London Borough of Merton

Policy and Operational Procedural Guidelines

for the use of

BODYWORN CCTV CAMERAS
By
CIVIL ENFORCEMENT OFFICERS (Parking)
1. Introduction

1.1. This document sets out the Council’s Policy and Procedural Guidelines for the use of Body worn CCTV cameras by Civil Enforcement Officers (Parking). It will enable employees to comply with the relevant legislation relating to video recording and outline the associated benefits to Civil Enforcement Officers (Parking) and the general public. It also documents best practice procedures with regard to integrity of data, images and video as well as its security and use.

1.2. The use of Body worn CCTV can provide a number of benefits which include a deterrent to acts of aggression or verbal and physical abuse toward Civil Enforcement Officers, and providing evidence to support Police investigations.

1.3. Body worn CCTV forms part of a Civil Enforcement Officers’ Personal Protective Equipment and is provided solely for Health and Safety purposes. It will be used in an overt manner and emphasized by Civil Enforcement Officers wearing clear identification that it is a CCTV device. Prior to commencement of any recording, where possible, Civil Enforcement Officers will give a clear verbal instruction that recording is taking place.

1.4. Body worn CCTV will not be used to gather evidence for Parking Enforcement purposes nor will it be used as evidence in proceedings against any member of staff.

2. Legislation

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

- Data Protection Act 1998
- Freedom of Information Act 2000
- Human Rights Act 1998
- CCTV Code of practice 2014

2.2. Data Protection Act 1998

The Information Commissioner’s Office is the regulator for the Act and has given guidance with regard to CEO use of Body worn CCTV equipment. This legislation regulates the processing of ‘personal data’ or ‘sensitive personal data’ whether processed on computer, CCTV, still camera or any other media. Any recorded image that is aimed at or may identify a particular person is described as ‘personal data’ and covered by this Act and will include images and audio captured using Body worn equipment. The use of Body worn CCTV in this guidance is ‘overt use’ meaning that equipment is not to be worn or used in a hidden or covert manner.

Where an individual asks to view footage this is called a ‘Subject Access Request’. The requester is only allowed to see footage of themselves and anyone who has provided
consent for their images to be viewed by them. More information is available at http://www.merton.gov.uk/how_to_request_your_information.

2.3. Freedom of Information Act 2000
This Act grants a general right of access to information held by public bodies, which is not personal data. Information released under FOI can include statistical and other non-personal information.

2.4. Human Rights Act 1998
Article 6 provides for the right to a fair trial. All images captured through the use of a Body worn device have the potential to be used in court proceedings and must be safeguarded by an audit trail in the same way as any other evidence. Article 8 of the Human Rights Act 1998 concerns the right for private and family life, home and correspondence. Recordings of persons in a public place are only public for those present at the time and can still be regarded as potentially private. Any recorded conversation between members of the public should always be considered private and users of Body worn equipment should not record beyond what is necessary when recording a confrontational situation.

2.5. The London Borough of Merton will ensure that the use of Body worn CCTV equipment by its Parking Civil Enforcement Officers is widely advertised prior to commencement. The Council will issue a formal press release in addition to publishing information on its web site.

2.6. The Council will further ensure that the use of Body worn CCTV is emphasized by CEOs wearing it in a prominent position (normally on their chest) and that its forward facing display is visible to anyone being recorded. Additionally, CEOs will wear identification that it is a CCTV device and make a verbal announcement, where practicable, prior to commencement of any recording. The Council will adhere to the CCTV code of practice 2014 in all aspects referring to Body Worn Cameras.

3. On Street Operational Guidance and Best Practice

3.1. Training
All CEOs will receive full training in the use of Body worn CCTV. This training will include practical use of equipment, on street operational guidance and best practice, when to commence and cease recording and the legal implications of using such equipment. Additionally, CEOs receive yearly refresher training in ‘Conflict Awareness’.

3.2. Daily Use
3.2.1. Body worn CCTV will only be used in the event where CEO’s find themselves in a confrontational situation where they are subject to, or feel that they are likely to be subject to, verbal or physical abuse.

3.2.2. Recordings will not commence until the CEO has issued a verbal warning, where possible, of their intention to turn on the Body worn device.
3.2.3. Recordings will not be made whilst performing normal patrolling duties.

3.2.4. All recordings will be held securely.

3.2.5. Access to recordings will be restricted to authorized personnel in the Parking Team and Senior Managers responsible for Parking Services.

3.3. **Start of Shift Procedure**

All CEOs will be issued with their own Body worn CCTV device. At the commencement of each shift it will be the CEO’s responsibility to verify that the unit is fully charged and that the date and time displayed is correct. Any discrepancy in the Date or Time should be brought to the attention of the Team Leader.

3.4. **Recording**

Recording must be incident specific. CEOs must not indiscriminately record entire duties or patrols and must only use recording to capture video and audio of specific incidents. For the purposes of this guidance an ‘incident’ is defined as:

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

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

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

The purpose of issuing a verbal warning is to allow a member of the public to modify any unacceptable confrontational or aggressive and threatening behavior. If, at any time during an incident the CEO considers that the use of Body worn CCTV or the issuing of a verbal warning, is likely to inflame a confrontational situation, the CEO may use discretion to disengage from further discussion and withdraw from the incident.

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

3.5. **Playback**

CEOs will need to be fully aware of the legal implications once digital images and audio have been recorded. To this end playback should only be at the request of a Police Officer attending the incident or by another police officer subsequently involved in the investigation of the incident. Any request to view captured video by a member of the public, will need to be made in writing to the London Borough of Merton in line with the ‘subject access procedure’. Evidence of identity prior to viewing must also be provided.

3.6. **End of Shift**

CEOs should ensure that any CCTV footage required for evidential purposes has been correctly bookmarked and that any Incident Reports have been completed. Team leaders will be responsible for ensuring all Body worn devices have been connected correctly to the docking station to enable downloading and charging.
3.7. **Storage of Data**

- All recorded footage will be uploaded to the parking I.T. system by the Team Leader on duty.
- The Team Leader on duty will ensure that any footage to be retained has been correctly bookmarked and that supporting Incident Reports have been completed.
- For Incidents where the Police have not been in attendance the Parking Enforcement Manager or Authorized personnel will review the recording and in consultation with the CEO operating the device a decision will be made on whether referral to the Police is appropriate.
- The CCTV Review team will then transfer the data from the IT system on to a secure encrypted external hard drive and complete the Information Asset Log.
- All retained data will be kept until all investigations have been completed or a prosecution has taken place.
- Any other data not required for evidential purposes will be deleted by the CCTV Review team by the next working day, Monday to Friday.

3.8. **Authorised Personnel**

- Head of Service Public Protection
- Parking Services Manager
- Parking Enforcement Manager
- CCTV Review Team
- Body Worn Project Officer

4. **Requests to View Footage**

4.1. **Subject Access Request**

All data not required for evidential purposes will be deleted upon download. However, the Data Protection Act gives individuals the right to be told what personal information we hold about them and to receive a copy of that information. Any application to view footage is covered by London Borough of Merton ‘Subject Access Request’ Procedure.

Requests must be made in writing (including emails and faxes) and sent to data.protection@merton.gov.uk.