



States of Jersey Police

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**POLICY IDENTIFICATION PAGE**

This policy has been drafted in accordance with the principles of the Human Rights (Jersey) Law 2000 and Discrimination (Jersey) Law 2013.

Is Public disclosure approved? Yes  No

**Policy title: Body Worn Video Policy**

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**Underlying procedures:**

**Chief Officer:** 3rd party

**Policy written by:** 3rd party , **Head of Criminal Justice Dept.**

**Department responsible: Criminal Justice Dept./Uniformed Operations**

**Policy Lead: Head of Criminal Justice Dept.**

**Links to other policies:**



## **POLICY**

### **1. Introduction**

- 1.1. This policy is required to ensure police officers using Body Worn Video (BWV) equipment as part of their operational duties are aware of their responsibilities in relation to its use to secure 'best evidence' and to safeguard the integrity of the digital images captured should they need to be produced for evidential purposes.
- 1.2. This policy is effective immediately and applies to all police officers and police staff who use BWV or come into contact with the material recorded by BWV.

### **2 Scope**

- 2.1. The purpose of this policy is to ensure that BWV is used correctly so that States of Jersey Police (SoJP) will gain maximum benefit from the operational use of BWV, and that all staff coming into contact with either the equipment or the images are able to comply with legislation and SoJP requirements to safeguard its integrity.
- 2.2. This policy covers all aspects of the use of BWV by members and staff and the subsequent management of any images obtained.

### **3 Policy Statement**

- 3.1. SoJP is committed to making the best use of its resources to capture best evidence by taking full advantage of new technology and the use of BWV in all appropriate circumstances.



## PROCEDURE

### 1. Introduction

- 1.1. The use of BWV devices must complement the use of other video and digital evidence gathering devices within SoJP. The following procedures should be considered a minimum standard for the use of BWV devices.
- 1.2. These procedures have been designed with regard to the current legislation and guidance for the use of overt video recording of police evidence.
- 1.3. All images recorded are the property of SoJP and must be retained in accordance with force procedures and the College of Policing Authorised Professional Practice Advice on Police Use of Digital Images. They are recorded and retained for policing purposes and must not be shown or given to unauthorised persons other than in accordance with specified exemptions or further processed other than in accordance with the Data Protection (Jersey) Law 2018.
- 1.4. All police officers must ensure that they take possession of a BWV camera at the start of their tour of duty. Officers from the Serious Crime Unit must use BWV when conducting arrest enquires/executing warrants and conducting searches.
- 1.5. In the event that a BWV camera is not utilised, then the officer must record and justify the reasons for not carrying one in their PNB.

### 2. Objectives

- 2.1. BWV is an overt method by which officers can obtain and secure evidence at the scene of incidents and crimes. These procedures are intended to enable officers to comply with legislation and guidance to create evidence for use in court proceedings.
- 2.2. When used effectively BWV can promote public reassurance, capture best evidence, modify behaviour, prevent harm and deter people from committing crime and anti-social behaviour. Recordings will provide independent evidence that will improve the quality of prosecution cases and may reduce the reliance on victim evidence particularly those who may be vulnerable or reluctant to attend court.
- 2.3. Using recordings can also impact on the professionalism of the service and in the professional development of officers. Officers, trainers and supervisors can utilise the equipment to review and improve how incidents are dealt with.



- 2.4. The use of BWV relates to crime reduction and investigation strategies and should NOT be confused with the deployment of Public Order trained Evidence Gatherers which is the subject of other policies.
- 2.5. Professional Standards Department and line management will not routinely search the back office system for misdemeanours or offences committed by users, but if a complaint is received interrogation of the system can be an appropriate line of enquiry.
- 2.6. BWV footage may be used by line managers for use in training, debriefing and staff development purposes. It may also be viewed to identify good practice and to inform good work reports or commendation nominations.

### **3. Equipment**

- 3.1. The BWV equipment is generally a body mounted camera with built in microphone. The camera stores digital files, which, once recorded, cannot be deleted or amended by the operator. Each file carries a unique identifier and is time and date stamped throughout.
- 3.2. To support the camera systems, a computer and appropriate software have been purchased for the downloading and storage of digital video files. These provide a full audit trail ensuring evidential continuity is maintained. The software will be known as Digital Evidence Management Software (DEMS).

### **4. Upkeep of Equipment**

- 4.1. SoJP IT Department will be responsible for the upkeep of the cameras, including the cost of any repairs or damage to equipment.
- 4.2. Any new equipment must be purchased via the IT Department.
- 4.3. It will be the responsibility of the IT Department supported by Single Points of Contact (SPOCS) to keep records of the serial numbers and location of the cameras.
- 4.4. Officers should immediately report damaged or faulty cameras to the IT helpdesk. This should be done via email to [ITHelpdesk@jersey.pnn.police.uk](mailto:ITHelpdesk@jersey.pnn.police.uk)



## 5. Security of BWV Cameras

5.1. The safekeeping of the BWV is of paramount importance. Loss of a hand held BWV camera could lead to breach of security and should be reported promptly notifying the IT Department via email to [ITHelpdesk@jersey.pnn.police.uk](mailto:ITHelpdesk@jersey.pnn.police.uk) and completing a security Incident Report via the Intranet.

5.2. BWV cameras shall be encrypted by IT.

## 6. Training

6.1. All uniform frontline Officers will be trained and have access to BWV.

6.2. Training will be provided by SoJP Training Department.

6.3. Training will encompass How to operate the cameras together with an eLearning package on NCLAT.

6.4. There will also be training on the following-

- Legal implications
- Practical use issues
- Evidential continuity
- Health and safety
- Diversity issues
- Professional standards

6.5. Once a supervisor is satisfied that an officer has completed the training to a satisfactory level the officer will be issued with log on details.

## 7. Equipment Issue

7.1. BWV cameras remain the property of SoJP.

7.2. When not in use all BWV cameras must be securely stored in a suitable location within the police station.

7.3. Only officers who have received appropriate training will be able to 'self-issue' the equipment.

7.4. BWV cameras will be signed out on DEMS by the user using their network login and password.



- 7.5. The officer must ensure the BWV is working correctly prior to leaving the station, check that the battery is fully charged and the date and time stamp is accurate.

## 8. Recording an Incident

### 8.1. Decide

Guiding principles are-

- The camera should be switched on when footage might support 'professional observation' or would corroborate what would be written in a pocket book.
- The decision to record or not to record any incident remains with the user.
- The user should be mindful that failing to record incidents that are of evidential value may require explanation in court.

### 8.2. Start recording early

It is important evidentially to record as much of an incident as possible; therefore recording should begin at the earliest opportunity from the start of an incident.

Specific guidance regarding the initial accounts of victims of alleged serious sexual assault is contained in the NPCC National Policing Position Statement: [Using Body Worn Video to Record Initial Contact with Victims, Witnesses and Suspects](#)

### 8.3. Recordings to be Incident Specific

Recording must be incident specific. Users should not indiscriminately record entire duties or patrols and must only use recording to capture video and audio at incidents that would normally be the subject of PNB entries or as 'professional observation', whether or not these are ultimately required for use in evidence. There are a few instances where recording should not be undertaken and further guidance on when not to record is included later in this section.

### 8.4. Talk

At the commencement of any recording the user should, where practicable, make a verbal announcement to indicate why the recording has been activated. If possible, this should include:



- Date, time and location
- Confirmation, where practicable, to those present that the incident is now being recorded using both video and audio

If appropriate officers should record their decision making process using the APP National Decision-making Model (NDM).

## 8.5. Inform

If the recording has commenced prior to arrival at the scene of an incident the user should, as soon as is practicable, announce to those persons present at the incident that recording is taking place and that actions and sounds are being recorded. Specific words for this announcement have not been prescribed in this guidance, but users should use straightforward speech that can be easily understood by those present, such as, "I am wearing and using body worn video".

## 8.6. Collateral Intrusion

In so far as is practicable, users should restrict recording to areas and persons necessary in order to obtain evidence and intelligence relevant to the incident and should attempt to minimise collateral intrusion to those not involved.

## 8.7. Private Dwellings

In private dwellings, users may find that one party objects to the recording taking place; for example, where domestic abuse is apparent. In such circumstances, users should continue to record and explain the reasons for recording continuously. These include:

- That an incident has occurred requiring police to attend
- That the officer's presence might be required to prevent a Breach of the Peace or injury to any person
- The requirement to secure best evidence of any offences that have occurred, whether this is in writing or on video and the video evidence will be more accurate and of higher quality and therefore in the interests of all parties
- Continuing to record would safeguard both parties with true and accurate recording of any significant statement made by either party
- An incident having previously taken place may reoccur in the immediate future
- Continuing to record will safeguard the officer against any potential allegations from either party



## 8.8. Sensitivities connected with faith

The filming in domestic circumstances could be an issue with some faiths. An example may be where the female may not have a face covering within the home. Users should be aware of this fact and be sensitive to the wishes of those involved in these cases.

## 8.9. Do not interrupt filming

Unless specific circumstances dictate, otherwise recording must continue uninterrupted from commencement of recording until the conclusion of the incident or resumption of general patrolling.

## 8.10. Concluding filming

It is considered advisable that the user continues to record for a short period after the incident to clearly demonstrate to any subsequent viewer that the incident has concluded and the user has resumed other duties or activities.

Recording may also be concluded when the user attends another area such as a custody centre where other recording devices are able to take over the recording.

Prior to concluding recording the user should make a verbal announcement to indicate the reason for ending the recording this should state:

- Date, time and location
- Reason for concluding recording

Once a recording has been completed this becomes police information and must be retained and handled in accordance with the Code of Practice on the Management of Police Information. Any breach of the procedures may render the user liable to disciplinary action.

## 8.11. Stop & Search

All 'stop and search' encounters should be recorded unless the search is an 'intimate search' or 'strip search' or if the search requires removal of more than outer clothing.

A video recording does not replace the need for a 'record of search' to be completed by the officer.

There is currently no specific power within PPACE to take a photographic or video image of a person during a stop search, although such action is not explicitly prohibited.





## 9. Selective Capture and Bookmarking

9.1. Selective capture does not involve deletion of any images, merely the user making a choice of when to record and when not to record. It also describes the process of temporarily stopping and restarting recording in order to 'bookmark' the recorded footage.

**There are no circumstances in which the deletion of any images already recorded can be justified and any such action may result in legal or disciplinary proceedings. If an officer has deleted images they must notify a supervisor immediately.**

### 9.2. Selective Capture

In general, the BWV user should record entire encounters from beginning to end without the recording being interrupted. However, the nature of some incidents may make it necessary for the user to consider the rationale for continuing to record throughout entire incidents.

For example, the recording may be stopped in cases of a sensitive nature or if the incident has concluded prior to the arrival of the user. In all cases, the user should exercise their professional judgement in deciding whether or not to record all or part of an incident.

In cases where the user does interrupt or cease recording at an ongoing incident they should record their decision in a PNB or similar log including the grounds for making such a decision.

### 9.3. Bookmarking

In recording an incident it is likely that BWV users will encounter victims, offenders and witnesses as well as recording the visual evidence at the scene itself. Bookmarking is a means by which users may separate encounters with each of these types of person or occurrence in order to allow for easier disclosure at a later time. For example if a police officer has recorded an encounter with a witness including disclosure of their name and address, this section should not be shown to the suspect or their legal representative.

It is recognised that bookmarking is not always practicable due to the nature of incidents and therefore this should only be attempted if the situation is calm and the operator is easily able to undertake this procedure.

Prior to any temporary suspension, for the purpose of bookmarking the user should make a verbal announcement for the purpose of the recording to clearly state the reason for suspending recording. The user should also announce that they have recommenced recording at the same incident as before.



The bookmarking process will be demonstrated on the final whole recording by a missing section of a few seconds. In creating the master disk exhibit for court the user must include all bookmarked sections for the incident as one complete master recording of the incident.

## 10. Witness First Accounts

10.1 If the BWV user is approached by victims or witnesses who are giving their first account of the crime the user may record the encounter using BWV but this should be considered against the needs of the individual with due sensitivity to the nature of the offence being reported.

10.2 Any initial disclosure from victims and witnesses recorded by BWV should be treated as an evidential recording and submitted to the investigating officer. This is important to ensure compliance with statutory identification procedures under PPACE Code D.

10.3 Such recordings do not replace the need for formal written statements from victims or witnesses but they can be used as supporting evidence for the statements. Victims and witnesses should not be permitted to view the recording before making a statement or ABE.

10.4 In the case of victims of serious sexual offences the user must consider the guidance in [NPCC \(2010\) Guidance on Investigating and Prosecuting Rape](#). The victim's explicit permission for video recording of the initial disclosure should be sought and if the victim is in any way unsure of the need for the recording to be made or is uncomfortable with the thought of being recorded then the user should not record using video.

10.5 If the victim does not consent to being video recorded, the user may consider the option to divert the camera away from the victim, or obscuring the lens and then record the encounter using the audio only facility. Again, in these circumstances the explicit consent of the victim must be obtained prior to audio only recording.

10.6 Initial accounts from the victim of a serious sexual offence should be limited to asking about;

- Need for medical assistance
- Nature of the incident (to ascertain if a Sexual Offences Liaison Officer is required)
- Identity of the suspect (if known)
- Location of the suspect (if known)
- First description of the suspect (for circulation if appropriate)
- Time of the offence in order to prioritise action
- Location of the crime scene(s)



- Identification of forensic opportunities, including information for forensic medical examinations
- Activities since the offence took place (to establish forensic evidence opportunities)
- Identity of any other person(s) informed of the incident by the victim (to ascertain early complaint)
- Identity or existence of any witness(s) to the offence or to events immediately prior to or after the offence

## 11. Recording of Interviews

- 11.1 BWV should not be used to record interviews of suspects under caution, which occur at a police station. It may be used to record interviews, which take place other than at a police station.
- 11.2 BWV can and should be used to capture hearsay evidence. An example of this is where a store detective gives his account of a suspected shoplifter's actions to an investigating, in the presence and hearing of the suspect.

## 12. Scene Review

- 12.1 An additional use of BWV is to record the location of objects and evidence at the scene of a crime or incident. This can be particularly beneficial in allowing the Senior Investigating Officer an opportunity to review scenes of serious crime e.g. in relation to domestic abuse incidents consideration to recording any bruising, demeanour of victim and/or suspect or effectively recording the positions of vehicles and debris at the scene of a serious road traffic collision.
- 12.2 If reviewing a scene this should be treated as an evidential recording and where possible the officer should provide a running commentary of factual information to assist later viewers.

## 13. Limitations on Use

- 13.1 BWV is an overt recording medium and can be used across a wide range of policing operations. There are a few examples of situations where the use of BWV is not appropriate. In all cases, users and supervisors must use their professional judgement with regard to recording.



13.2 The following examples of where the use of BWV is **not** appropriate are for guidance only and this list is not exhaustive;

Intimate searches - BWV must not be used under any circumstances for video or photographic recording to be made of intimate searches.

Legal privilege - users must be careful to respect legal privilege and must not record material that is or is likely to be subject of such protections.

Private dwellings - whilst use of video at the scene of domestic abuse incidents is covered in other sections, users must consider the right to private and family life in accordance with Article 8 of the Human Rights Law, and must not record beyond what is necessary for the evidential requirements of the case.

Domestic Abuse Risk Assessment and Aide Memoir – users should not record the completion of the “blue booklet” with a victim of domestic abuse.

Explosive devices - like many electrical items, BWV cameras could cause electrostatic interference, which may trigger explosive devices. Therefore, BWV equipment **MUST NOT** be used in an area where it is believed that explosive devices may be present.

## 14. Audit Trail

14.1 The use of SOJP systems must meet public expectations with regard to confidentiality and comply with the Data Protection (Jersey) Law 2018. Information should, therefore, be handled so as to preserve the integrity of core police business whilst maintaining availability for operational purposes and in line with the full requirements of the Data Protection (Jersey) Law 2018; and this must happen throughout the delivery chain.

14.2 BWV recordings should be retained in accordance with the Data Protection (Jersey) Law 2018,

14.3 An audit trail is covered by use of the DEMS system.

## 15. Production of Exhibits

15.1 All footage recorded to the BWV camera must be downloaded at the end of the officer’s tour of duty. Data must not be downloaded to any device other than the dedicated BWV computer provided.

15.2 Officers will return the cameras to the docking stations, which are attached to the BWV computer located in Uniform Operations at the end of their duty.



15.3 Officers must ensure that the camera is docked correctly to ensure that the footage is downloaded.

15.4 Evidential footage will be considered any data that is:-

- Evidence of an offence
- Supporting evidence for any process - i.e. charge, parish hall enquiry
- Assist the police in defending civil claims against them.

15.5 If it is certain that footage is evidential then the following procedure should be adopted: -

- Open the DEMS Web via the link on the Intranet
- Locate the relevant footage
- Click "Edit" to enable information to be added
- Indicate that the footage is evidential by ticking the "Evidential" box. This procedure will retain the footage
- Add an MF reference into the incident ID field
- Enter an exhibit number in the notes section. Provide a brief description of what is captured on the footage
- If the footage contains any sensitive information it must be clearly indicated that redactions are required and provide full details in the note section or email [CJDisclosure@jersey.pnn.police.uk](mailto:CJDisclosure@jersey.pnn.police.uk). Officers should not make a log entry.

15.6 If it is uncertain whether the footage is evidential or if it is apparent the footage may be needed for other purposes or proceedings, then the procedure above should be followed except the footage should not be given an exhibit number. Ensure that an explanation is made in the note section.

15.7 Officers should be aware that if footage is downloaded and not marked as evidential it will be automatically deleted after 30 days. During this period, the footage can be retrieved and marked as evidential at any time. Footage that has been deleted cannot be recovered.

15.8 BWV is supporting evidence and officers will be required to provide written statements which must include the audit trail for the capture of the footage and the subsequent production of the master disc/DVD. This can be complied with through DEMS. A separate statement evidencing arrests or evidence not captured on BWV should be supplied to the investigation.

15.9 Where more than one BWV device is present at the scene of an incident or the area of the incident is also covered by a CCTV system the officer in the case (OIC) must ensure that all



available footage of the incident is secured as exhibits in consideration of any defence arguments that may be presented

## 16 Complaints

16.1 While it is accepted that the primary purpose of BWV is to support operational policing, it may also provide other valuable information in connection with complaints, conduct matters and death or serious injury (DSI) matters.

16.2 In many circumstances, a complaint will not be received immediately after an incident and officers involved may have viewed the BWV footage by the time the complaint is received. Where an officer has viewed BWV footage before giving their first account of an incident, their account should state that they have viewed the footage. It should also include the reasons for this and, if appropriate, distinguish between what they are saying as their honestly held belief and what is a reflection of what they have viewed on the footage.

16.3 Officers who are subject to complaint or are the subject of a criminal investigation may not view their BWC recordings related to the incident prior to completing and submitting any required reports or statement and/or being interviewed unless expressly authorised by PSD and in receipt of written authority.

16.4 As soon as SoJP becomes aware of a DSI incident, they should establish whether any of the officers present was wearing BWV and, if so, whether they recorded any footage. If footage does exist then it should be secured as quickly as possible. Following a DSI, the officers involved should not view any BWV footage until they have completed their initial account of the incident. The investigating officer should then determine at what point it is appropriate for the officers to view the footage.

16.5 Officers shall document and explain in their statement/report any delayed or non-activation of their BWC during an incident. Supervisors shall refer officers if they intentionally or repeatedly fail to activate their BWV during incidents required to be recorded. Intentional or otherwise unjustified failure to activate BWV when required shall subject to review and possibly referral to PSD.

16.6 Where not otherwise prohibited by this policy, officers may view BWV data from their own camera, or the camera of another involved officer to assist in complete and accurate report writing for routine matters. Officers and staff must document in their statement whether BWV data for the incident was reviewed.