



Leicestershire Police

Body Worn Video Policy

This document has been produced with cognisance to the regional Policy on body worn video and current guidance held in the College of Policing Authorised Professional Practice and The Essex Body Worn Video Trial 2015 (COP/ OWENS/ MANN/ MCKENNA)

Procedure Owner:	Chief 1554 Shellard
Department Responsible:	Local Policing Directorate
Chief Officer Approval:	ACC Operations
Protective Marking:	Not Officially Marked
Date of Next Review:	May 2022

Review log

Date	Minor / Major	Section	Author
September 2017			
May 2019	Major	All	
June 2019	Minor	3 and 4	
March 2020	Major	BWV included at S4	
May 2020	Minor	7, 8 & 9	
April 2021	Minor	1.2 and 3	C/Insp 4372 Emma Maxwell
May 2021	Minor	3.2.5 and 3.3.8	
June 2021	Minor	Addition of 3.39 and 3.10 – change of status to “Official Sensitive”	C/Insp 4372 Emma Maxwell

1 Background

- 1.1 Body worn video (BWV) is seen by the Government, Police and Crime Commissioners, and the Police as a vital tool in the fight against crime and an opportunity to be more open and transparent in the community.

Body worn video can be utilised in all aspects of Policing and partnership work and brings with it opportunities to offer an improved service to the public, better quality and more robust evidence in cases, behaviour modification in the presence of body worn video, victimless prosecutions, fewer assaults on Police and a reduction in the use of force (Rialto, 2013).

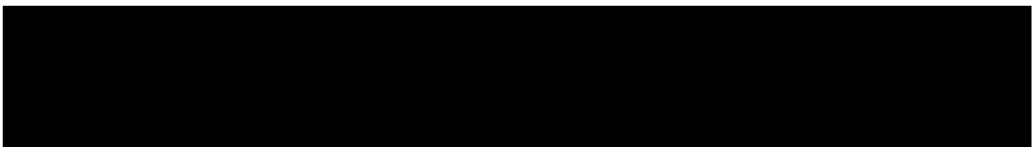
- 1.2 In Leicestershire Police body worn video is personal issue within designated roles and it's use widespread. It is currently used in all aspects of operational Policing including large scale public order events.
- 1.3 Studies show that officers are able to collect better quality of evidence using body worn video and that victims and witnesses are more willing to stay in the Criminal Justice Process knowing that there are other sources of evidence supporting their perspective. The camera recording of an incident may also increase officers' confidence in securing a successful outcome and this becomes apparent to suspects, victims and witnesses which can affect their behaviour. (Owens, Mann, McKenna)

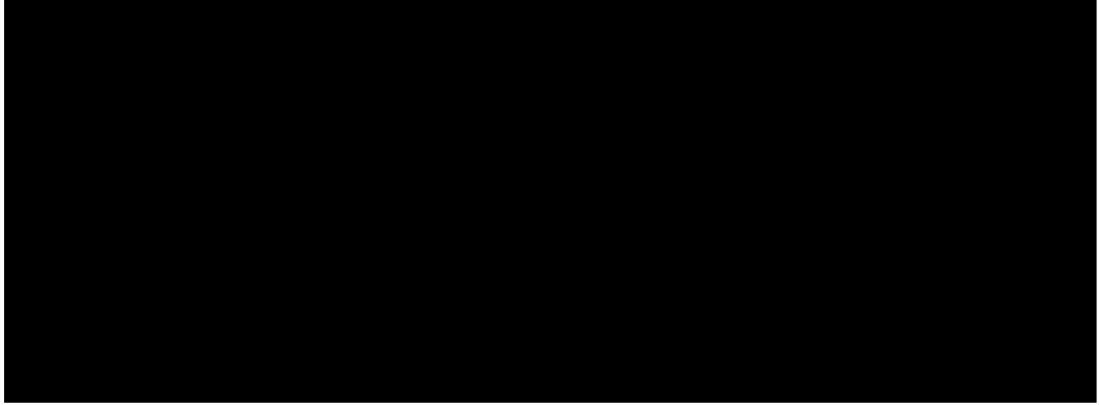
2. About this Policy

- 2.1 This policy explains the approach to the use of body worn video and is aimed at all staff and members of Leicestershire Police involved in the criminal justice system.
- 2.2 All users of body worn video, their supervisors and managers are expected to comply with the policy on the use of body worn video.

3. General Principles

3.1 Leicestershire Police will follow the principles of body worn video provided by the Home office and College of Policing. These are:-

- 3.1.1 The use of body worn video is lawful.
- 3.1.2 Data will be processed and managed in line with the Codes of Practice on the Management of Police Information, APP on Information Management and the principles of the Data Protection Act 1998.
- 3.1.3 The normal use of body worn video will be overt and is compulsory for Leicestershire Police officers.
- 3.1.4. The operational use of body worn video must be proportionate, legitimate and necessary.
- 3.1.5 Use of body worn video will be incident specific. Officers should use their judgement when using body worn video in support of the principles of best evidence. Incidents which are in progress should be recorded from the outset especially ALL domestic incidents. The recording should continue until the incident is concluded.
- 3.1.6 Body worn video does not replace conventional forms of evidence gathering such as written statements and PACE interviews but should be used to support those methods.
- 3.1.7 The use of body worn video during the investigation of domestic incidents is compulsory as they have significant impact on behaviour, record the scene, record the demeanour of the parties and accurately record significant comments at the scene. Body worn video should not replace a written statement but should be used to support that account. (DV Policy)
- 3.1.8 The recording of all planned arrests and premises searches in their entirety should be considered the default position. Any decision not to record should be documented appropriately. In situations where a search is being conducted and intimate body parts may be exposed, the camera should be directed away from the person and audio recording on the device remain active. (APP)
- 3.1.9 



3.2.0 In large scale operations, the wearing of body worn video remains at the discretion of the Silver/ Tactical Commander following consultation with the Senior Investigating Officer who will develop a plan around the capture of any submissions of body worn video en masse.

3.2.1 Body worn video does not replace but rather compliments victim statements, PACE interviews, crime scene examinations, high quality injury photographs and medical reports and other sources of primary evidence.

3.2.2 In the investigation of a death body worn video should be used to document the scene

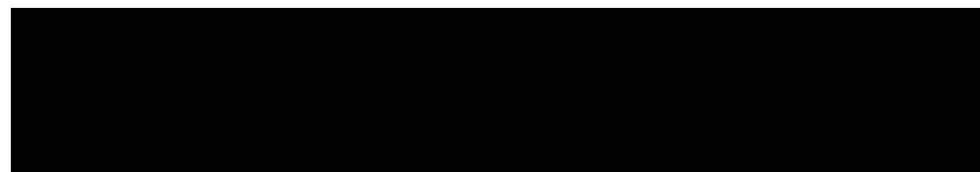


3.2.3 There is no requirement to record routine interactions with the public.

3.2.4



3.2.5



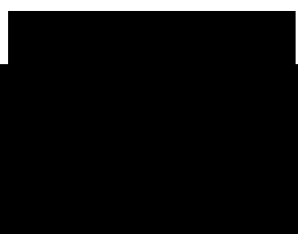
3.2.6 Body worn video is not a replacement for original source CCTV and arrangements should be made to secure and exhibit the original.

3.2.7



3.2.8 Leicestershire Police will continue to consult locally with their communities on the use of body worn video.

3.2.9 The priority at all incidents is the preservation of life.



3.3.0

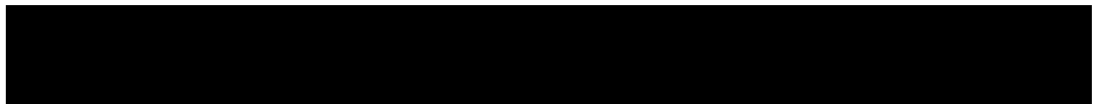


3.3.1 When Body worn video is activated, officers should give a clear warning that this is the case as this may affect crowd dynamics.

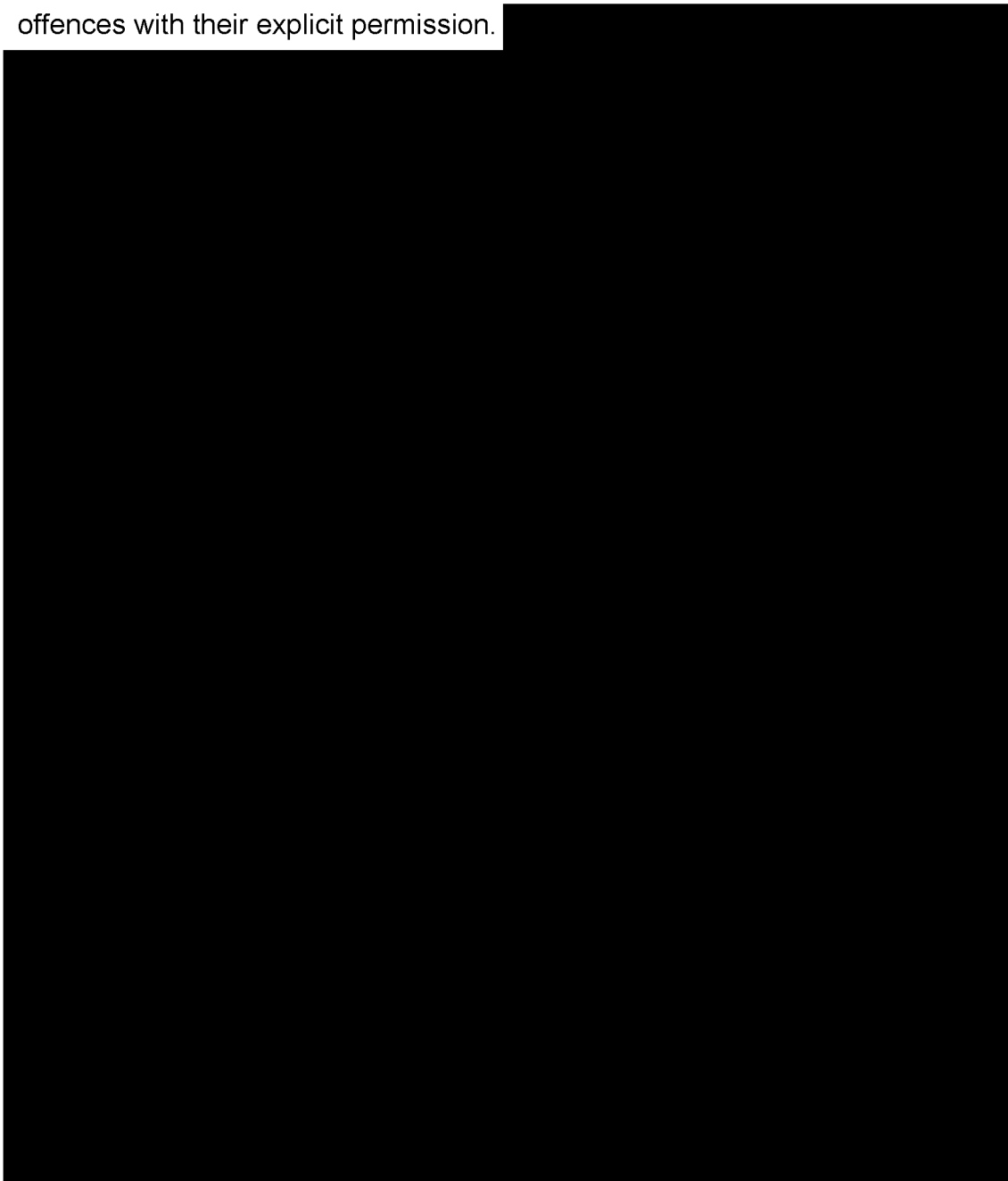
3.3.2 Officers can review their own body worn video prior to writing their statement

3.3.3 Officers can only view their own and a group viewing cannot be completed.

3.3.4



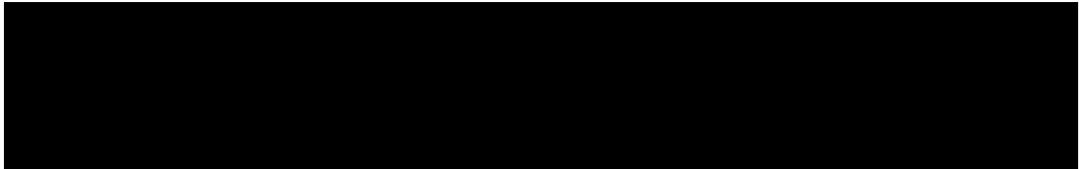
3.3.5 Body worn video should be used with the victims of serious sexual offences with their explicit permission.



3.3.6



3.3.7



3.3.8 Supervisors are encouraged to review their officer's BWV footage as a tool to identify good practice and development needs.

3.3.9 Unless the use of BWV would compromise a covert surveillance operation the expectation is that officers in non uniform with deploy with BWV available to them

3.3.10 It is expected that officers, in uniform or non-uniform, when conducting a stop search will utilise BWV unless the use would compromise a covert surveillance operation

4.0 Use of Body worn video to conduct Suspect Interviews

4.1 From the 11th of March 2020 Leicestershire Police introduced the use of Body Worn Video (BWV) cameras to conduct voluntary suspect interviews outside police stations.

4.2 Officers can conduct voluntary interviews for some offences away from police stations, including at suspects' home addresses or at the scene of the incident.

4.3 Written records of interview, commonly known as contemporaneous note interviews, can no longer be used to conduct interviews unless an approved device is not available, and only then with the authorisation of a relevant officer. (see PACE Code F par 3.17 and Note 3H).

4.4 It is important a suspect understands being interviewed at their home, place of work or other location is just as serious as being interviewed at a police station. The location of the interview should in no way influence their decision-making in terms of requesting legal advice. Under no circumstances should any officer seek to influence that decision.

4.5 Officers may consider using body worn video to conduct interviews away from a police station in exceptional circumstances where the interests of the suspect and

justice may be best served by doing so. For example: it is impracticable for an infirm or disabled suspect to attend a police station voluntarily, doing so would be detrimental to their health, the suspect has carer responsibilities and their voluntary attendance at a police station may be detrimental to another person's wellbeing, the suspect is a child under 18 and their appropriate adult is unable to attend a police station.

4.6 Following changes to PACE as a result of the Police and Crime Act 2017, officers are required when making arrangements for a voluntary interview to inform the attendee:

- That they are not under arrest and are free to leave at any point
- That the rights, entitlements and safeguards that apply to the conduct and recording of an interview under arrest apply equally to a voluntary interview.
- That they must not agree to be interviewed until they have been told about their rights and entitlements and the safeguards that apply to voluntary interviews
- The interview is necessary to obtain evidence about their suspected involvement in the offence described when they are cautioned.

They **must** be told then

- That they will be informed about the offence in question
- They have a right to free legal advice, including the right to speak to a solicitor on the telephone and that such advice can be obtained before the interview takes place
- If the attendee is a juvenile, vulnerable or someone who needs help to check documentation, that they will have an appropriate adult or someone to help with the documentation
- That if needed an interpreter will be provided
- That the interview will be arranged for a time and place that will permit the attendees rights to be fully respected and the interview will be recorded
- That agreeing to the interview indicates agreement to recording of the interview

Before asking any questions in a suspect interview the interviewer must ask the suspect to confirm they agree to the interview

Post-Interview

- [REDACTED]
- Signpost attendee to useful numbers on rear of 'Your Rights - Suspect Interviews' guidance.
- [REDACTED]
- [REDACTED]

Biometric Capture



4.7 OFFENCES SUITABLE FOR BODY-WORN VIDEO-RECORDED SUSPECT INTERVIEWS

All Road Traffic Act offences with the following exceptions:

- Causing death by dangerous driving
- Causing serious injury by dangerous driving
- Causing death by careless or inconsiderate driving
- Driving or being in charge when under the influence of drink or drugs
- Driving or being in charge of a motor vehicle with concentration above prescribed alcohol limit
- Driving or being in charge of a motor vehicle with concentration of a specific controlled drug above the specified limit

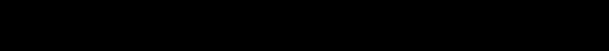
Summary only offences *except*:

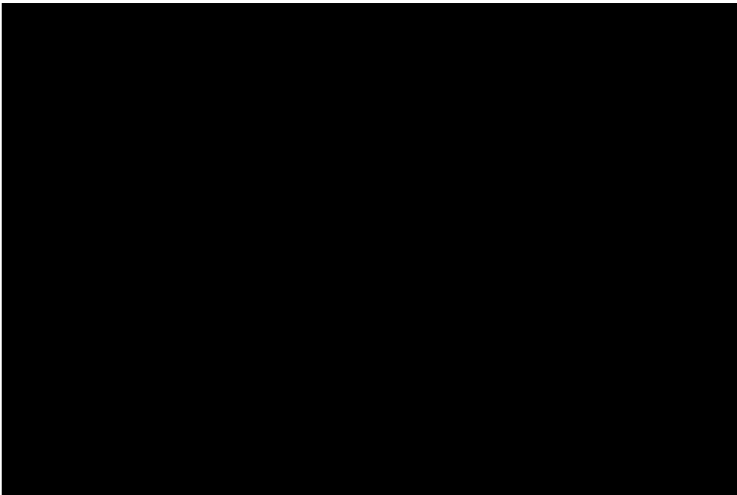
- Breach of a non-molestation order
- Assault on an emergency worker
- Domestic Abuse
- Hate Crime

Either-way offences:

- Theft – value under £200
- Possession of cannabis or khat
- Nuisance or threatening calls – offences under the Communications Act 2003, Criminal Law Act 1967, Fire and Rescue Service Act 2004

4.8 Storage of Interview Footage

Interview footage should be stored on the  system and marked  for retention 



Interviewing Officer 1 Collar Number and Surname

Interviewing Officer 2 Collar Number and Surname

Other present, role and organisation: e.g. [REDACTED] *Legal Rep* [REDACTED]
[REDACTED] *Appropriate Adult, AA Service*; [REDACTED] *Intepreter*

5.0 Post Incident Procedures

5.1 Body worn video 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.

5.2

[REDACTED]

5.3

[REDACTED]

5.4

[REDACTED]

5.5

[REDACTED]

5.6

[REDACTED]

5.7

5.8

5.9

5.9.1

6. Statement of Policy

6.1. The objective is for body worn video to support Leicestershire Police by:

- 6.1.1 Enhancing opportunities for capturing best evidence.
- 6.1.2 Providing an evidential solution that reduces challenges to evidence in court and promotes an increase in early guilty pleas.
- 6.1.3 Reducing the reliance on victim evidence in court of those who may be vulnerable or reluctant to attend court.
- 6.1.4 Reduction of incidents of violent or anti-social behaviour through the overt carry of BWV and its effect on the behaviour of persons involved.
- 6.1.5 Promote public reassurance by enabling public scrutiny of data capture.
- 6.1.6 Reducing complaints against the Police through a provision of impartial and accurate evidence.

7. Collateral Intrusion

7.1. When an officer is recording on their Body worn video it is possible for collateral information to be obtained eg a passing vehicle that is unconnected to the incident. Officer training covers such scenarios and provides guidance to minimise this risk as much as possible.

8. Data Retention and Protection

8.1. As outlined, data obtained as a result of the use of body worn video is down loaded to a master database. The master database has an auto weed of data after 28 days, unless an officer confirms that the data is needed for evidential purposes such as CPIA. If data is retained evidentially then force MOPI principles will be followed.

9. Sharing of data with Third Party organisations

9.1. All third party applications for data from body worn video will be considered by the Force Information Management Team. Examples of this could be the scene of an RTC and the insurance company of one of the vehicles involved wants access to the body worn video footage. All such requests will be considered on their own merit and take into account if there is any collateral intrusion.

10. Training

10.1. Body worn video devices are personally issued to trained staff. The training is extensive and completed by the Force Learning and Development Department. Compliance with that training is then overseen by individual line managers. Any breach of the training or Force Policy will be dealt with accordingly and could involve a referral to the Force Professional Standards Department.

11. Review

11.1. The body worn video policy will be reviewed on an annual basis or sooner if affected by a change in legislation or procedure.