred method of storage should be digital where infrastructure allows. Although data controllers should favor digital storage, there may be times that other digital medium be used such as DVD's. This is to be by exception and the rationale is to be fully documented, and the physical media managed as a physical exhibit in-line with Standard exhibit working practices. .

Disclosure

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 forms in a prosecution file.

Multiple recordings

Where more than one BWV device is present at the scene of an incident the Officer in the Case (OIC) must ensure that all available material of the incident is reviewed, retained and disclosed in consideration of any defence arguments that may be presented.

Providing copies for the defence

BWV material is required to be disclosed to the defence. 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 or data. Forces should produce a redacted version of the BWV recording for service on the defence.

Storage

BWV Recordings should be stored so that they are retrievable and accessible for replay and viewing and kept in an environment that will not be detrimental to the

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quality or capacity for future viewing.

They should be appropriately identifiable and include information regarding review or disposal dates.

Post Incident Process (PIP and Post Incident Management (PIM))

A post incident procedure (PIP) may be implemented when a death or serious injury following police contact occurs (DSI). The procedures following a DSI are fully documented in the College of Policing Authorised Professional Practice (APP) and are available for armed policing related matters and all other matters (respectively) at;

- <https://www.college.police.uk/app/armed-policing/post-deployment>
- <https://www.college.police.uk/app/post-incident-procedures-following-death-or-serious-injury>

The BWV related guidance within this APP is entirely consistent and any slight differences in procedure relate specifically to the inclusion of police use of firearms.

BWV is likely to be relevant to any subsequent DSI investigation. It is therefore essential that the footage is handled appropriately to preserve its evidential integrity. The procedures outlined in the respective APP should therefore be followed.

In the event of a DSI officers and staff should not confer before making their accounts. It is important that key police witnesses individually record their honestly held belief of the circumstances at the time of the incident, and particularly where force has been used, and that their recollection is not affected by discussing the incident with others. BWV should only be viewed with the approval of the officer managing the PIP, after a written account has been made, and in accordance with APP.

BWV will also provide essential evidence relating to the period after the DSI (e.g., scene management or the provision of first aid). BWV devices should therefore continue to record until the wearer arrives at the post incident suite and is instructed to turn it off. The audio recording functionality of the device will provide reassurance that inappropriate conferring has not occurred.

Sharing BWV material with other agencies

Schedule 2 Part 1 Paragraph 2 of the DPA 2018 allows forces to share material with a statutory partner agency where it is necessary on a case-by-case basis to prevent or detect crime or apprehend or prosecute offenders.

Where Forces receive requests or wish to proactively share footage with partner organisations this may be shared if:

- a) on case-by-case basis is lawful, proportionate and necessary; and/or
- b) the Force has entered into an information sharing agreement (ISA)/protocol with the partner organisation which includes the sharing of footage.

All requests for BWV material must be risk assessed in line with the force's policies and relevant legislation. Once the decision has been made to release

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material, the partner agency should be made aware that they are responsible for its appropriate use and storage. This may be done in writing outlining the partner's responsibilities, including the extent of permitted use.

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

The College of Policing has issued Authorised Professional Practice (APP) relating to Information Management which includes data sharing. Link - [Sharing police information \(college.police.uk\)](https://college.police.uk/sharing-police-information)

Sharing BWV material with the media

Footage/images of individuals may be released to the media for a number of reasons, including tracing wanted suspects, locating people who have escaped or absconded from custody and post-conviction demands for information.

The decision to release BWV footage must always be proportionate, necessary and for a legitimate purpose. Any release must include consideration of the subject's human rights, taking into account the offence committed and the subject's right to privacy under Article 8 of the Human Rights Act.

If the subject is charged with a criminal offence, then, contempt of court issues must be considered.

Where the subject of the release is a child, additional consideration must be given to their age and the long term implications of the release, as recognised in the [United Nations Convention on the Rights of the Child](#) (UNCRC)

Releasing footage/images to the media outside the judicial process is an operational decision for the senior investigating officer who should record his/her decision in their decision log.

If the release is required to identify suspects in an investigation, then PACE code D identification processes apply.

Where footage/images are released in order to identify suspects, they must be edited to remove personal data relating to any persons shown in the recording whose identity is not sought.

BWV may be released for journalistic purposes, for example a heroic act, to serve an educational purpose or to raise awareness of a particular issue. The release must be proportionate, necessary and for a legitimate purpose, and any decision to release made on a case by cases basis.

BWV images must be shared in accordance with data protection legislation and any local force policy/guidance. All decisions to release images and the reasons for doing so should be recorded, along with any risk assessment. Records relating to the release of images as part of an investigation may be subject to disclosure under the CPIA.

Sharing information with Governance and External Scrutiny Groups

Community Scrutiny Panels are facilitated by police forces in order to increase the transparency of the use of police powers within their force areas. This serves as a voice for the community and allows community representatives to provide feedback to the police on how their powers are used. The provision of Police Body-Worn Video footage by the force to Panels can enhance the ability of Community Scrutiny Panels to scrutinise a range of police powers and interactions.

The method through which footage is selected for this purpose should maximise the likelihood of selecting footage that is representative of policing in the force area. It is for forces, in collaboration with PCCs, and with input from Panels, to determine whether randomly selected footage should also include thematic footage according to local force area issues or priorities which the Panel may wish to focus their scrutiny on.

In order to eliminate overrepresentation of certain pieces of footage over others, the age of the piece of footage being selected should not exceed the minimum retention period for standard pieces of footage. This should mean that footage subject to higher retention periods, for example footage connected to an investigation, is not over-represented as this could give a distorted perception of policing to community groups.

The release of the Government response to the ['Inclusive Britain Action Plan Response to the Commission on Race and Ethnic Disparities Report 2022 \(CRED\) Action 12](#) states:

“Body worn video (BWV) is a vital tool for policing. BWV protects the public by allowing interactions to be recorded and reviewed, ensuring powers are used correctly and protecting officers from spurious claims of mistreating the public. The Commission determined that BWV is used inconsistently across police forces and not enough in routine police scrutiny.

We accept that BWV should be used much more widely in scrutiny groups so communities can see how officers within their forces behave and hold them to account for any misdemeanors.”

As such forces are encouraged to share BWV recordings with external scrutiny groups, subject to a Data Processing agreement, the purpose of which being for reflective practice and learning.

Section 4 – Principle 3

Stop and search

Any stop and search process must comply with the relevant legislation and codes of practice.

When using BWV to record such encounters, users should remember:

1. a Body-Worn Video recording does not replace the need for a written or electronic record of the search, to be completed by the user and given to the person stopped or searched at the time or within the specified time period
2. persons searched are not obliged to give their name, address or date of birth to the officer conducting the search
3. officers may not use BWV during a stop and search encounter for the express purpose of identifying the subject.

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 2. above). If requested to stop recording, officers should, therefore, consider whether it is proportionate and necessary in the circumstances to continue to record the encounter using BWV.

If a stop and search does not result in any evidence of criminal conduct, users must adhere to a process for ensuring that non-evidential material is destroyed promptly, in line with data protection requirements.

Scene review and searching premises

BWV can be very effective for recording the location of objects and evidence at the scene of a crime or during the search of premises. Investigating officers are then able to review, for example, scenes of serious crime, or record the positions of vehicles and debris at the scene of a serious road traffic collision.

In addition, BWV can be used to provide evidence of the conduct of the search, to confirm where items were found and to record significant statements made by persons present at the scene.

When used in this way the BWV recording should be treated as an evidential recording and, where possible, the user should provide a running commentary of factual information to accompany the recording to provide context during the review.

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

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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.

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.

Police Search Advisor (PoLSA) Led Searches

Police National Search Centre guidance (2022) is that BWV is NOT used during Police Search Advisor (PoLSA) lead searches utilising Licenses Search Officers (LSO's).

The reason for this is as follows;

1. It may lead to the disclosure of confidential search tactics which are sensitive. (Even if it's not a CT search – the same tactics are used during any search carried out by LSOs so should not be divulged)
2. Some BWV cameras have live streaming capability which would pose a risk as the RF from any transmission and could initiate any devices (IED etc).

The caveat to the above is that BWV should be used both pre and post search to negate complaints about damage etc, and to record the location of persons and property as entry is gained. Once the scene is secure and under police control BWV should be switched off.

Furthermore, if counting money BWV should be used for the purpose of transparency (depending on the particular force's policy in relation to cash seizures etc.)

Use of BWV close to potentially explosive environments or suspect packages

BWV cameras contain wireless transmission technology that transfers radio frequencies over the air as a form of energy transfer.

Wireless transmission has been deemed a risk factor in igniting an explosive environment. If you need to enter a potentially explosive environment or approach a suspect device the BWV camera should be switched OFF.

BWV cameras should not be powered on within **15m** of a Suspect Package and **MUST NOT** be used to record any suspect device in situ.

BWV and Illicit Labs

Illicit labs carry with them an inherent risk of the atmosphere not being intrinsically

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safe, so as per suspect packages (and confined spaces) BWV should NOT be used unless the safety of the atmosphere has been confirmed and recorded.

Sensitive Operations

Each force will establish its expectations as to when users should and must use BWV. However, there may be specific operational situations where there is a justifiable need to balance these expectations against the requirement to provide for officer safety and/or operational security.

In such instances prior to any deployment an assessment should be carried out as to when or whether BWV is deployed.

Factors to be considered are:

- presence of covert assets
- sensitive methodology or intelligence
- possible identification of officers/individuals/equipment
- safety issues in respect of explosive environments
- location

If the wearing of BWV is not deemed operationally suitable then the decision and appropriate rationale must be authorised and recorded.

General plain clothed patrolling is not regarded as an exemption to the use of BWV.

Where BWV has been deployed during a spontaneous incident, and the nature/content of the footage means that anonymity for an individual/s will be sought, then audio and/or visual redaction can be carried out with the authority of an Inspector or above due to officer safety and/or operational security.

Use in private dwellings

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.

Under Article 8 of the ECHR, individuals have a right to respect for private and family life. Using BWV in a dwelling is always likely to be particularly intrusive. Users should exercise discretion and record only when it is relevant to the incident and necessary for gathering evidence. 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 taking place or allegations of a criminal nature are being made, users should continue recording but explain their reasons for doing so.

Witness first accounts

Police and CPS envisage benefits to victims and evidential benefits through

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using BWV to record the first accounts of Rape and Serious Sexual Assault (RASSO) victims. Further legal consideration is ongoing in terms of the necessity to seek informed consent to record and if so, how that assessment, information and explanation should be provided to potentially vulnerable victims who may be entitled to special measures.

The impacts of trauma and re-traumatisation are also being considered. Guidance will be updated once this work is finalised.

NPCC Body-Worn Video Guidance 2022 – Incidents of domestic abuse

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.

Where an offender is present, a BWV recording captures evidence of their demeanor and language, any continuing offending behavior such as further abuse directed towards the victim, and evidence of any difficulty in restraining the offender if they are particularly hostile.

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 supporting 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, they should use BWV on a case-by-case basis. Injuries may take time to show (such as bruising), and so BWV may not record the whole picture. BWV images should be considered in the context of the alleged incident as they may be neutral in conveying what happened during the incident or may even be used to undermine a prosecution case and assist the defence.

To help build the strongest case against an offender, 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 in the circumstances. Evidence captured by BWV can support other sources of evidence in the case, in addition to the victim's account. Users should not disregard the significance of this, particularly if there is an escalated risk to the victim's safety.

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 consider any risk factors that they subsequently record in the DASH (Domestic Abuse, Stalking and Honor-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

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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. The material can also be used to support preventive measures such as domestic violence protection orders, where appropriate.

Use of BWV in training

The operational use of BWV cameras at an early point of an officer joining the police helps to develop muscle memory and can greatly enhance the quality of recordings captured when operational. Early introduction to BWV cameras can also help officers in their professional development as it allows for reflective learning of scenario-based training. The retention of footage captured in training scenarios will need to be justifiable, and for a policing purpose, and the decision to retain should be made on a case-by-case basis.

Using Operational recordings can help officers and forces develop.

The following are some examples of how it can be used:

- Training aid to professional development
- Videos used in training (taser)
- Student officers, professional development
- Debriefs in general or Occupational Health (PTSD), PIM/PIP
- Organisational Learning
- Operational debriefs

BWV can assist in improving the professionalism of policing and provide a powerful tool for behavioral change and continuous improvement.

Prior to using any footage in training a risk assessment should be carried out to ensure the use of the material used does not have an adverse impact on any persons captured in the footage, and that its use would not encourage unconscious bias in the viewer

Forces can use BWV material to review and enhance how incidents are dealt with, improving the professionalism of policing and providing a powerful tool for behavioral change and continuous improvement.

Forces should ensure that footage used for training does not contain, or is edited to remove, any personal data (for example, an individual being identifiable either directly through the footage or in conjunction with other data that the force may hold) unless essential to achieve the training purpose. For example it may be necessary to retain the face of individual(s) in order to illustrate their demeanor immediately before the use of force against them.

The footage should be regularly reviewed to ensure it remains relevant to the current training requirements and/or standards.

Use by professional standards departments

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Complaints against the Organisation, individual officers or staff are investigated by the Professional Standards Department (PSD) in accordance with current policies. BWV material is usually obtained and retained for criminal proceedings, but BWV users should be aware that it may also be used as evidence in relation to any such complaints.

BWV may help in the investigation of complaints and subsequent disciplinary action, by providing a clear and impartial record of any interaction. This means that when a complaint arises the video record can be used to quickly establish exactly what happened and provide a speedy resolution as part of the complaints process. This provides greater transparency and allows officers to show that they followed the correct procedure if their actions are challenged.

Section 5 – Principle 4

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

General Use of Body Worn Video

BWV is primarily an overt recording medium that can be used across a wide range of policing operations. Its use should always be in line with local and national policy and should unless directed otherwise be incident specific and justifiable by the user.

The use of BWV is not appropriate in some situations. The following list is for guidance only and is not exhaustive:

- BWV users must be aware of the sensitivities when, being used for recording strip searches or in any other circumstances where persons are in a state of undress and must be able to justify its use if challenged. It should only take place in exceptional circumstances and when absolutely necessary.
- In relation to the use of BWV for The College of Policing publication ([Stop and Search, Legal Application](#)) states that *“Searches exposing intimate parts of the body must be conducted at a nearby police station or other location out of public view, not in a police vehicle. If a body-worn video camera is available, officers should record the encounter in accordance with force policy but should cover the camera (or direct it away from the person) whenever intimate body parts are exposed. Audio recording should remain activated.”*
- Users must respect legal privilege and must not record material that is, or is likely to be, subject to such protections.

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- BWV should not be used for formal investigative interviews (e.g., the ABE interview for evidence-in-chief purposes, or a significant witness interview for the purpose of preparing a statement).
- Users should exercise care in using BWV where it may cause serious offence, for example, during religious worship.
- BWV is not to be used for the recording of other types of videos being displayed on a screen such as a shop CCTV system, or the recording of the screen of a mobile phone. To do so generates a copy of poor quality and one that can be easily challenged at court. This practice must only occur in circumstances for immediate intelligence purposes (for example, where there is an immediate threat to life or to facilitate recognition of an offender at large). It must always be followed up with a valid download of the original image data.
- Unless there is an operational benefit which can be justified by the user, BWV recordings should not be taken whilst obtaining a written statement under S9 of the Criminal Justice Act 1967 (MG11)

Starting a recording

At the start of any recording or as soon as practicable, the user is to make a verbal announcement to indicate that the BWV equipment has been activated. This announcement should be captured on the recording. ([See AB-v-Hampshire 2018](#))

Making a commentary while filming

Some evidential information may take place out of view or hearing of the camera or microphone. It may prove helpful for the user to provide a verbal description detailing evidence not present in the video (e.g., distinctive smells such as cannabis) to assist the viewer.

Concluding or suspending a recording

Where practicable, users should make an announcement that the recording is about to finish and provide a rationale why. Once a recording has been completed, the recorded footage becomes police information and is subject to the Data Protection Act.

Evidential statements

The National File Standard specifies the material required for the first hearing. Documentary evidence and the MG11 are required, and BWV material should, therefore, be used to support these forms of evidence.

Producing a statement after reviewing first account evidence

BWV may be used to capture a first account (see **Witness first accounts**), and witnesses may be permitted to review their account prior to making and signing any written statement.

Care must be taken to ensure that witnesses are not permitted access, in any way, to any aspect of the recording other than their own first account. Their statement should also refer to the fact that they have viewed the recording of their first account. This applies equally to police officers and staff, who may refer to BWV material prior to making any statement.

Officers should:

- adhere to the golden hour principles
- not ask leading questions
- consider the appropriateness of using BWV in the circumstances presented
- follow usual operating procedures.

Section 6 – Principle 5

Forces will consult locally with their communities on the use of body-worn video.

Impact assessment

Forces should have current and revisit regularly Equality Impact Assessments and Data Protection Impact Assessment (DPIA)

Public sector equality duty

The decision by a force to use BWV is considered as a function for the purposes of the Equality Act 2010. Forces must, therefore, be able to demonstrate due regard to the public sector equality duty. In order to do this, forces are expected to work with members of the public who reflect local diversity to ascertain any impact (positive or negative) that the use of BWV will have. Forces should undertake equality analysis locally to assist decision making at a strategic level. For advice on the public sector equality duty, refer to guidance from the [Government Equalities Office](#).

Forces may wish to focus on the impact that the use of BWV has on:

- satisfaction and confidence levels between different communities
- volume of hate crimes or incidents
- volume of domestic abuse crimes or incidents
- number of complaints in relation to the use of stop and search.

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(This list is not exhaustive)

Annex A – Asset Management

Asset Management

The issue of BWV equipment represents a significant investment for a force, both in terms of the equipment itself and the introduction of new processes to gather and present evidence.

The equipment has the potential to gather and store personal information and evidence of offences. Forces should, therefore, ensure that the equipment and the data gathered have appropriate security processes.

In common with other similar equipment such as personal radios and mobile data terminals, forces should adopt processes to cater for secure storage, booking cameras in and out, downloading footage and removing footage from devices.

Forces must maintain the integrity of the end-to-end process to comply with the relevant regulatory framework.

Care and maintenance

In many cases BWV equipment is provided with an integrated system for automatically downloading and deleting video files, management of removable media and battery charging. Where such integrated solutions are not provided, forces should ensure that suitable and robust manual processes are in place to ensure the integrity of data and that the equipment is available for use by officers, with the battery fully charged to prevent equipment failure.

In addition, forces should provide advice and equipment to help ensure that the equipment is kept clean and serviceable and, in particular, that the camera lens is cleaned regularly.

BWV recordings include information on the time and date the video was taken. This is an important element in maintaining the integrity of evidence, and users should consider how best to ensure that the device's date and time reference is always synchronised.

Forces must consider the physical security of devices, both in and away from their own premises, to ensure the integrity of data captured.

References

Practice Advice on Police Use of Digital Images 2007

[Digital Images \(college.police.uk\)](https://college.police.uk/digital-images)

Code of Practice on the Management of Police Information

[Code of Practice on the Management of Police Information](https://college.police.uk/code-of-practice-on-the-management-of-police-information)

Surveillance Camera Code of Practice

[Surveillance Camera Code of Practice](https://college.police.uk/surveillance-camera-code-of-practice)

Technical Guidance for Body Worn Video (BWV) devices: CAST, 2018

[Technical Guidance for Body Worn Video \(BWV\) devices: CAST, 2018](https://college.police.uk/technical-guidance-for-body-worn-video-bwv-devices-cast-2018)

National Digital and Physical Evidence Retention Guidance

[Physical and Digital Evidence Retention Model and Review](https://knowledgehub.group/physical-and-digital-evidence-retention-model-and-review)

[\(knowledgehub.group\)](https://knowledgehub.group)

The Data Protection Act 2018

[The Data Protection Act 2018](https://legislation.gov.uk/ukpga/2018/12)

General Data Protection Regulation (UK GDPR)

[General Data Protection Regulation \(UK GDPR\)](https://legislation.gov.uk/ukrgi/2018/11)

The Human Right Act 1998

[Human Rights Act 1998 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/1998/42)

College of Policing National Decision-making Model

[National Decision Model \(college.police.uk\)](https://college.police.uk/national-decision-model)

CPS Definition of an 'Exhibit'

[Exhibits | The Crown Prosecution Service \(cps.gov.uk\)](https://cps.gov.uk/exhibits)

R v Lushington ex p Otto [1894] 1 QB 420).

<https://swarb.co.uk/regina-v-lushington-ex-parte-otto-qbd-1894/>

Criminal Procedures and Investigations Act 1996

[Criminal Procedure and Investigations Act 1996 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/1996/54)

Attorney general's Guidelines on Disclosure (DG6)

[Attorney General s Guidelines 2020 FINAL Effective 31Dec2020.pdf](https://publishing.service.gov.uk/guidance/disclosure-guidelines-2020)

[\(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Government Security Classification (May 2018) (GSC2018)

[May-2018 Government-Security-Classifications-2.pdf](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/684442)

[\(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Inclusive Britain Action Plan Response to the Commission on Race and Ethnic Disparities Report (CRED)

NPCC Body-Worn Video Guidance 2022 –

['Inclusive Britain Action Plan Response to the Commission on Race and Ethnic Disparities Report \(CRED\)](#)

Evidence in criminal investigations

[Evidence in criminal investigations \(publishing.service.gov.uk\)](#)