

Suitable for Publication?	No
Title	<b>MPS Body Worn Video Manual of Guidance - Operational Considerations</b>
Purpose	Operating guidance for users of Body Worn Video Systems within the MPS
Relevant to	Body Worn Video users, secondary investigators, line managers and BCU Commanders
Summary	<b>Guidance for the use of Body Worn Video Devices in the MPS</b>
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### **Summary**

This document is intended to form the operational guidance for the use of Body Worn Video devices (BWV) within the MPS

### **A Recommendations**

**That interested parties:**

- 1. Note the contents of this document in respect of operational usage of BWV systems in the MPS**
- 2. Adopt the recommendations for operational usage with immediate effect**

## **B Background**

1. This guidance has been drawn up following discussion with the MPS BWV working group and other interested parties, including but not limited to - specialist directorates (DOI, DPS, DLS), staff associations and BCUs where BWV has been used on previous occasions.

2. Additionally, the following documents have been consulted in respect of this guidance:

- Home Office guidance for the police use of Body-Worn video devices (Final Version dated July 2007)
- Information Commissioner's code of practice for the use of CCTV systems in public places 2013 ([http://www.ico.org.uk/upload/documents/cctv\\_code\\_of\\_practice\\_html/1\\_foreword.html](http://www.ico.org.uk/upload/documents/cctv_code_of_practice_html/1_foreword.html) )
- Information Commissioner's guidance for the police, criminal justice and border sector. ([http://www.ico.org.uk/for\\_organisations/sector\\_guides/police\\_justice](http://www.ico.org.uk/for_organisations/sector_guides/police_justice))

3. Relevant legislation covering the police use of BWV can be found in the following Acts of Parliament:

- Data Protection Act 1998 - covering the processing, retention and management of personal data.
- Criminal Procedures and Investigations Act 1996 - covering the disclosure of material in criminal cases.
- Freedom of Information Act 2000 - covering the right of individuals to access recorded information held by public authorities.
- Human Rights Act 1998 - Specifically Art 6 ECHR (Right to a fair trial) and Art 8 ECHR (Right to respect for family and private life)
- Regulation of Investigatory Powers Act 2000 - covering covert directed or intrusive surveillance.
- Police And Criminal Evidence Act 1984 - specifically in respect of identification (Code D) and S64 (Power to photograph without consent)

## **C Definitions**

For the purpose of this document, the following definitions apply:

**BWV** - Any body-worn device worn in an overt capacity by MPS staff for the primary purpose of recording video and audio evidence. (Therefore equipment such as smartphones, ICEFLO cameras or hand held video cameras would not fall into this definition.)

**User** - A member of MPS staff trained and authorised to use BWV equipment in an operational capacity.

**Photograph** - S64A PACE allows for the photograph of certain persons without their consent. This photograph has been held to include video footage.

**D Overarching Principles for the operational use of BWV**

- BWV is a useful means for recording evidence and for demonstrating transparency in respect of police actions at incidents, however, **BWV should only be used to corroborate and not replace evidence from other sources such as police officers or eye witnesses.**
- BWV is an overt system and should not be used for covert recording except in exceptional circumstances and where the necessary authorities have been granted.
- The use of BWV must be proportionate and necessary to the situation. BWV use should be 'incident specific.'

## **E Operational use of BWV in the MPS**

### *1. When to start recording*

The decision to start and stop recording an incident will rest with the user and should be specific to the circumstances. However, the MPS expectation is that Body Worn Video should be used in any circumstance where:

1. It may assist in providing a record of evidence in respect of the investigation of any offence or suspected offence.
  2. When the use of BWV would provide transparency of an encounter (for example Stop & Search, Use of force)
  3. When users would have been expected or required to have completed a written record or report of an encounter or incident.
  4. Any other occasion when the user thinks a recording may be of evidential value in the future and to make a recording is proportionate and lawful in the circumstances.
- When making a decision whether to record an incident or part of an incident, users must consider whether using BWV is proportionate and necessary in the circumstances.
  - When attending or dealing with incidents, users should commence recording at the earliest possible opportunity in order to maximise the opportunities to capture evidence eg - best practice would be to activate recording when accepting a call, thus allowing recording of any information or intelligence updates received whilst 'en route.'
  - Where the user decides that a recording is not appropriate, or where recording does not take place in the circumstances outlined above, users should be able to justify why in their statement/ EAB/ pocket book or other record of the incident as appropriate.
  - Users should consider Art 6 ECHR (right to a fair trial), Art 8 ECHR (right to private/family life), Article 10 ECHR (right to freedom of expression) and any vulnerability factors in relation to persons present when assessing whether the use of BWV is a proportionate tactical option for evidence gathering.
  - Users must be mindful that the use of BWV does not replace existing requirements, procedures or policies obligations in respect of recording admissions, statements or declarations.

- The threshold for deciding whether an incident will be of evidential value is a low threshold. The incident may be required as evidence in other proceedings such as civil actions, ASB proceedings or in relation to ongoing investigations that may not be immediately apparent to the user. It is better to have recorded the footage and not need it than not to have recorded anything and subsequently finding that evidence was missed.

## 2. *During recording*

- Users must be mindful that BWV is an overt recording mechanism. If used in a covert manner without necessary authorities, then there is a risk of evidence being ruled inadmissible and being excluded at court.
- Therefore, when users activate their BWV equipment they should, unless it is impracticable to do so by reason of the situation, behaviour or condition of those present -, unless it is impracticable to do so by reason of the situation, behaviour or condition of those present make a verbal announcement, in plain language, to the following effect:
  1. That video and audio recording is taking place
- It is also good practice to explain the nature of the incident or the reason why the recording has been activated.
- If recording began prior to arrival at the scene of an incident (for example whilst en route) then the user should inform those present, unless it is impracticable to do so by reason of the situation, behaviour or condition of those present, as to the fact that they are equipped with BWV and that audio and video recording is taking place, unless it is impracticable to do so by reason of the situation, behaviour or condition of those present. This should be in straightforward language.
- Recording should, where practicable, be restricted to those individuals and areas where it is necessary in order to provide evidence or intelligence relevant to the incident. It is important that, where practicable, users minimise collateral intrusion on those not involved in the incident.
- There are certain areas where there is a higher than usual expectation of privacy - for examples; toilets, changing rooms or treatment areas in hospitals. When considering the use of BWV in these areas, users must be mindful of the increased justification that will be required in respect of intrusion into the privacy of those being recorded.
- Recording should be uninterrupted from the beginning of the incident until the time the user decides it is no longer proportionate or necessary to continue recording.
- In cases where formal Post Incident Procedures (PIP) are taking place or are likely to take place, users should continue to record until instructed otherwise by the post incident manager.
- There may be circumstances however, where selective capture of parts of the incident may be necessary. This may be at lengthy incidents where nothing of evidential value is likely to occur or because of the need to isolate confidential details (such as victim or witness details)

from other footage. Users should be mindful that such selective capture could lead to potential challenges at court if care is not exercised.

- The user must therefore justify any such selective capture in their notebook, statement or EAB. Prior to any temporary suspension the user should make a verbal announcement explaining the reason for the suspension.
- On recommencing recording, the user should again announce to those present that video and audio recording has restarted.
- There may be occasions where the recording is inadvertently stopped during an incident - examples include the BWV being knocked off in a struggle, technical failure or the view of the camera and/or microphone becoming obscured. In these circumstances users should be prepared to explain why in their pocket books or EAB record of the incident.

## 2A *Objections and requests for/against recording*

- There may be occasions where a person objects to being recorded. Users may record overt video and audio without consent if this recording is for 'a policing purpose'. Authority to do this should not be confused with a power to take photographs without consent. The decision to continue recording should remain with the user, who should consider the objections made by the person in respect of the recording. The presumption should be, however, that recording should continue unless the objections made override the need to record an evidential encounter
- If the user decides to continue recording despite the objections of an individual, they should make a note as to why they have decided to do so. They should also take steps to advise the individual as to the following:
  1. The reason for the recording taking place - usually this will be for the prevention and detection of crime
  2. Non evidential material will only be retained for a maximum of 31 days as prescribed by the DPA
  3. Footage is subject to the FOIA and can be applied for on request in writing.
  4. Any material is restricted and will only be disclosed to 3rd parties in accordance with the law.
  5. The recording is being made in order to act as a corroboration of the encounter and thus can be used to back up the accounts of each party at an incident.
- Equally, 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 weeded in line with existing guidelines (currently 31 days.)

### 3. *Specific operational scenarios*

- Notwithstanding the general situations where recording should take place as detailed above, the MPS expectation is that users must activate Body worn Video to record events in the following specific circumstances unless there are legal or operational reasons not to do so or it is clear that to do so would significantly hinder communication. Any such reasons must be recorded.
  1. When a user decides to use statutory powers to stop a motor vehicle in order to engage with one or more of the occupants
  2. When users attend premises in order to effect an arrest.
  3. Prior to entering any land, premises, vehicle, vessel or aircraft in pursuance of any legal power in order to search those premises and for the duration of the search.
  4. When a user stops a person in a public place in order to ask them to account for their actions in order to establish their possible involvement or otherwise in an offence.
  5. When a user decides to conduct the search of a person, premises, land, vehicle, vessel or aircraft in accordance with code A Codes of Practice for PACE or any other statutory power.
  6. When a user believes an interaction presents or is likely to present a risk to the safety of the user or other persons present.
  7. Where a user is or may be required to exercise the use of force against persons or property.
  8. Where a user gives a direction to an individual or group under any statutory power.
- In circumstances where a user would have been expected to have recorded the incident as per the circumstances above and BWV is not used, the user must record why this did not happen in their statement/ EAB/ pocket book or other record of the incident as appropriate.

#### *3a - Stop and Search*

- Users should be aware that stop and search encounters can attract complaints and have a significant impact on community confidence.

- Users must be aware that the conduct of any stop and search process must always comply with relevant legislation and codes of practice. A BWV recording does not replace the need for a written record of the search/encounter to be completed by the searching officer and given to the subject either at the time or within any specified period.
- Users must conduct stop and search encounters with due regard to the sensitivities of the person being stopped and with regard to any local community issues regarding the use of such powers by police.
- BWV should not be used where officers conduct a search of subjects where intimate parts of the body are exposed except in the most exceptional of circumstances.
- Whilst there is no specific power within PACE to take a photographic or video image of a person during a stop and search, such action is not explicitly prohibited. However, users must consider Art 8 HRA (right to private life) and consider, if requested to stop recording by the subject, whether it is necessary to continue to do so. The presumption would be that recording a stop and search encounter is likely to be proportionate unless overriding circumstances to the contrary exist.

### *3b - Domestic Violence*

- The use of BWV can be very beneficial at domestic incidents. The benefits of capturing evidence of demeanour, language, the scene and the behaviour of those present can be used to support domestic violence investigations.
- This recording can provide evidence to support grounds for a prosecution where a victim or witness is reluctant to provide a written statement.
- Users must be mindful that, even in non-crime domestic incidents, BWV footage may be required as evidence in future or civil proceedings to prevent further incidents. The advice of the relevant Community Safety Unit (or officers with equivalent expertise) should be sought when determining whether such footage is needed to be retained on police servers in these cases.
- When recording at domestic incidents, users should consider whether victims or witnesses are 'vulnerable.' If the user feels that they are, the user should only record the initial account and their actions at the incident. In depth questioning of vulnerable victims or witnesses on camera may amount to a 'witness interview' and should be conducted using ABE principles.

### *3c - Use of force by police*

- At incidents where users use force or where there is a likelihood that the use of force may be necessary, the use of BWV is a proportionate means of corroborating the facts of the incident for later presentation as evidence and can also demonstrate transparency in respect of police actions.
- Where it is impossible to commence recording prior to force being used - for example, when users face spontaneous and/or unexpected violence, the user should activate recording as soon as it is reasonably practicable to do so.
- In such circumstances, users must explain why recording was impracticable in their statements, notebooks and/or EABs.
- Users must be mindful that the BWV is unlikely to capture the whole circumstances of any incident.
- BWV recordings cannot justify, in isolation, any use of force. Users must still justify their actions, perceptions and decisions based on their honestly held beliefs at the time of the incident.

### *3d - Victim statements*

- BWV should be used to capture the first accounts of victims and/or witnesses at incidents.
- The first account is principally about determining any action that is immediately necessary. Only such questions should be asked as are necessary to:
  1. Establish whether an offence has been committed
  2. Assess current risk(s) to victims and/or witnesses and
  3. Identify and prioritise areas of the investigation
- In the case of serious sexual offences, the user must seek the victim's explicit permission for the BWV recording of such an account. This should, ideally, be 'on camera.'
- BWV recordings do not replace the need for formal written statements from victims and witnesses, but they can be used as supporting evidence for the statements and, where appropriate, may also be considered as hearsay evidence and used in accordance with the provisions of the Criminal Justice Act 2003.
- In situations with multiple victims and/or witnesses, users should, where possible, separate the individual accounts by 'bookmarking' footage.

- Subsequent to an incident, witnesses may be shown footage directly relevant to them in order to refresh their memory of the encounter. They should only be shown footage where they are directly concerned and no other footage should be shown.
- A record of any such showing, including the time frames of any video should be made. It is strongly recommended that, wherever practicable, such showings take place under controlled conditions. This will minimise any allegations that witnesses were coached or shown other footage.
- Users should bear in mind that any questioning of witnesses beyond the parameters laid out above may lead to them inadvertently conducting an 'ABE' interview. This is especially important when speaking to witnesses who are juvenile, vulnerable or otherwise in need of extra support (e.g. an appropriate adult).

### 3e - Pre planned operations

- When planning policing operations, the officer in charge of planning the operation should consider the circumstances in which BWV will be used on the operation and their decision should be recorded in the planning log or other record of the operation.
- Officers in charge of planning police operations should also ensure that their decisions around the deployment of BWV on the operation are communicated to users prior to the start of the operation in question.

### 3f - Other scenarios

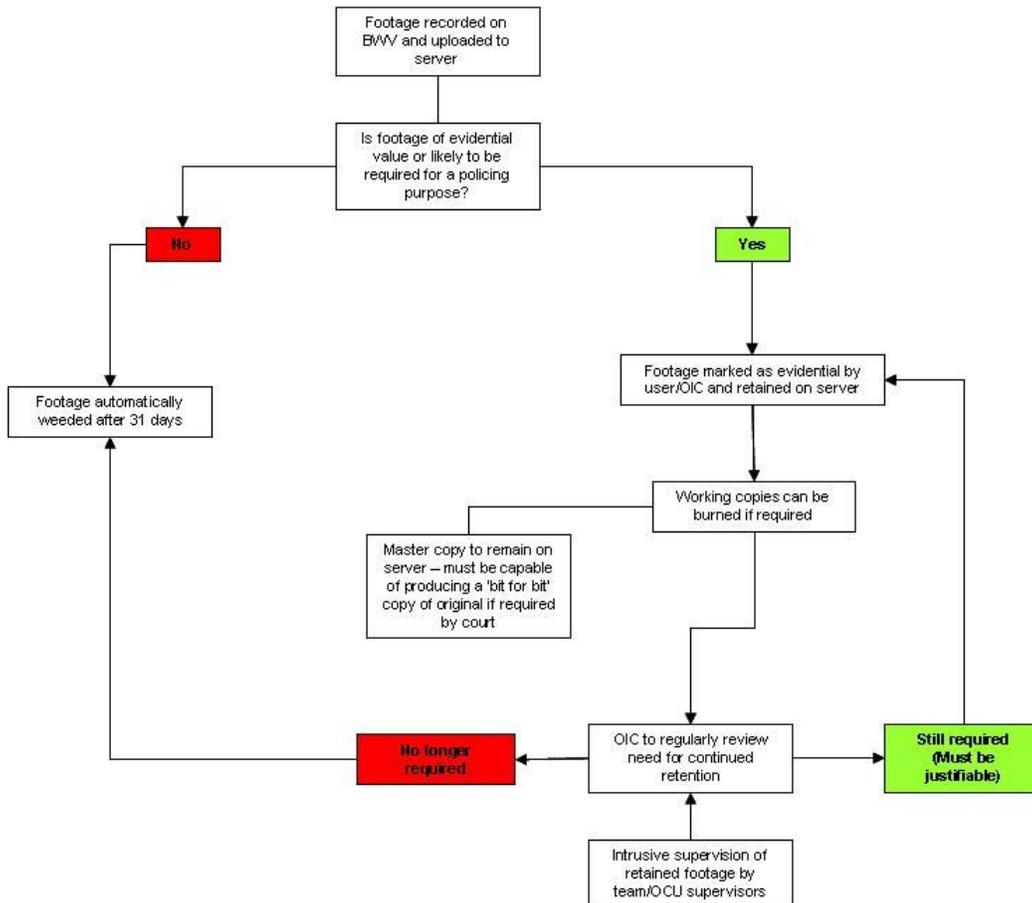
- BWV users must be careful to respect legal and/or journalistic privilege and must not record material that is, or is likely to be, subject to such protections unless exceptional circumstances apply.
- The use of BWV in establishments such as prisons, military establishments or other areas where the BWV may capture sensitive or restricted data subject to the provisions of the Official Secrets Act or other similar legislation must be approved by the Governor, Officer in charge or individual with similar responsibility or their representative.

#### 4. *Stopping Recording*

- As the decision to record rests with the user, so too does the decision to stop recording. However, users should be satisfied that, in making the decision to stop recording, the risk of not capturing evidential material is minimised.
  
- Users should, under normal circumstances, cease recording in the following instances:
  1. It is no longer justifiable or proportionate to record - eg: if, after investigation, there is no likelihood of evidential material being recovered or used.
  
  2. The incident has concluded
  
  3. A different recording system takes primacy - eg: when an arrested person arrives in custody, the BWV user should cease recording as the MPS custody cameras will take primacy for recording the encounter with the subject.
  
- Users may render themselves open to criticism or challenge if they cease recording too early or whilst an incident is ongoing. Therefore, recording should continue until it is clear from the footage that the points above are satisfied - for example by users recording themselves clearly leaving the scene or by making an announcement that a different recording system has taken over.
  
- In cases where formal Post Incident Procedures are taking place or are likely to take place, users should continue to record until instructed otherwise by the Post Incident Manager.
  
- If on private premises, users should only record if they are lawfully allowed to be present eg: if officers enter a premises at the invitation of the owner and subsequently that invitation is withdrawn, officers should cease the use of BWV until they return to a public place unless a statutory power allows them to remain on that premises without the consent of the occupier.

## 5. Post recording

- All BWV footage should be uploaded onto a secure server as soon as practicably possible. This will ensure that the footage and evidential continuity is secure.
- Once a recording has been completed, the recorded data becomes police information and is subject to the ACPO (2005) Code of Practice on the Management of Police Information (MoPI).
- Once the footage is uploaded, the user must decide as to whether the footage is likely to be required at a future point, either as evidence or for some other policing purpose.
- The following process map should be consulted when considering post recording and retention decisions within the MPS



- The retention of footage should be in line with that for other criminal exhibits. Once a case has concluded then consideration should be given as to the need for continued retention.

- Where an investigation is taken over by a “secondary investigator” the responsibility as to whether the continued retention of footage is required will pass to that investigator or officer in the case (OIC).
- Details of the secondary investigator or OIC should be clearly documented on the Back Office record by the secondary investigator or OIC.
- The need for retention must be justifiable and tangible. Simply retaining footage in case it may be required is not a strong enough test and the investigator or OIC in each instance must be capable of justifying why footage needs to be retained on a case by case basis.
- It is expected that supervisors will, on an ongoing basis, intrusively supervise their officers and ensure that any footage retained is being kept for a justifiable and objective purpose.
- Any working copies of BWV that are produced during the course of an investigation should be retained until the conclusion of proceedings. (including any known appeals process if applicable.) When no longer required, such copies should be securely disposed of.
- It is not necessary to burn a ‘master’ copy on each occasion. The master copy is the first complete viewable footage of any upload and should be retained on the server. If required by the court, a ‘bit-for-bit’ copy of the original footage must be burned and provided as required.
- In order to prove the authenticity of recordings required as evidence in a trial at court, it may be necessary for evidential continuity statements to be produced. Such statements confirm that any securely stored master copy (as above) has not been tampered with in any way and thus must include the following content:
  1. The equipment serial number or unique reference number
  2. The day, date, time and location that the user took possession of the equipment (Time ‘A’)
  3. The day, date, time and location that they commenced recording (Time ‘B’)
  4. The day, date, time and location that they concluded recording (Time ‘C’)
  5. The day, date, time and location that the master copy was created and retained securely on the server (Time ‘D’)
  6. Whether any other person had access to or used the equipment between times A, B or C and time D - if so, a statement will be required from that person.
- BWV footage may be retained for Policing Purposes. For clarity, this is defined in MoPI (Management of Police Information) guidance as:
  1. Protecting life and property

2. Preserving order
  3. Preventing the commission of offences
  4. Bringing offenders to justice
  5. Any duty or responsibility of the police arising from common or statute law
- BWV footage that is retained by police for policing purposes must be held in accordance with the principles and guidance set out in MoPI.
  - Users and investigators must remember that where cases are prosecuted, BWV footage is 'material gathered' during an investigation and therefore may be subject to disclosure responsibilities. BWV footage in these cases should be retained as 'unused material' even where the user considers there may be no immediate evidential value in the footage. Failure to do so may lead to an abuse of process argument being lodged.
  - Footage may be shared with other partners if a) It is proportionate and necessary for policing purposes and b) the other partner is a signatory to an authorised information sharing protocol between them and the MPS.
  - The release of BWV material to the media for publicity purposes or appeals should be proportionate and necessary for the purpose intended. Existing MPS procedures in respect of release of photographic and/or video material to the media must be followed. In cases of doubt, the advice of DMC should be sought.

## 6. *Documentation*

- The use of BWV does not replace the need to write statements or complete records of encounters such as stop and search records.
- Notes of incidents that have been recorded on BWV should clearly state this fact and should also include whether the footage has been reviewed prior to the writing of any notes. Those writing notes should also include whether any other persons were present at such viewings.
- In cases where formal Post Incident Procedures are taking place or are likely to take place, any viewing of BWV footage should only take place under the direction of the Post Incident Manager in consultation with the investigating officer.
- It should be clear that whilst BWV footage will provide supplemental evidence and in many cases can shorten the statement writing process (eg: by covering descriptions and words used at incidents), it will still be incumbent on those present to justify their decisions and actions at incidents, regardless as to how obvious they may appear to be on the footage.
- Investigations where BWV footage is involved should be Service flagged 'VR' (Body Worn Video Devices) on the CRIS reporting system. For other incidents, the relevant CAD, CRIMINT, Merlin or other documentation should be clearly marked to show the existence of BWV footage.
- All footage, whether 'used' or 'unused' material, must be disclosed in criminal proceedings, either on the MG5 or MG6 series depending on whether the material is used or unused. BWV footage that contains sensitive information or details should still be logged on the MG6E.
- When initially disclosing the existence of BWV material to the defence, a suitable summary of the evidence contained therein will suffice. It should only be necessary to provide copies of the BWV to the defence in the case of actual or anticipated not guilty pleas. It is important to ensure that resources are not wasted through the provision of materials that will not be used.
- Where BWV footage forms key evidence at Court or other Judicial Proceedings, case files and documentation must be clearly marked to this effect, together with notes of the relevant timing for key points in any footage.

## 7. *Investigations*

- The use of BWV to support criminal investigations is encouraged. Investigators should inform Evidential Review Officers or Prosecutors of the presence of BWV footage at an early stage, so that a decision can be made as to whether and how any footage will be used in proceedings.

### 7a *Identification*

- Code D of the PACE Codes of Practice applies to any identification procedures and this includes the showing of BWV footage for witnesses in respect of identification proceedings. The advice of an MPS Identification Officer should be sought before any footage is shown as failure to comply with MPS procedures and Code D may render any identification unreliable.

### 7b *Suspect Interviews*

- ~~• BWV may be used to record interviews with suspects who are not under arrest away from the police station if users feel this may be an appropriate option rather than exercising powers of arrest. Officers must remember to record the caution and remind suspects that they are not under arrest, are free to leave and are entitled to legal advice.~~
- Users must remember that suspects who are under arrest must be brought to a designated police station for interview in line with PACE provisions.
- ~~• BWV may, at the discretion of the custody officer, be used to record PACE interviews where a detained person refuses or is unable to leave their cell for interview or where there has been a failure in tape recording equipment. Care must be taken to ensure that no other detainees are recorded and that the subject is offered the opportunity to have a tape recorded interview in the normal way before BWV is considered.~~
- ~~• When using BWV to record an interview with suspects, users must, at the time of the interview, make a written record in their pocket book. This record must cover:
  - ~~1. The day, date, times and location of the interview~~
  - ~~2. The details of the person being interviewed and any other persons present.~~
  - ~~3. The fact that the interview was recorded contemporaneously on BWV together with the serial number of the BWV equipment used.~~
  - ~~4. A brief summary of the interview, accurately reflecting the content of the BWV footage.~~~~

- ~~5. A signature from the subject, confirming the written record of the interview and the fact that they understand the interview was recorded contemporaneously on BWV equipment.~~
- ~~6. If an appropriate adult, solicitor or legal representative is present at such an interview, they too should be offered the opportunity to sign the written record.~~
- ~~7. If legal advice was provided over the telephone by the duty solicitor call centre, the fact this advice was offered and provided should also be recorded.~~
- ~~8. Any failure or refusal of the subject to sign the written record should in itself be recorded.~~

**Sections above removed pending legal advice re changes to Code E of PACE - May 2014**

*7c Professional Standards*

- BWV footage can be important in resolving complaints. Footage from incidents can be used to identify poor performance and learning opportunities. BWV footage can be used to quickly resolve complaints and avoid lengthy investigations.
- Investigators should only access footage for professional standards purposes where there is a clear and justifiable need to do so. Examples of this include - specific investigations, identified patterns of complaints in respect of a particular officer or where specific intelligence has been received that would indicate that viewing of BWV footage is proportionate and necessary.
- It is expected that supervisors should consider reviewing BWV footage relating to their officers as a supervision tool and as a means of improving performance or to identify training needs. This is especially important in areas such as stop & search, where improved performance will increase community confidence.
- When reviewing footage in these circumstances, supervisors and/or investigators should make a note of the fact they have done so and a brief reason for reviewing the particular piece of footage.
- BWV footage is subject to the principles outlined in the Data Protection Act. This prohibits the random dip sampling of retained footage other than for supervision and/or investigation purposes as outlined above. Open access to any database or server containing BWV footage for reasons other than this will not normally be granted unless exceptional circumstances exist and authority is given by the Director of Professional Standards.
- Any viewing of footage by complainants should be recorded by the investigating officer. In such circumstances, consideration should be

given to considering whether non-connected persons on the material should be obscured.

8 *Data protection, Subject access and Freedom of Information requests*

- BWV footage should be considered as 'police information' and as such the data protection principles as outlined in MOPI (Management of Police Information) should be followed.
- Users should be aware that requests for BWV footage may come about as a result of Freedom of Information Act (FOIA) requests or by individuals or their agents asking for footage concerning them under the Data Protection Act (also known as Subject Access requests).
- Existing MPS policies and practices should be followed in respect of these requests.
- Users should be aware of the rights of individuals to request footage or information held by police. They should be prepared to explain how individuals can access footage. These details will be publicised on the MPS external internet site.
- If a subject access request is received, the person receiving the request should, where practicable to do so, take immediate steps to preserve the footage in order to fulfil the request. However, a request for subject access is not, in itself, reason to retain footage that would otherwise be weeded or removed from the MPS system. Users must therefore be careful to remind those enquiring in respect of subject access or FOIA requests of the time limits around weeding of non-evidential footage. In cases where footage would otherwise have been weeded, once the subject access request has been completed, the footage should be weeded as normal.

9 *Intelligence*

- BWV footage may be used for intelligence purposes if the footage itself is being retained for an evidential reason or judicial proceedings (eg ASBOs, Inquests etc) are reasonably anticipated.
- In cases where BWV footage has been recorded of an individual and there would otherwise be no evidential reason to retain the footage or no judicial proceedings are anticipated, then this footage must, except in exceptional circumstances, be weeded in line with all other footage and may not be kept purely for intelligence or identification purposes.
- If it is felt that retention is required for intelligence or identification and the footage would otherwise have been weeded, an officer not below the rank of Superintendent must record why the circumstances are exceptional and why such retention is necessary and proportionate.
- The retention of footage in such circumstances must be reviewed at intervals no longer than every 31 days by an officer not below the rank of Superintendent and the rationale for any continued retention must be recorded.
- If it is deemed no longer necessary or proportionate to retain the footage purely for intelligence purposes, then this footage must be weeded in line with all other non evidential footage.
- Users must not use BWV to circumvent other statutory powers eg: it would be unlawful to use a stop & search power purely for the purpose of obtaining BWV footage to be used for intelligence or identification purposes.

9 *Diversity issues*

- Users need to be aware that the use of BWV can be intrusive and careful consideration must be given in respect of Art 8 ECHR (Right to family and private life)
- Users must be aware that there may be implications when using BWV at homophobic, racial or domestic incidents. Users must be mindful to give consideration to the needs of all persons involved at incidents and take steps to ensure that no group or individual is disadvantaged by the use of BWV.
- Users should, where issues are raised by those present, consider whether less intrusive methods of recording incidents are appropriate, such as obscuring the lens and having an 'audio only' record or whether alternative methods are more appropriate.
- Users should consider cultural issues and sensitivities when using BWV equipment, but the overriding principle must be to meet the needs of victims and the interests of justice.

## 10 *Training*

- Operational BWV footage may be used for training purposes. The consent of the OIC should be obtained before using footage from evidential incidents for training purposes.
- If using Operational BWV footage for training purposes, trainers must justify why this footage needs to be retained if it would otherwise ordinarily be weeded.
- Trainers must regularly review such retained Operational BWV footage to ensure retention is still proportionate and necessary for training purposes.
- If using footage for training purposes, trainers must consider taking steps to obscure persons on the material as necessary.
- BWV equipment may be used in training student officers at role plays and other non operational incidents. Trainers must be aware that the retention of such footage will still need to be justifiable.

## *11 Health & Safety issues*

- A corporate risk assessment document has been drawn up concerning the use of BWV equipment within the MPS. Users and managers should familiarise themselves with the contents of this risk assessment and implement the control measures where necessary to do so.

### *11a - Suspect Devices*

- Current advice is that self contained BWV devices that do not transmit footage in any form may be used at the scene of suspect devices. The RF energy emitted from these BWV devices has been assessed to be safe.
- Some BWV devices, however, are capable of transmitting footage over data networks such as Bluetooth, Wireless, Wi-Fi or over 3G and 4G data networks. These devices should not be used at the scene of suspect devices and the same distances as shown for MPS handheld airwave radios should be maintained.
- If there is any doubt whatsoever on the part of the user as to whether their BWV is capable of transmitting data, then the BWV should not be used at the scene of suspect devices and the same distances as shown for MPS handheld airwave radios should be maintained.

## 12 *Other issues*

- This guidance may be subject to amendment or revision as a result changes or developments in technology or equipment as may occur from time to time.