



# POLICY

## Body Worn Video Policy

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## POLICY STATEMENT, PRINCIPLES AND AIM

### 1.0 Policy statement

1.1 Police officers and police staff from the States of Jersey Police, once trained in the use of Body Worn Video (BWV), will deploy and use BWV to protect and support members of our community by ensuring:

- The creation of evidence for use in court proceedings
- The integrity and continuity of any evidence or intelligence gained
- The admissibility, in court, of any evidence obtained
- Maintaining public confidence in the police use of BWV equipment
- The adherence to relevant legislation

The capability of achieving best evidence at all types of incidents

1.2 BWV users will always take into account the effect on individuals in line with Article 8 of the European Convention on Human Rights, and their property, when BWV is being used.

## ORIGINS / BACKGROUND INFORMATION

### 2.0 Introduction

2.1 If a police officer or police staff member (officer/user) is trained in the use of a States of Jersey Police BWV Camera and one is available for them to use, that officer/user will deploy equipped with a BWV device (unless otherwise directed by their line manager) and use it in line with the guidance in this document. For the use of BWV in specialist roles refer to the Appendices at the end of this policy

(these **must** be read in addition to the content within this document). Failure to do so can be seen as a discipline issue.

### 3.0 Issuance of BWV

3.1 Where appropriate and in line with the user's full-time role, officers/staff members may in future be issued with personal issue equipment which is identifiable to them. Presently those who require a camera will be required to book out a pool camera prior to using it. BWV recordings are automatically uploaded to the camera officers/users personal area within the **Operational Data** and so officers/users **must not** use a BWV issued to someone else unless in exceptional circumstances. If another officer's camera is used the footage will be imprinted with the incorrect identifying details. In this circumstance, the officer to whom the camera belongs **must** be notified of its use immediately by the borrower, and M&D **must** be requested to reassign any footage captured to the recording officers collar number without delay or exception.

### 4.0 BWV equipment standards

4.1 The equipment in use by the States of Jersey Police is designed for overt Policing tactics only and will compliment, not replace, other video and digital evidence gathering devices.

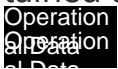
4.2 All States of Jersey Police owned BWV equipment requires bespoke connections and is not compatible with third party devices/cables. It **must** be worn in the manner set out during training and not modified. BWV is to be attached to the officer at chest height to capture best evidence. Plain clothes officers/users can utilise a spring-loaded clip or lanyard to achieve the same level of view. Under no circumstance is the BWV to be attached to the persons waistband. This does not capture best evidence, and restricts the footage view, which exposes the officer to criticism. Authorised Firearms Officers (AFOs) who carry BWV **must** also refer to Appendix 2.

4.3 When not in use the equipment **must** be stored in the allocated docking stations.

4.4 BWV equipment shall be used for policing purposes only and will only be connected to a police computer. Failure to adhere to this may result in disciplinary action.

## 5.0 Lost/missing device procedure

5.1 Loss of a BWV camera must be reported to the supervisor and the Duty Inspector as soon as practicable and complete a 'security incident' form. Suitable resources must be deployed to try and locate the device.

5.2 If possible, a record will be made in the officers/users pocket notebook (PNB) of the nature of the images the camera contained at the time it was lost and of the last time the camera was placed into a  dock.

5.3 The Office of the Information Commissioner may also be informed of any data loss by the Data Protection Officer/Team.

5.4 In the event that a BWV camera is lost / unaccounted for, the following action is mandatory and must be completed by the officer/user before the end of the operational shift where the loss is noticed by the officer/user who was using the camera, at the time of the loss.

a) Report the loss to a supervisor as soon as possible. The supervisor receiving the report must make a record in their PNB of the circumstances, to include:

- Serial number of the camera
- Name and collar number of the officer/user who was using the camera at the time
- The date and time of loss
- The date and time of report made to them
- Location where the camera was lost (please be as descriptive as is practical)
- Circumstances which led to the loss of the device (please be as descriptive as possible, a brief '1 line' summary will not suffice)

- Actions taken to try and locate the device
- b) Report the loss of the camera to the Duty Officer and Information Security Manager.
  - c) Ensure a '[Security Incident](#)' form is complete and submitted.

## 6.0 Damaged/malfunctioning equipment

6.1 If BWV equipment is suspected to be defective, the officer/user **must** contact the IT helpdesk.

6.2 If a damaged BWV unit contains evidential images/audio, it **must** be seized in order to secure it as evidence. It will be returned to M&D/DFU to attempt forensic recovery of evidence.

6.3 If a device becomes contaminated with bodily fluids, or if it becomes submerged in water, the device **must** not be placed in a docking station. It will be returned to M&D/DFU to attempt forensic recovery of evidence.

## 7.0 Diversity

7.1 Users need to be aware that the use of BWV can be intrusive and careful consideration must be given in respect of Article 8 of the European Convention on Human Rights (Right to family and private life) and be aware that there may be implications when using BWV at hate crime and other sensitive incidents. Users must 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.

7.2 Users must 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.

## 8.0 Use, retention and handling of BWV images

8.1 Police officers and police staff will consider the following principles when taking and retaining images/audio:

- Is it in accordance with the law?
- Does it pursue a legitimate aim (i.e. prevention of disorder or crime, is in the interests of public safety, or is for the protection of the rights and/or freedoms of others)?

8.2 Common law provides the police with the authority to use BWV in the lawful execution of their duties, for the purpose of the prevention and detection of crime.

8.3 All images recorded as a result of this policy are the property of the States of Jersey Police and will be retained in accordance with local policy and national guidance. Images will be recorded and retained for policing purposes and will not be shown or given to unauthorised persons/organisations. Any requests for information are subject to authorised requests under the Data Protection (Jersey) Law 2018 and the subject Access request process for the States of Jersey Police.

8.4 Once a recording has been completed, it becomes police information and **must** be retained and handled in accordance with existing information policy management direction. Therefore, any recording **must** not be deleted by the BWV user and **must** be retained in accordance with the agreed code of practice. Any breaches of the code may render the user liable to disciplinary, civil, or criminal action.

## 9.0 Identification

Code D of the Police Procedures and Criminal Evidence (Codes of Practice). (Jersey) Order 2004 applies to any identification procedures, and this includes the showing of BWV footage to witnesses in respect of identification proceedings. The advice of an Identification Officer **must** be sought before any footage is shown.

## 10.0 Training

10.1 Before using and deploying with BWV devices, officers/users must have received the necessary training. If an officer/user is absent for an extended period or seconded to a different role where BWV is not used, and that officer experiences skill fade as a result, they are responsible for completion of refresher training – this can be arranged by contacting the Learning & Development (L&D) Department.

10.2 Operational BWV footage may be used for training purposes, however there is strict governance which must be followed. If in any doubt, advice on the use of BWV footage for training must be sought from the BWV lead or L&D Department.

10.3 The BWV footage selected for training purposes is only to be viewed in a controlled training environment and must only be used in the training of serving officers and staff of the States of Jersey Police. The Lesson Plan must be updated with details of the BWV recording and must identify within the lesson plan the training objective to be obtained from the showing of the recording.

10.4 The L&D Department are to ensure the footage selected does not lose its relevance and that it is reviewed on a regular basis (6 monthly) to ascertain if the footage remains relevant to the training need.

10.5 If using footage for training purposes, trainers must consider taking steps to obscure persons on the material, as necessary. However, if the training would be hindered if redaction were done this is to be identified and recorded on the Lesson Plan.

## 11.0 Operational use of BWV

11.1 Officers/users **must** avoid recording general policing unless it is part of a specific incident or encounter (officers/users **must** also be aware that individuals

have the right to make a Data Protection subject access or Freedom of Information request in respect of any footage that is retained).

11.2 Officers/users **must** not attempt to take evidential footage with BWV unless they have been trained in its use and understand the implications of recording and retention of the footage.

11.3 Recording officers/users **must** ensure that their cameras are docked so that all imagery and audio files are downloaded onto the central system either during the course of their duty or at the end of the shift. Prior to use, personnel **must** ensure that the device is fit for service.

Operational  
Operational  
Data

11.4 When deploying with BWV, the camera **must** be in 'standby pre record' mode for the duration of the journey, or 'record mode' if responding Grade 1 with emergency lights/sirens.

11.5 In the case of 'standby' mode, recording **must** commence upon arrival to an incident and before initiating an engagement. It **must** continue uninterrupted until the conclusion of the incident unless a break in recording can be justified using the National Decision Model (NDM). In this case the rationale for stopping recording **must** be recorded.

11.6 Recent national events and feedback from HM Coroner have identified vulnerability when transporting prisoners/subjects to custody centres or places of safety. All escorting officers should have their BWV activated during this journey as a record of that journey and any incidents that occurred within. Any decision made not to record a journey should be strongly justified on their camera prior to stopping recording. This remains the case even if the vehicle has its own recording equipment.

11.7 If the circumstances dictate an incident **must** be recorded, all officers/users dispatched and equipped with BWV **must** begin recording. The existence of footage from multiple fields of view will assist with evidence capture and/or further investigation. (For exception, please refer to Appendix 1, Public Order use of BWV)

11.8 BWV does not replace the need for formal written statements, or any other form of evidence capture.

11.9 Officers/users are permitted to review the footage on their BWV prior to completing a statement unless they are involved in a Post Incident Procedure (PIP) when they **must** first consult the Post Incident Manager (PIM).

11.10 Officers/users **must** record within their statement or record in their PNB the fact BWV has been reviewed prior to making a statement. The officer's statement

**must** still be a full and accurate account of their evidence. The BWV footage enhances this evidence, it **must** not replace it.

11.11 Officers/users **must** be aware that the camera may capture audio and imagery that the officer/user has neither seen nor heard. In this case officers/users **must** make reference to the differences between what they remember and what has been captured on the device.

11.12 In the same regard, the BWV will not capture all that the officer/user observes, perceives or feels and this **must** be included within any statement.

11.13 The **Operational Data** BWV camera is equipped with a "30 second pre record" which allows the device to capture the 30 seconds preceding the record switch being activated. The use of this pre-record is recommended by the NPCC body-worn video portfolio, and it is activated when the camera is switched on and following completion of the device undergoing an automated "self test." The use of the 30 second pre-record is the expected method of activation of the camera. Whilst the camera can be activated by simply moving the recording switch to the down position, this process by passes the device "self test" and the capture of evidential recordings cannot be guaranteed. As such, this method of activation **must** only occur in an emergency. Use of the 30-second pre-record **must** be seen as mandatory.

11.14 Taking a video or image of CCTV footage on BWV or other mobile device may be seen as a pragmatic way to assist with reasonable lines of enquiry whilst waiting on a formal evidential download to be completed. It does however have the potential to create significant procedural difficulties. The use of the BWV can secure evidence permitting earlier police action, however the formal seizure **must** of course be expedited.

11.15 This practice may be with the best intentions, however this is not an acceptable process for recovering CCTV/video data for evidential use, as the process of recording from a monitor or other device screen adds at least 7 levels of degradation and distortion to the recording.

## 12.0 Starting recording

12.1 All uniformed operational encounters where an officer exercises a power, either in the presence of a member of the public or alone, **must** be recorded on

BWV by all trained officers/users present. In exceptional circumstances, it is recognised BWV may be unavailable, such as technical difficulties, the loss or damage of a camera, or insufficient cameras available during a critical or major incident. A replacement BWV camera **must** be sought as soon as possible.

12.2 When officers/users activate their BWV equipment they **must**, 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 e.g. **"I am wearing and using BWV, I need to tell you that you are being videoed, and audio recorded."** Only the primary officer who is engaging with the subject of the recording is expected to inform the subject that they are being recorded.

12.3 Police Officers deployed operationally in plain clothes are exempt from the above 2 paragraphs, however, if they are equipped with a BWV camera, and providing it is practicable and operationally safe to do so, they are to record operational encounters. Plain clothes officers attached to Proactive Teams **must** record all stop and search encounters on BWV and **must** commence recording once they identify themselves as police officers to the subject.

12.4 The digital imaging procedures contained within this section refer solely to the overt use of digital imaging for evidence gathering and **must** not be used for the capture of any covert images through surveillance or otherwise.

12.5 The custody environment is largely covered by CCTV, and, as a default position, officers/users will only use BWV in the custody environment at the direction of the custody sergeant. However, there may be occasions when it is considered to be potentially beneficial, such as a use of force, non-compliant strip search, or cell relocation. Any decision to do so will be at the officers/users own discretion. The medical question set provided prior to obtaining blood samples **must** not be captured on BWV, nor any other medical procedure within Custody.

## 13.0 Stop and search

13.1 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 a specified period.

13.2 When equipped with BWV, all stop and searches **must** be recorded.

13.3 An EIP (exposing intimate parts) search, or also known as a strip search is the most intrusive form of search permitted under stop and search powers. These searches **must** be conducted at a nearby police station, or other location out of public view, but not in a police vehicle.

Using BWV during these searches can ensure the transparency of the entire encounter, and protect all parties involved. The College of Policing's APP states the following in relation to using body-worn cameras during these searches;

"If a body worn camera is available, officers should record the encounter in accordance with force policy, but should cover the camera, or direct it away, when intimate body parts are exposed. Audio should remain activated".

An overview of the conduct of the search from a distance may be beneficial and allow for an accurate record of the conduct of the officers involved and the subject before, during and after the process. To achieve this, a BWV camera could be placed in the corner of the room with audio activated.

If the EIP search involves a child or vulnerable person, then the footage may be required to be retained and subjected to a safeguarding review.

This guidance relates to EIP searches which are governed by Code A and are not taking place in a custody centre.

Any EIP searches which are conducted post arrest, therefore governed by Code C, and carried out in custody, will be led by the custody officer in charge of that detainee and they will determine if the use of BWV is required.

An intimate search can only be carried out post arrest and is governed by the provisions of Code C PACE.

13.4 Intimate searches conducted by medical professionals **must** never be recorded using BWV.

## 14.0 Private dwellings

When using BWV within a private dwelling, for a policing purpose, they are entitled to make a recording in the same way they would record any other incident. However, there are certain considerations – article 8 of the ECHR states

individuals have a right to a private and family life, and recording within the confines of a dwelling is likely to be particularly intrusive. Users should make themselves aware of [AB V Hampshire](#), and the importance of announcing they are recording when in a private dwelling especially, and the consequences if they fail to do so.

## 15.0 Use of force by police

BWV recordings cannot justify, in isolation, any use of force. Officers/users **must** still justify their actions, perceptions, and decisions by making a separate written record. This **must** be based on their honestly held belief at the time of the incident. Officers/users **must** bear in mind that BWV may not have captured the full circumstances of the incident, so written records are still required to cover the whole time period involved to ensure evidential continuity. This requirement will apply to all officers/users.

## 16.0 Pre-planned operations

When planning policing operations, the officer/user in charge **must** consider the circumstances in which BWV will be used. Their decision **must** be clearly communicated and recorded in the planning log or other record of the operation.

## 17.0 During recording

17.1 Officers/users **must** be mindful that BWV is an overt recording mechanism. If used in a covert manner without necessary authorities, there is a risk of evidence being ruled inadmissible and being excluded at court.

17.2 To improve transparency around the use of BWV, the default settings for the

device will be for the controller to have lights and vibration active. However, there will be incidents where it is beneficial for officers/users to deactivate these indicators and activate "stealth mode." The decision to enter stealth mode rests with the officer/user, but a solid rationale **must** exist. This **must** be recorded either verbally whilst recording, or in the officers/users PNB / mobile data terminal as soon as practicable. Examples of situations where stealth mode may be beneficial may be during firearms incidents or attending to persons in mental crisis. However, in these situations, the subject **must** be informed, when it is reasonable and practicable to do so, that they are being recorded both visually and audibly. The application of stealth mode must not be used to give a false impression that the camera has been switched off. As soon as the justification for stealth mode no longer exists, officers/users **must** return to the default operating setup.

17.3 In the event of a protracted operation the use of BWV **must** be controlled to capture relevant material. This will preserve the battery life of the BWV while avoiding unnecessary capture of private data and collateral intrusion.

17.4 Recording **must**, where practicable, be restricted to those individuals and areas where it is necessary in order to provide evidence or intelligence relevant to an incident. It is important that, where practicable, officers/users minimise collateral intrusion on those not involved in the incident.

17.5 Officers/users **must** explain the reasons for the recording continuing. These may include:

- That an incident has occurred requiring police to attend
- That the officer's presence is required to prevent a breach of the peace or injury to any person or damage to property.
- Police are required to secure best evidence; the use of video will assist in providing an accurate record of the incident or interaction; and may be used in any subsequent investigation or enquiry.
- It is in the best interests of all parties to have an accurate record of the incident or interaction.

17.6 If the officer/user decides to continue recording despite the objections of an individual, they **must** make a note in their PNB or other suitable location as to why they have decided to do so. They **must** also take steps to advise the individual(s) as to the following:

- The reason for the recording taking place. Non evidential material will only be retained for a maximum of 30 days.
- Footage is subject to the Data Protection (Jersey) Law 2018 and the Freedom of Information (Jersey) Law 2011 and can be applied for by a request in

writing. Existing policies and practices will be followed in respect of these requests.

- Any material that is restricted will only be disclosed to 3rd parties in accordance with the existing legislation.

17.7 Officers/users may encounter members of the public who specifically request any interaction with them is recorded, even if the officer/user does not feel there is any evidential reason to do so. Unless there are clear policy reasons to do otherwise, the officer/user **must** consider recording such an encounter, but **must** 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 guidelines.

17.8 In cases where formal PIP are taking place or are likely to take place, officers/users **must** continue to record until instructed otherwise by the nominated PIM.

17.9 Provided the BWV camera is fully operational, once it has been seized and downloaded to the **Operational Data** platform as part of the PIP, the camera (once it is verified that it is clear of all recorded footage) is to be returned to operational use.

## 18.0 Arrests

Whether planned or spontaneous BWV should be used to capture anything said or done by the suspect at the point of arrest and caution. This will provide a reliable and accurate record of any significant statements made by the suspect prior to their arrival at custody. In the event that BWV is available and not used a record **must** be made of the reason.

## 19.0 Victim/witness statements

19.1 BWV **must** be used to capture the initial account of individuals to inform police action in respect of an allegation or incident. It is not designed to conduct

interviews of victims or witnesses.

19.2 Officers/users **must** bear in mind that any questioning of witnesses beyond the initial account may lead them to inadvertently conduct a witness 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).

19.3 When an officer/user of BWV attends an acute report of rape or serious sexual offences, if equipped with BWV, the BWV **must** be recording for the initial attendance to capture key material, such as the offence in progress, suspects and witnesses present / leaving and demeanour, res gestae evidence of the victim. The victim/witness **must** be made aware that the incident is being recorded on BWV.

19.4 Continuing to record the first account is at the officer discretion and considering the voice of the victim. If the decision is made to stop recording, then rationale to justify this **must** be provided by the officer/user of BWV prior to ending the footage.

19.5 When an officer/user attends a non recent report of rape or serious sexual offence, use of BWV to record this interaction with the victim is at the discretion of the officer/user of BWV and considering the voice of the victim.

19.6 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.

19.7 Domestic Incidents – BWV should remain on when completing domestic risk assessments (DASH). This was the result of findings identified through Op Soteria that suggested that to make a point of switching the camera off, may create a sense of stigma or embarrassment for that person making the disclosure.

\*\* Please refer to [Appendix 4](#) for guidance about BWV usage at DA/RASSO/Child abuse cases \*\*

## 20.0 Hospitals, courts and mental health facilities

The use of BWV within certain buildings/establishments **must** be considered carefully, along with the effect of collateral intrusion and capturing irrelevant or personal data. If a police officer has attended a hospital and deems it necessary to

record within the confines of that hospital for a policing purpose, and they can justify recording, then they should record, but with caution. Recording within hospitals captures a great deal of personal and sensitive information not just about the subject, but about others who are not subjected to the recording and therefore have an expectation of privacy. The same principle applies when attending to assist Paramedics in a medical capacity.

Generally, professional persons working in their professional capacity at their place of work are not considered to have a higher right to privacy in these scenarios, and for example, would not require redacting out of footage (previous NPCC BWV Guidance, published 2022). The same guidance would apply in prisons and ambulances – every consideration should be given to ensuring the data protection of the subjects involved, and ensuring their human rights are not compromised in any way. Users could utilise their pre record function by leaving the cameras in standby mode, and only activating to record when there is a policing purpose to do so, thus capturing the lead-up to that incident.

## 21.0 Pursuits

All officers/users involved in a pursuit (spontaneous or planned) will activate their BWV Cameras at the earliest opportunity, the latest point being when a vehicle fails to stop. If an officer is not in possession of a BWV camera, Officers will relay this to the ESCC immediately.

## 22.0 Other Scenarios

22.1 Officers/users **must** be careful to respect legal privilege and **must** not record material that is, or is likely to be, subject to such protections unless exceptional circumstances apply.

22.2 The use of BWV in premises such as prisons, military establishments or other areas where sensitive or restricted material may be captured **must** be approved by authorities on site.

22.3 Officers issued with BWV who use force to gain entry to an address are to record using BWV when entering and leaving that address. This practice will document the level of any damage caused to the point of entry and is of particular importance if an officer is of the view that a “boarding up” service is not required as it will assist in the resolution of any future dispute regarding the level of damage caused.

22.4 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, a BWV device **must** be powered off. BWC’s **must** not be powered on within 15 meters of a suspect package and not used to record any suspect device in situ. The use of BWV within illicit labs also follows the same principles as above and should not be used unless the safety of the atmosphere has been confirmed and recorded.

## 23.0 Stopping recording

23.1 Officers/users **must**, under normal circumstances, cease recording in the following instances:

- It is no longer justifiable or proportionate to record - e.g. if, after investigation, there is no likelihood of evidential material being recovered or used.
- The incident has concluded.
- At the direction of the PIM during the post incident process.

23.2 Officers/users may render themselves open to criticism if they cease recording too early or whilst an incident is ongoing. Therefore, recording **must** continue until it is clear that the points above are satisfied and all opportunities to capture evidence have ceased, for example, by the detainee being placed into a cell, or officers/users recording themselves clearly leaving the scene, or the incident being concluded.

## 24.0 Post recording and instant playback

24.1 Instant playback **must** not be used to show footage to other officers/colleagues (this includes both officers and police staff) or any other 3<sup>rd</sup> parties. There **must** be no reason for anyone to view or show footage via instant playback on the camera in interview. If a decision is taken that footage is to be shown in a PACE interview then this **must** be uploaded / marked as evidential prior to viewing with suspect and/or solicitor present.

24.2 Once a recording has been initiated, the recorded data becomes police information and is subject to the ACPO (2005) Code of Practice on the Management of Police Information (MoPI). Please also refer to APP > Information Management > [Management of police information](#).

24.3 BWV footage may be retained for policing purposes. This is defined in MoPI (Management of Police Information) guidance as:

- Protecting life and property
- Preserving order
- Preventing the commission of offences
- Bringing offenders to justice
- Any duty or responsibility of the police arising from common or statute law.

24.4 Once the footage is uploaded, the recording officer **must** decide whether the footage is likely to be required at a future point, either as evidence, unused material or for some other policing purpose, e.g. to answer a complaint against police.

24.5 All footage will only be retained for a maximum of 30 days unless the recording officer decides it is to be retained under MoPI provisions for evidence, disclosure or other policing purpose (see above).

24.6 The need for retention **must** be justifiable and proportionate. Simply retaining footage 'just in case' is not authorised. If retention is justified, it is the recording officers responsibility to save the footage with the correct and relevant MF reference and mark it as 'Evidential.'

24.7 Footage may be shared with other partners if:

- a) It is proportionate and necessary for policing purposes (see MoPI definition); and
- b) the other partner is a signatory to an authorised information sharing agreement (ISA) / protocol between them and the States of Jersey Police

24.8 The existence of an ISA/protocol sets the conditions whereby any sharing of BWV data/footage is done legally, securely and accountably. If an ISA/protocol does not exist but there remains a pressing need for information to be shared in the public interest, officers/users **must** seek advice directly from the Data

Protection Unit. The officer or staff member concerned **must** also ensure that they make a written record of the request in their PNB or another appropriate format.

24.9 The release of BWV material to the media for publicity purposes or appeals **must** be proportionate, necessary and for a policing purpose.

24.10 Where footage needs to be supplied for the purpose of disclosure for a self-represented defendant at court, the OIC on receipt on such a request from CJD is to contact the defendant to organise for them to come in and view the footage at the Police Station.

24.11 The use of any 3<sup>rd</sup> party software, including the use of Microsoft Windows built in tools such as the 'print screen' function or any other screen grabbing software is strictly prohibited. Any images or footage captured by the BWV cameras and retained within the [Operational Data] Software is only to be shared in line with this operational procedure. The creation of images or video by using any other method outside of the [Operational Data] platform which allows images or video to be extracted from the [Operational Data] platform damages the integrity of the system and exposes the organisation to risk and doing so could lead to disciplinary action.

## 25.0 Investigations - Interviews

- Whenever possible any BWV recording of the arrest is reviewed by the interviewers prior to the formal interview taking place.
- There is no requirement for investigators to disclose anything prior to interview.
- BWV is no different to any other evidence and disclosure in pre interview briefing is the consideration of the investigating officer or and **must** be recorded within the interview strategy.
- There **must** be a clear investigative reason for showing a suspect BWV recording during interview e.g. there is a dispute as what was said at the point of arrest.
- The use of BWV to show initial victim account **must** consider the impact upon all parties involved. Any disclosure **must** take account that BWV does not represent the detailed witness/victim interview.

25.1 Investigators/OIC **must** inform CJD and the LOD, where applicable, of the presence of any BWV footage and highlight any that is likely to be key and/or

impactive at an early stage, so that a decision can be made as to whether and how any footage will be used in proceedings.

25.2 When the camera is docked and the footage is uploaded, it will create a digital file that will be stored securely. This is the master and **must** be identified and exhibited as such in any subsequent statements.

25.3 In order to enhance BWV footage beyond the initial recording, it **must** be undertaken by a forensic digital media expert who is of an accredited standard. Any such requests for enhancement will be considered on a case by case basis.

## 26.0 Intelligence

26.1 Footage **must** be weeded in line with all other footage and may not be kept purely for intelligence.

26.2 Officers/users **must** not use BWV to circumvent other statutory powers e.g. it would be unlawful to use a stop and search power purely for the purpose of obtaining BWV footage to be used for intelligence or identification purposes.

## 27.0 Professional Standards Department

27.1 BWV footage can be used to quickly resolve complaints and avoid lengthy investigations as well as highlighting good work.

27.2 Material not directly relating to the investigation concerned must not be made available to the investigating officer/user, and open access to review any BWV database or library of material will not be granted unless exceptional circumstances exist, and authority is granted by the head of the Professional Standards Department.

27.3 The reasons for any viewing of footage by complainants **must** be recorded by the investigating officer/user. In such circumstances, consideration **must** be

given to considering whether non-connected persons on the material should be obscured to protect their identity/privacy.

## 28.0 Use of BWV in the Emergency Service Control Centre (ESCC)

28.1 The recording of other service data via Body Worn Videos (BWV) by any personnel within ESCC is not classed as shared data, and therefore cannot be further processed for a purpose incompatible with the primary purpose of recording incidents where footage may provide evidential benefits. BWVs will be activated in ESCC at the start, or as soon as practicable, of one of the following incident types:

- Any major or critical incident
- Any serious incident involving incidents listed in 3(d), (e) and (f) above. A serious incident includes the following: -
  - Firearms incidents.
  - Police pursuits.
  - Any incident resulting in the implementation of a Post-incident procedure.
  - Any homicide or attempted homicide.
  - Any terrorist related incident.
  - Any riot or incident of large-scale public disorder.
  - Any incident that involves the deployment of negotiators.
  - Any ongoing incident that has or may result in death or serious injury (defined as a fracture, deep cut, deep laceration, or injury causing damage to an internal organ or the impairment of any bodily function).

28.2 SoJP will review any BWC footage as soon as practically possible and identify any SoJAS or SJFRS data. Where footage is not kept for evidential purposes, however is kept for other reasons, such as internal reviews, other service data must be redacted and the original copy destroyed.

28.3 Where footage is used for evidential purposes, any other service information inadvertently recorded must be redacted before being shared externally, for example with the Law Officers Department or defence lawyers. A copy of the unredacted footage will be kept by SoJP as this is to be treated as an evidential exhibit.

It is noted that in the event of a multi-agency response to a Major/Critical incident, as an example, then conversations between the respective services may become evidential.

28.4 Unredacted BWC footage that includes other services data will only be provided to the Defence in cases where the integrity of the redaction is questioned. It is accepted that the likelihood of BWC footage inadvertently capturing sensitive data from other services and the master copy being required in court is extremely rare.

In circumstances where unredacted information will be released, this will be escalated to the Information Governance Manager for SoJP, JHA's Governance and Administration Manager and the Head of Regulation and Compliance for SoJAS.

28.5 A privacy notice will be displayed at the entrance of ESCC advising all personnel of the potential use of BWVs. Prior to the use of BWVs within ESCC, where practical, the user should ensure that all staff on duty in the immediate area are notified of its use. As part of the adoption of this DSA, and as general policy, staff should all be made aware that activation of a body worn camera will include a period of 30 seconds pre-record (audio and visual) at the point of activation. The camera must only be used for the duration of the incident (unless related to a Post Incident Procedure (PIP), when recording will cease at the direction of the Post Incident Manager.

28.6 Out of scope of the DSA is any information overheard or recorded that may result in disciplinary matters against colleagues. Relevant disciplinary policies, code of conducts and individual policies, should be referred to in these instances.

## **29.0 GPS data**

29.1 Every BWV camera is equipped with GPS functionality that logs the user's position when the camera is actively recording. During playback, this can access a map that pinpoints the camera's location at the exact moments of the recording. Presently, the location displayed is approximate because the camera lacks a SIM card. However, inserting a SIM card enhances the precision of the location data.

29.2 There is no current facility in place for real-time GPS tracking of the camera.

✓ **Appendix 1 - Public Order use of BWV**

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✓ **Appendix 2 - Firearms use of BWV**

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✓ **Appendix 3 - Negotiator use of BWV**

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✓ **Appendix 4 - Guidance Chart for use of BWV at  
DA/RASSO/Child abuse cases**

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✓ **POLICY IDENTIFICATION SECTION**