



**HEDDLU
GOGLEDD CYMRU
NORTH WALES
POLICE**

BODY WORN VIDEO POLICY

POLICY

Governance:	Senior Leadership Team		
Document Type:	Policy		
Policy Owner:	Chief Information Officer		
Department:	Crime Services		
Policy Writer:	Chief Information Officer		
Policy Number:	144	Version:	1.5
Effective Date:	13/03/2019		
Recommended Review Date:	13/03/2021		

CHANGE HISTORY			
Version No	Author	Changes	Ratification
1.2	Ian Davies with support from the Force Governance and Policy Team	Transferred to new corporate template and new policy standards applied	
1.3	Ian Davies with support from the Force Governance and Policy Team	Minor amendment following consultation	
1.4	Ian Davies / CI Dan Tipton	Remove reference to mandated use of BWV in domestic incidents.	
1.5	Ian Davies	Amendments to include reference to personal issue and pool issues BWV. Also transferred to new corporate template following review as part of policy threshold introduction	

CONTENTS

1. WHY IS THIS POLICY REQUIRED?	2
2. WHO SHOULD USE THIS POLICY?	3
3. WHAT SHOULD I CONSIDER WHEN USING THIS POLICY?	3
4. ROLES AND RESPONSIBILITIES	7
5. THE PROCESS	8
5.1 <i>Requesting and Issuing a Body Worn Video Device</i>	<i>8</i>
5.2 <i>Recording an Incident.....</i>	<i>9</i>
5.3 <i>Objections to Recordings.....</i>	<i>10</i>
5.4 <i>Public Requests to Record</i>	<i>10</i>
5.5 <i>Collateral Intrusion</i>	<i>11</i>
5.6 <i>Private Dwellings.....</i>	<i>11</i>
5.7 <i>Forced Entry into Premises as part of a Warrant</i>	<i>12</i>
5.8 <i>Crime Scenes.....</i>	<i>12</i>
5.9 <i>Use of BWV in Reports of Rape or Serious Sexual Assault.....</i>	<i>12</i>
5.10 <i>Concluding a Recording</i>	<i>13</i>
5.11 <i>Post Incident</i>	<i>13</i>
5.12 <i>Stop & Search</i>	<i>16</i>
5.13 <i>Selective Capture and Book Marking.....</i>	<i>16</i>
5.14 <i>Witness First Accounts.....</i>	<i>17</i>
5.15 <i>Recording of Interviews</i>	<i>17</i>

5.16	<i>Witness Identification</i>	17
5.17	<i>Uploading, File References and Exhibits</i>	17
5.18	<i>Requests for Editing or Producing CD/DVD's - Imaging Unit - Crime Services</i>	21
5.19	<i>Officers Viewing Footage Prior to Making a Statement</i>	21
5.20	<i>Use by Professional Standards Department (PSD)</i>	21
5.21	<i>Provision of Data to Outside Organisations</i>	22
5.22	<i>Body Worn Video in Public Order Deployments</i>	22
5.23	<i>Mutual Aid</i>	23
5.24	<i>Retention & Disposal</i>	23
6.	DECLARATION & LEGALITIES	23

1. WHY IS THIS POLICY REQUIRED?

This policy will

- 1.1** Ensure officers make best use of Body Worn Video (BWV) technology to ensure a safer North Wales by preventing crime and disorder and where appropriate gathering evidence to support bringing offenders to justice. BWV will assist users in achieving this by
- Reassuring the public and improve trust and confidence
 - Increasing and improving intelligence gathered
 - Assisting Criminal Justice partner agencies in delivering best evidence
 - Reducing Officer case build time and court appearances
 - Ensuring BWV is used in compliance with relevant legislation
 - Increasing control of digital evidence as a crime exhibit
- 1.2** Enable officers to comply with legislation and guidance to capture best evidence for use in court proceedings.

2. WHO SHOULD USE THIS POLICY?

- 2.1** This policy should be used by all police officers and police staff, including the extended police family and those working voluntarily or under contract to North Wales Police.
- 2.2** This policy particularly applies to those officers and staff employed within business areas, that are main users of BWV technology and its evidential product.
- 2.3** This policy includes:
- Clear direction for those trained in the use of BWV equipment including how to use the device, the retention of footage and how to share footage.
 - Clear direction on the management of data obtained via BWV

3. WHAT SHOULD I CONSIDER WHEN USING THIS POLICY?

- 3.1** BWV is an overt method by which officers can obtain and secure best evidence at the scene of incidents and crimes.
- 3.2** BWV significantly enhances evidence gathering opportunities and when available should be used in all appropriate circumstances. To enable this, all users must be aware of their responsibilities in relation to its deployment and retention to safeguard users and the integrity of the digital product.
- 3.3** 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 provide independent evidence that improve the quality of prosecution material and may reduce the reliance on victim evidence, particularly those who may be vulnerable or reluctant to attend court.
- 3.4** BWV can also impact on the professionalism of the service and assist in the continual development of our staff. Officers, trainers and supervisors can utilise the equipment to review and improve interactions and interventions.

All images recorded are the property of North Wales Police and must be retained in accordance with force procedures and the National Police Chiefs' Council (NPCC) Practice on Police Use of Digital Images. Images are recorded and retained for policing purposes and must not be shown or given to unauthorised persons.

3.5 The Equipment

The BWV equipment is a body-mounted camera with a built in microphone. The camera stores digital files, which, once recorded, cannot be deleted or amended by the operator. Each digital file carries a unique identifier and is time and date stamped throughout. The dedicated software, Digital Evidence Management System (DEMS) manages the downloading, storage and burning to DVD of the digital files. This provides a full audit trail ensuring evidential continuity is maintained.

BWV is deployed in NWP on both a Personal and Pool issue basis.

- **Personal Issue** – BWV devices are marked with the user's collar number, and must only be used by the asset owner. These devices will be docked in clearly labelled docking stations.

Pool Issue – BWV devices are available for some users and can be "booked-out" each time. These pool issue devices will be docked in clearly labelled docking stations "Pool BWV" and can be booked-out by a user who does not have a personal issue device. After consultation with their Custodian these devices can also be used by Personal Issue Officers who have experienced a fault with their own device and where no spare is available.

3.6 Key Principles for the Overt Use of BWV

The Home Office and the College of Policing (CoP) produced [guidance](#) with seven key principles for BWV.

Principle 1	The use of body-worn video by police is lawful. Common law authorises BWV use in the lawful execution of their duties to prevent and detect crime.
Principle 2	Data is processed and managed in line with Home Office Code of Practice on the Management of Police Information (2005), College of Policing (2013) APP on Information Management and the principles of the Data Protection Act (DPA) (2018). Data retention, review and disposal must be in line with relevant legislation and current guidance. Forces must be able to ensure the integrity of data throughout the process and have due regard for the Home Office (2013) Surveillance Camera Code of Practice .
Principle 3	The normal use of body-worn video will be overt Chief Officers must ensure that the capabilities of BWV equipment are clear to the public. This includes capturing audio as well as visual imagery. BWV may be used in covert policing subject to the relevant authorities.
Principle 4	The operational use of body-worn video must be proportionate,

	<p>legitimate, and necessary</p> <p>Complying with the Human Rights Act 1998, Data Protection Act 2018 and the Surveillance Camera Code of Practice will ensure the use of BWV is always proportionate, legitimate and necessary. Continuous, non-specific recording is <i>not</i> permitted.</p>
Principle 5	<p>Use of body-worn video will be incident specific. Officers will use common sense and sound judgement when using body-worn video, in support of the principles of best evidence.</p> <p>Officers are required to justify their use of BWV. There should be a tendency towards capturing audio/visual evidence when deciding whether to record. Nevertheless there are several limitations.</p>
Principle 6	<p>Body-worn video supports but does not replace conventional forms of evidence gathering (i.e., written statements and Police and Criminal Evidence Act 1984 (PACE) interviews).</p> <p>Officers will continue to follow current practices for achieving best evidence.</p>
Principle 7	<p>Forces will consult locally with their communities on the use of body-worn video.</p> <p>Engagement will be proportionate to the local level of impact, which will be influenced by a force's decision to deploy BWV.</p> <p>Forces should carry out consultation to show due regard for the Public Sector Equality Duty and the Surveillance Camera Code of Practice. Consultation is also required for completing a Data Protection Impact Assessment and to comply with fair processing regulations in accordance with the DPA.</p>

3.7 Training

All users must complete the North Wales Police on-line learning package. The training and additional guidance on DEMS and a Frequently Asked Questions document can be accessed through the intranet. The E-Learning package can be completed individually or as a team led by a Supervisor.

Local (station level) BWV champions are nominated to guide and assist users should they have any questions about the device or its use.

Only officers who have completed the necessary training will be issued the equipment.

3.8 When to Use BWV – ([Principle 5](#))

BWV overt recording can be used across a wide range of policing operations and incidents. Its use is inappropriate in only a few situations. Users must use their professional judgment with regard to recording.

The camera should be switched on when footage might support 'professional observation' or would corroborate what would be written in a Police issue pocket notebook.

There should be a tendency towards capturing BWV evidence when deciding whether to record. Nevertheless there are several limitations.

Users must activate BWV to record events in the following specific circumstances <i>Unless</i> there is a legal or operational reason not to do so which you must record in your Pocket Note Book (PNB).
<ul style="list-style-type: none"> • Attending premises in order to affect an arrest.
<ul style="list-style-type: none"> • Prior to entering any land, premises, vehicle, vessel or aircraft in pursuance of any legal power in order to search those premises and for the duration of the search.
<ul style="list-style-type: none"> • Stopping a person in a public place in order to ask them to account for their actions in order to establish their possible involvement or otherwise in an offence.
<ul style="list-style-type: none"> • Deciding to conduct the search of a person, premises, land, vehicle, vessel or aircraft in accordance with code A Codes of Practice for PACE or any other statutory power.
<ul style="list-style-type: none"> • If you believe an interaction presents or is likely to present a risk to your safety or that of other persons present (i.e. someone threatening self-harm).
<ul style="list-style-type: none"> • If you are or may be required to exercise the use of force against persons or property.
<ul style="list-style-type: none"> • Giving a direction to an individual or group under any statutory power.
<ul style="list-style-type: none"> • Authorised and spontaneous armed operations (Authorised Firearms Officers (AFO's) will wear BWV at 'Overt Firearms Operations'. Such use will be governed by a separate regional Standard Operating Procedure (SOP) in accordance with national guidelines.
<ul style="list-style-type: none"> • Taser trained Officers when deployed to an incident whereby the potential for Taser deployment may be required.
<ul style="list-style-type: none"> • Stop and search account
<ul style="list-style-type: none"> • Obtaining victim statements

3.8.1 When Not to Use BWV

Not recording an incident may require explanation in court; however in some instances it is not appropriate to make a video recording, again in such cases users should record the fact in their PNB.

Recording must be incident specific, and operators should not indiscriminately record entire duties or patrols. BWV must only be used to capture video or audio at incidents that would normally be subject of PNB entries, or used as "professional observation" for use by supervisors.

All recordings can be used as evidence, even if at the time it appears to the user that this is unlikely (e.g. a stop and search with a negative result). All recordings should be treated as evidential until confirmed otherwise. If it becomes obvious that the recording

will not be evidential (unless there are other extenuating circumstances) users should stop recording immediately.

Users should capture as much evidence as possible (including the context of the encounter) and should always try to record as much of an incident as possible.

Begin recording at the start of an incident or at the earliest opportunity thereafter, for example as soon as:

- You are deployed to an incident, or
- You become aware that any other encounter is likely to occur in front of you.

Examples where BWV use is <u>not</u> appropriate (for guidance only, this is not an exhaustive list)	
•	Intimate searches – <i>Never</i> video or make photographic recordings of intimate searches or other circumstances where persons are in a state of undress.
•	Formal investigative interviews (e.g. interview for evidence-in-chief purposes, or a significant witness interview for the purpose of preparing a statement), nor for interviewing suspects as it would contravene PACE Code C.
•	Rape or Serious Sexual Assault – please see section 5.8 when dealing with such reported cases.
•	Legal privilege – be careful to respect legal privilege and never record material that is or is likely to be subject of such protections. Private dwellings – Always consider the right to private and family life (article 8 of the Human Rights Act) and never record beyond what is necessary for the evidential requirements of the case.
•	Vulnerable Witness Interview (VWI) - the use of BWV is not a replacement for VWI and vulnerable victims, they must still be dealt with in accordance with the current force policy.
•	Exercise care in using BWV where it may cause serious offence (e.g., during religious worship).
•	Explosive devices – <i>Never</i> use in an area where it is believed that explosive devices may be present, BWV cameras could trigger explosive devices by causing electrostatic interference.

4. ROLES AND RESPONSIBILITIES

4.1 BWV Users	<ul style="list-style-type: none"> • Familiarise yourself with this policy and comply with it. • Ensure you have completed the necessary training prior to utilising the cameras and software. • Take responsibility for what you have chosen to record or not, which sometimes is dictated by events as they happen. Ensure you record your justification in your PNB as you may have to justify your decision during any subsequent court or other investigative proceedings. • Familiarise yourself with the 7 Key principles for the overt
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	<p>use of body-worn video.</p> <ul style="list-style-type: none"> • Only utilise North Wales Police purchased Body Worn Videos. <i>Never</i> use any privately owned BWV device to capture evidence. • Under no circumstances should BWV be used for personal use or gain.
4.2 Local Supervisors / Custodian	<ul style="list-style-type: none"> • Ensure this policy is being correctly applied. • Ensure users complete the necessary training • BWV Custodian is responsible for issuing and recovering BWV devices upon moves and changes to staffing • BWV Custodian is responsible for reporting faults and issuing replacement BWV devices
4.3 Systems Administrator / Information Asset Owner	<ul style="list-style-type: none"> • SSF HR Employment Services to set up users and provide them with logon details; completed via Systems Access Rights form. • Report any malfunctions to the relevant department (including LPS and Professional Standards Department). • Manage the DEMS database which contains the master copy of all footage.

5. THE PROCESS

5.1 Requesting and Issuing a Body Worn Video Device

Role	Action Required
5.1.1 Police Officer	<ul style="list-style-type: none"> • Submit a request to the custodian for a BWV device. <p>Upon receiving your BWV</p> <ul style="list-style-type: none"> • Complete any necessary training • Familiarise yourself with this policy and the useful do's and don'ts/hints and tips available on SharePoint • Ensure you <u>DO NOT</u> reset your BWV device using a Pin/Paperclip as this will damage the device • Ensure you <u>DO NOT</u> move the docks as this will 'slow/stop' the transfer of data • Ensure you <u>DO NOT</u> shutdown the Dems Computer as it will stop/delay downloading • Report any faults to CGI on 4100 and follow their instructions • If you move to a post which doesn't require a personal issue BWV device, return your BWV device to the custodian/local supervisor.
5.1.2 Custodian / Local Supervisor	<ul style="list-style-type: none"> • Receive a request from an officer for a new/replacement BWV device • Complete form C on the BWV SharePoint site and submit to the BWV department. • If an officer moves to a post where a personal issue BWV device is not required; complete form A on the BWV SharePoint site and return it along with the device to the BWV department.
5.1.3 BWV Department	<ul style="list-style-type: none"> • Determine whether the request is from an officer who should receive a personal issue BWV device or should be given access to a

	<p>pool BWV device</p> <p>Personal Issue BWV Devices</p> <ul style="list-style-type: none"> • Receive the completed form C requesting a BWV device • Allocate a personal issue BWV device in DEMS and record the Officers Collar Number • Send the BWV device to the custodian and confirm by email that the device is on its way. <p>Pool Issue BWV Devices</p> <ul style="list-style-type: none"> • Receive the completed form C requesting a BWV device • Allocate a pool issue BWV device in DEMS and record the Officers Collar Number • Receive all returned BWV devices and de-allocate on DEMS and keep the BWV devices in stock for re-allocation. • Manage the return/replacement of BWV devices with Supplier.
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5.2 Recording an Incident

Role	Action Required
5.2.1 BWV User	<ul style="list-style-type: none"> • Wear BWV when on operational duty • Decide whether to record any incident or not. • Switch camera on when footage might support 'professional observation' or would corroborate what would be written in your PNB. • Record as much of an incident as possible, it is evidentially important to; therefore begin recording at the earliest opportunity. <p>At the commencement of any recording or if the recording has commenced prior to arrival at the scene, where practicable,</p> <ul style="list-style-type: none"> • Make a verbal announcement to indicate why the recording has been activated, include: <ul style="list-style-type: none"> • Date, time and location • Incident type • Confirmation, where practicable, to those present that the incident is now being recorded using both video and audio. • Specific words for this announcement have not been prescribed, but users should use straightforward speech that can be easily understood, such as: "I am wearing and using a body worn video camera which is recording both video and sound..." • Taser Equipped Officers – All Taser equipped Officers must use BWV. In the event of a personal issue BWV not being available (due to a fault) you should contact the duty supervisor to ensure that you have access to spare pool devices. Priority is given to equipping Specially Trained Units (STU's) i.e. Taser officers
5.2.2 Duty Supervisor	<p>If no BWV is available for sign-out</p> <ul style="list-style-type: none"> • Receive notification from an officer that no BWV is available for sign-out. • Give priority to equipping Specially Trained Units (STU's) i.e. Taser officers
5.2.3 Alliance	When engaged on routine operational duties

Firearms Officers	<ul style="list-style-type: none"> Wear BWV and adhere to this policy. <p>When engaged on a firearms operations</p> <ul style="list-style-type: none"> Revert to the separate regional BWV SOP until you are released back to routine operational duties.
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5.3 Objections to Recordings

The use of BWV is for a legitimate policing purpose and therefore in principle, you are not required to obtain the expressed consent of the person or persons being filmed.

Recording will not be ceased at the request of a member of the public.

Role	Action Required
5.3.1 BWV User	<p>If a member of the public objects to being videoed</p> <ul style="list-style-type: none"> Inform them that the use of BWV is authorised within North Wales Police and the public should expect officers to use the equipment when dealing with incidents <p>If the subject of an encounter requests that the BWV be switched off</p> <ul style="list-style-type: none"> Advise the subject that <ul style="list-style-type: none"> Any non-evidential material is retained for a maximum of 30 days only (in accordance with the Data Protection Act (DPA) and Management of Police Information (MoPI)). The material is restricted and cannot be disclosed to third parties without the subject's express authority, unless prescribed by law. Recorded material is police information and can be accessed on request in writing in accordance with the Freedom of Information (FOI) Act (unless an exemption applies) and is also accessible via a subject access request in accordance with the DPA. Consider on a case-by-case basis whether or not to switch the BWV off. There should always be a tendency to record (within the confines of legislation) unless circumstances dictate otherwise. <p>If you feel the recording is unnecessarily inflaming a situation</p> <ul style="list-style-type: none"> Use your judgement following the principles of the National Decision Model. <p>If you deem it necessary to turn off your BWV, but events subsequently develop that require further investigation or proceedings:</p> <ul style="list-style-type: none"> Resume recording to capture any potential evidence Make the appropriate verbal announcements as noted in section 5.1.1. Record the circumstances in your PNB.

5.4 Public Requests to Record

Users may encounter members of the public who specifically request that an encounter or interaction is recorded, even if the user does not feel that there is any evidential reason to do so.

- Record such an encounter (unless there are clear reasons not to)
- 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 local guidelines (it will not be retained for longer than 30 days.)

5.5 Collateral Intrusion

Role	Action Required
5.5.1 BWV User	<ul style="list-style-type: none"> • Attempt to minimise collateral intrusion by restricting recording to areas and persons necessary (far as is practicable) to obtain evidence and intelligence relevant to the incident <p>Any persons recorded as part of a Policing incident can and may be deleted from the footage by authorised and trained professionals</p> <ul style="list-style-type: none"> • Note this process will be carried out in exceptional circumstances only and not as a matter of course. Decisions surrounding this process will be taken on the sensitivity of the footage captured. • The process of deleting someone from footage should be carried out by the Imaging Unit Crime Services. • Contact them via their force email address

5.6 Private Dwellings

Role	Action Required
5.6.1 BWV User	<p>In any private dwelling, you may find that one subject objects to the recording taking place (e.g. domestic incidents).</p> <p>In such circumstances</p> <ul style="list-style-type: none"> • Continue to record and explain the reasons for recording continuously, include: <ul style="list-style-type: none"> • That an incident has occurred requiring police attendance. • That your 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 will 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 all parties against any potential allegations.

Filming in domestic circumstances can be an issue with some cultural and religious beliefs. An example may be where a female in her home may not be dressed as she would usually be in public e.g. wearing head or face coverings. Officers should be aware of this fact and be practical and sensitive to the wishes of those involved in these incidents.

5.7 Forced Entry into Premises as part of a Warrant

Role	Action Required
5.7.1 BWV User	<ul style="list-style-type: none"> • Capture on BWV, as a minimum <ul style="list-style-type: none"> • the initial contact with the occupants to confirm powers of entry/warrant etc. • method of entry • Any subsequent damage to doors. <p>This assists in any subsequent enquiries relating to the circumstances and impact of these incidents.</p>

5.8 Crime Scenes

Role	Action Required
5.8.1 BWV User	<ul style="list-style-type: none"> • Capture a slow 360 degree of all crime scenes linked to serious offences • Provide a running commentary, where possible, of factual information to assist later viewers. • Ensure the footage captures all persons present (including members of the public). This provides the Senior Investigating Officer (SIO) with previously lost evidential data and introduces savings during the investigative process. • Highlight each crime scene recorded as evidential data • Bring it to the attention of the SIO at the earliest opportunity.

Officers must be aware that the following list is not exhaustive, and it is at the discretion of the Officer if they choose to record a full 360-degree capture of any scene.

- Murder
- Serious Assaults
- Unexplained deaths
- Suicides
- Domestic Assaults
- Criminal Damage
- Road Traffic Collisions

5.9 Use of BWV in Reports of Rape or Serious Sexual Assault

5.9.1 Anonymity

There are times when audio and visual footage assist in reported cases of rape; however, the importance of **anonymity** for a victim is of paramount importance.

There are instances, particularly with stranger or acquaintance rape where the offence has taken place away from the victim's home, but the victim later reports it from their own home. In these cases the use of BWV could record details of part of the outside/inside of the victim's home which could lead to the disclosure of private information to the defence counsel. In such cases

- request advice from the North Wales Police Rape Investigation Team (Amethyst), with a view to Scientific Support Unit (SSU) Imaging removing the visual part of the footage, but retaining the audio.

Conversely, if its reported as a domestic rape or where the parties are known to one another and/or the address is a crime scene the use of BWV (both audio and visual) would be beneficial to the investigation.

5.9.2 Explicit and Informed Consent

The explicit and informed consent of victims of rape and serious sexual offences should be obtained ***before*** their initial accounts are recorded on a BWV. Where the emotional or physical condition of a victim to a serious sexual offence is such that there is any doubt about their capacity to give informed consent, BWV should not be used.

5.10 Concluding a Recording

Unless Post Incident is invoked, it is considered advisable that the officer 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 officer attends another area such as a custody centre where other recording devices are able to take over the recording.

Officers must however be aware that not all areas of these departments are covered by CCTV, and it is therefore at their discretion if they are to record any incidents within these areas, such as escorting prisoners to cells not containing CCTV. This discretion may include the decision to continue recording a detained person whose behaviour is something which may be captured for evidential purposes.

Role	Action Required
5.10.1 BWV User	<p><i>Prior to concluding recording</i></p> <ul style="list-style-type: none"> make a verbal announcement to indicate the reason for ending the recording this should state, when practicable: <ul style="list-style-type: none"> Date, time and location Reason for concluding recording

5.11 Post Incident

5.11.1 What is Post Incident?

Post incident investigations commence in all situations where, following police contact, death or serious injury has occurred.

Investigations may be conducted by the force professional standards department or an Independent Investigatory Authority (IIA), such as the Independent Office for Police Conduct (IOPC). Investigations may also be undertaken by the Health and Safety Executive.

5.11.2 Initial Action

Where it is evident that following contact with police, a person has been critically / seriously injured, the Force Control Room should be contacted immediately.

Role	Action Required
5.11.2.1 BWV User	<ul style="list-style-type: none"> Continue recording until you are told otherwise – if the BWV was not turned on at the time injury occurred it must be as soon as practicable. The BWV recording will provide corroborating proof of the delivery of the conferring warning at/near the scene

	<p>(usually by the Force Incident Manager (FIM)) as soon as practicable once the scene is secured, as well as evidence of the scene itself. NOTE; this is your corroborating evidence and is not a mechanism for recording the scene on behalf of the investigating bodies.</p> <p>Recording by Key Police Witnesses (KPW) involved in the incident en-route to the post incident location also provide confirmation that officers are not conferring about the incident in transit. This also applies to any officer not connected to the incident but escorting the KPW(s) to the Post Incident Procedure (PIP) location.</p> <p>On arrival at the Post Incident Suite</p> <ul style="list-style-type: none"> Continue to record until directed by the Post Incident Manager (PIM). If there are extenuating circumstances, for example you are injured / traumatised and require medical intervention. The PIM should be informed of this fact so early consideration for the need to continue to record can be assessed. <p><u>In cases of officer welfare and privacy</u></p> <ul style="list-style-type: none"> You may cease recording but justification must be recorded appropriately.
5.11.2.2 PIM	<ul style="list-style-type: none"> Consider the need for BWV users to continue recording once they have arrived at the PIP location, is it justified and that it doesn't does it impinge on their rights to privacy and legal privilege. Consider carefully the requirement to balance the needs of the officers and the need for a transparent and open PIP process. Consider the need for BWV users who have remained at the scene to continue recording, consult with the necessary investigating bodies to make a decision as to whether recording should continue or not Once you have directed the recording to cease, record this in the PIM log. Once recording has ceased, adhere to the process for data retrieval.

5.11.3 Post Incident Accounts

5.11.3.1 Stage One – Situation Report

Once it becomes apparent that due to police contact, a fatal / serious injury has been sustained to a third party, the force control room must be informed immediately. The information provided from the scene should be sufficient to provide a situational report which will enable the Force Incident Manager to manage the ongoing incident and assist them to discharge their responsibilities.

5.11.3.2 Stage Two – PIM Basic Facts

Role	Action Required
5.11.3.2.1 PIM	<ul style="list-style-type: none"> Establish the basic facts of what happened. Where possible, this information should come from a source other than a key police witness. This is most likely to take place at the nominated post

	<p>incident location, where the basic facts will be provided by an individual who is willing to supply them. The basic facts will be provided (subject to legal advice where appropriate) in either verbal or written format. A staff association representative may also be present. The basic facts obtained by the PIM should, where possible, be sufficient to:</p> <ul style="list-style-type: none"> • confirm which officers were at the scene • describe in brief the role(s) of those at the scene • confirm whose direct actions led to the injuries sustained. <ul style="list-style-type: none"> • Confirm the basic facts recorded or received with the person providing them to certify accuracy, • Time, date and sign the information. • Hand the original record to the independent investigatory authority at the earliest opportunity. • Retain a copy and give a copy to the person providing the basic facts. <p>Basic facts from the key police witness</p> <p>Where the only person able to provide the basic facts has been, or may be, identified as a key police witness,</p> <ul style="list-style-type: none"> • Offer them the opportunity to take legal advice before obtaining the information • Be aware of the need to take only basic information • Record, date and time all information provided.
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5.11.3.3 Stage Three – Personal Initial Account

Role	Action Required
5.11.3.3.1 Police Officers / PCSO at the scene	<ul style="list-style-type: none"> • Subject to legal and medical advice, provide a personal initial account before going off duty. This should consist only of your individual recollection of events and should be written, signed and dated. The purpose of this being to record your role and what you believe to be the essential facts and should, where relevant outline the honestly held belief that resulted in your use of force. •

5.11.3.4 Stage Four – Detailed Account

Detailed accounts should not normally be obtained immediately. They can be left until the officers involved are better able to articulate their experience in a coherent format. This is usually after at least forty-eight hours. The detailed account should include, if relevant, why the witness considered the use of force to be absolutely necessary.

Officers will not be permitted to view their own or other officers BWV footage prior to the recording of their initial account (Stage 3) but will be permitted to view BWV footage prior to recording a detailed account (Stage 4); this is to protect the integrity of the process and the integrity of their evidence.

Viewing of the BWV footage after the stage 3 personal initial account will be under the direction and supervision of the appointed investigative body, for example, the IOPC or CPS and PIM.

The Post Incident Process must be open and transparent and capable of withstanding scrutiny. If any officer has concerns that the integrity of the process is not being maintained, they must immediately bring this to the attention of the PIM.

5.12 Stop & Search

Role	Action Required
5.12.1 BWV User	<ul style="list-style-type: none"> Video record all 'stop and search' encounters unless the search is a more thorough search or a search involving the exposure of intimate body parts as defined in code 'A' PACE 1984 code of practice. A video recording does not replace the need for compliance with the stop and search policy and code A of PACE 1984.

5.13 Selective Capture and Book Marking

Selective capture does not involve deleting images, merely making a choice of when to record or not. It also describes the process of temporarily stopping and restarting recording in order to 'bookmark' recorded footage. This breaks the digital file into chunks, making reviewing and sharing with defence and CPS easier. However, officers must be aware that stopping a recording during any Police Incident may require an explanation at court.

It is never justifiable for a user to delete images already recorded. Such action may result in legal or disciplinary proceedings. The BWV hardware used by North Wales Police is fully auditable and any deleted recordings or removal of any part of the camera is automatically reported to the systems administrator.

5.13.1 Selective Capture

Selective Capture is a phrase to cater for the choices made by officers about which elements of an incident to video. In general, users 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 judgment 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 on video and in their PNB including the grounds for making such a decision.

5.13.2 Book Marking

Book marking 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. When recording an incident it is likely that BWV users will encounter victims, offenders and witnesses as well as recording visual evidence of the scene itself.

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 Book Marking 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 can do so easily.

Prior to any temporary suspension for the purpose of Book Marking, 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 book marking process results in short breaks between clips of just a few seconds. When creating an evidential copy disk exhibit for court, the user must include all bookmarked sections for the incident, as one complete evidential copy recording of the incident.

5.14 Witness First Accounts

Role	Action Required
5.14.1 BWV Users	<p>If approached by victims or witnesses who are giving their first account of the crime</p> <ul style="list-style-type: none"> • You may record the encounter using BWV but consider the needs of the individual with regards to sensitivity based on the nature of the offence being reported. <p>Any initial disclosure from victims and witnesses recorded by BWV</p> <ul style="list-style-type: none"> • Treat as an evidential recording • Submit to the investigating officer, this is important to ensure compliance with statutory identification procedures under PACE Code D. • 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 and can also be considered as hearsay evidence and used in accordance with the provisions of the Criminal Justice Act 2003. • If a recording relates to the victim's first notes or initial description of suspects <ul style="list-style-type: none"> • Refer to the relevant section of the video when making their written statement. • Take care to ensure that the witness reviews only their account. They must not be allowed access to other sections of the recording. • Record in the witness statement the extent of any review by the witness to assist with making their statement.

5.15 Recording of Interviews

Never use BWV to record interviews of suspects under caution which occur at a police station.

5.16 Witness Identification

Witnesses to a Policing Incident where the offender is present should under no circumstances be shown the video captured on the BWV. Officers should revert to [Police and Criminal Evidence Act 1983 Code D](#)).

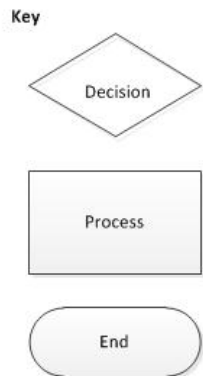
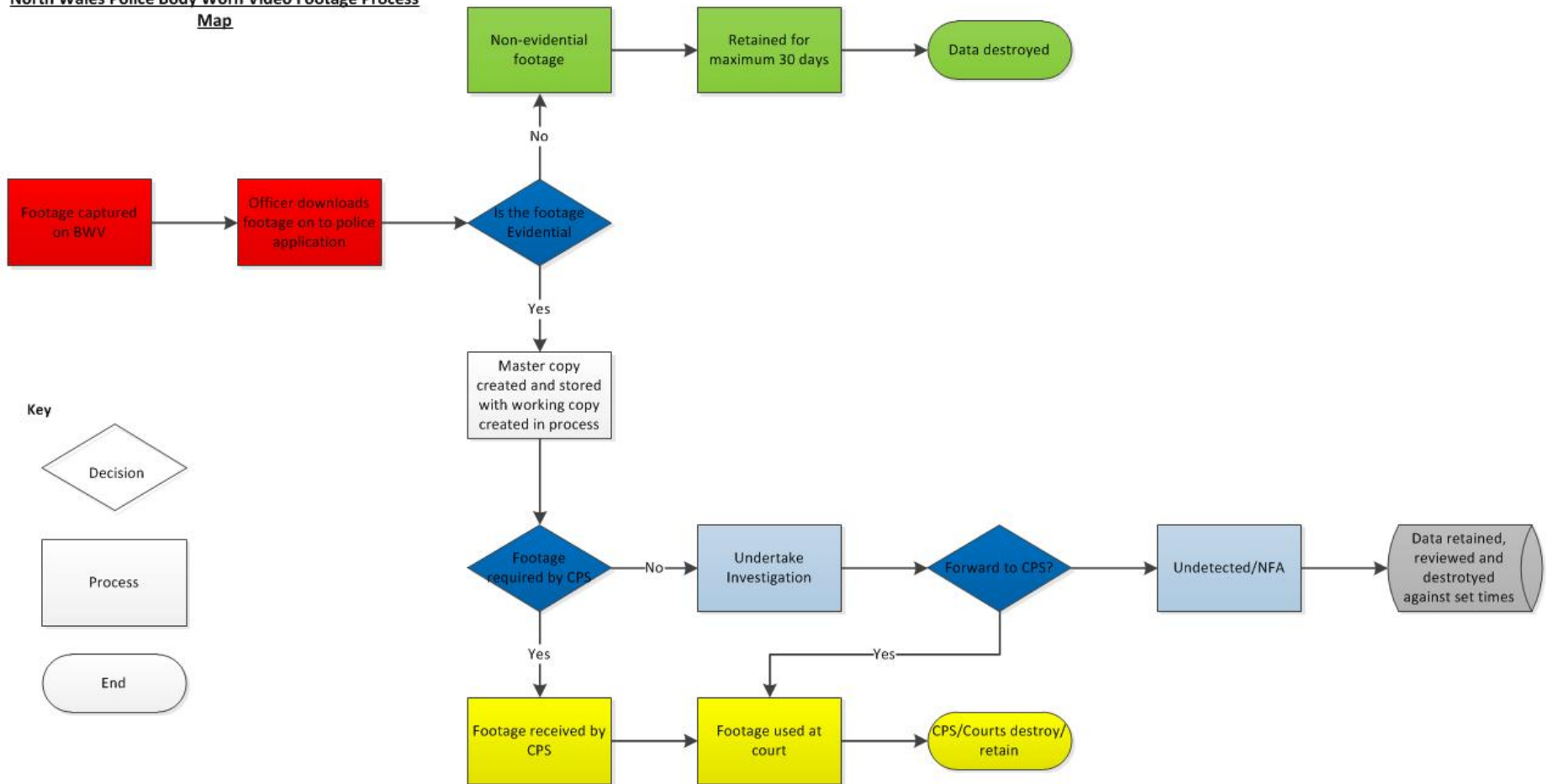
5.17 Uploading, File References and Exhibits

All footage recorded to the BWV device must be downloaded at the end of the officer's tour of duty and the device returned to the docking computers at the officers' home station.

Once downloaded, the camera is clear of all footage and ready to be booked out again.

All recorded footage is automatically downloaded and saved on the secure networked data storage facility.

North Wales Police Body Worn Video Footage Process Map



5.17.1 Evidential Footage

Evidential footage is considered any data that

- Evidences of an offence
- Supports evidence for any process - i.e. charge, Fixed Penalty Notice, Penalty Notice for Disorder etc.
- Is required for a relevant and proportionate policing purpose - i.e. footage taken of an overcrowded town centre taxi-rank to highlight the need for an extended facility to Local Authority partners
- Should be revealed under The Criminal Procedure and Investigations Act 1997

Never download data to any device other than through the dedicated BWV docking computers provided. Any attempt to do so will result in the automated reporting of such an attempt. Any user found doing so, may be liable for prosecution or disciplinary procedures.

5.17.2 Burning evidential footage to DVD (working copy) for submission to AJD (and then CPS)

The CPS request that whenever possible footage clips are not cropped as the defence may ask for the full version.

Role	Action Required
5.17.2.1 BWV Recording Officer	<ul style="list-style-type: none"> • Ensure that evidential footage is correctly downloaded and that the Unique Reference Number (URN) for the footage is fully recorded on the associated NICHE Record. • Identify any saved evidential footage by entering the NICHE Crime or iCAD log number in the incident ID column and other details such as exhibit number, suspects and other relevant details in the notes column. • Ensure you add the URN and other details to the disc as soon as it is burned off. Failure to do so may result in the disc not being linked to the case file. • Complete the MG5 with details of the officer/s making the recording, timings and summary; the summary should be such that what the evidence captured on the disc is accurately and fully described. <p>If BWV is supporting evidence</p> <ul style="list-style-type: none"> • You are still required to provide written statements, including the audit trail for the capture of the footage and the subsequent production of the master disc/DVD.
5.17.2.2 Officer in Charge (OIC)	<ul style="list-style-type: none"> • Ensure that any appropriate footage is made available in a format that is suitable to the requirements of where it is to be played (e.g., currently, Courts require DVD versions of footage, so you need to ensure that the footage is burned onto an appropriate disc). <p>If more than one BWV device is present at the scene of an incident or if the area of the incident is also covered by a CCTV system</p> <ul style="list-style-type: none"> • Ensure that all available footage of the incident is secured as exhibits in consideration of any defence arguments that may be presented.

Data downloaded as non-evidential will be stored on the Digital Evidence Management System (DEMS) for 30 days. During that time it is searchable and can be retrieved and marked as evidential. After this period it will be automatically deleted.

5.18 Requests for Editing or Producing CD/DVD’s - Imaging Unit - Crime Services

The Imaging Unit (Crime Services) is responsible for managing the DEMS database which contains the master copy of all footage. Furthermore the department is the administrative centre for BWV in respect of the systems management of DEMS. All requests for footage editing or DVD production assistance should be made through SSU Imaging Unit.

5.19 Officers Viewing Footage Prior to Making a Statement

Role	Action Required
5.19.1 Officers making a statement	<ul style="list-style-type: none"> You may view any BWV footage prior to completing a written evidential statement. However it is recognised in very rare circumstances BWV may be required and therefore seized as part of an enquiry into the most serious of incidents (e.g. an incident involving the death or serious injury to a member of the public).

5.20 Use by Professional Standards Department (PSD)

North Wales Police PSD do not dip sample or routinely view BWV footage material.

BWV footage is subject to the principles outlined in the Data Protection Act, this prohibits the random dip sampling of retained footage other than for supervision and / or investigation purposes. Open access to any database or server containing BWV footage for reasons other than this will not normally be granted unless exceptional circumstances exist and authority is given by the Head of Professional Standards.

Footage from incidents can be used to identify poor performance and learning opportunities. BWV footage can be used to quickly resolve complaints and avoid lengthy investigations. There is strong evidence to support the fact that BWV contributes to a net reduction in complaints and subsequent disciplinary action, by providing a clear and impartial record of any interaction.

This means that when a complaint arises the video record can be used to quickly establish exactly what happened and provide a speedy resolution as part of the complaints process. This provides greater transparency, and allows officers to show that they followed the correct procedure if their actions are challenged.

Material not directly relating to investigation should not be made available to the investigating officer.

PSD must create master and working copies of any BWV material used in an investigation of a complaint and retain these in secure storage in accordance with force procedures.

All complaints received from the public about the conduct of any officer or member of staff (including those subsequently withdrawn) must be recorded in accordance with existing national and force procedures.

Where a complaint is dealt with by local resolution, the local supervisor should make a record of the viewing.

Role	Action Required
5.20.1 Investigators	<ul style="list-style-type: none"> • Only access footage for professional standards purposes where there is a clear and justifiable need to do so (e.g., specific investigations, identified patterns of complaints in respect of a particular officer) or where specific intelligence has been received that would indicate that viewing of BWV footage is proportionate and necessary. • When reviewing footage make a note of the fact you have done so and a brief reason for reviewing the particular piece of footage. • Record any viewing of footage by complainants • Consider whether non-connected persons on the material should be obscured when being viewed by complainants/third parties. • Secure, review and retain BWV material that is relevant to the investigation of any complaint at the earliest opportunity, in line with the parameters of the investigation
5.19.2 Supervisors	<ul style="list-style-type: none"> • Consider reviewing BWV footage relating to your officers as a supervision tool and as a means of improving performance or to identify training needs. This is especially important in areas such as stop & search, where improved performance will increase community confidence. • When reviewing footage make a note of the fact you have done so and a brief reason for reviewing the particular piece of footage.

5.21 Provision of Data to Outside Organisations

Never provide or send system data outside of the Force **without** prior permission from the System Owner/Information Asset Owner and/or the NWP Chief Information Officer.

Data sent outside the Force must be compliant with

- the Data Protection Act,
- The Management of Police Information (MOPI) guidance,
- Government Security Classification Scheme (GSCS)
- The Force [Information Sharing procedure](#) (within the [Force information Standards Policy](#)).

Relevant documentation must be completed therefore prior to sharing, you must seek advice from the Information Standards and Compliance Department to ensure the requirements within relevant legislation are met. In all cases you must mark the information appropriately in accordance with the [Government Security Classification Scheme](#), including a suitable handling rule where necessary.

5.22 Body Worn Video in Public Order Deployments

BWV currently deployed within Local Policing Services, can be used during public order deployments, but must only be used in a response function, namely incident specific when dealing with personal interactions.

- BWV must not be deployed as a pseudo Evidence Gathering Team (EGT) tactic.
- BWV should only be used to capture an officer's personal interaction with another as per the national BWV guidance.

- BWV is used in public order deployments, specific briefings with regards to its use must be given.
- After activating the BWV officers must give their name, rank and force number along with a rationale for switching the BWV on if practicable to do so, for example when delivering a 'five step appeal'. BWV should only be switched off once that interaction has concluded and where practicable the officer should verbalise that the BWV is being switched off.

Role	Action Required
5.22.1 Public Support Unit (PSU) Commanders	<ul style="list-style-type: none"> • Consider the public perceptions and community impact of BWV in public order deployments: the effect on others within the event, both in relation to collateral and crowd dynamics; the effect on perception before and during peaceful protest; and ultimately its impact on public confidence.

5.23 Mutual Aid

- **Before** being deployed on mutual aid, the requesting force must advise whether or not they have compatible downloading provisions for the responding force BWV system.
- Where data from the BWV camera is downloaded within the requesting force area, the Chief Constable of that area will fulfil the duties of data controller ensuring compliance with legal obligations under the Data Protection Act.
- Alternatively, should footage need to be downloaded within the responding force area, the Chief Constable of this force will fulfil the duties of data controller.

5.24 Retention & Disposal

Information in relation to the retention and disposal of information can be found in the [Information Management section of APP](#).

5.24.1 Retention and Legislation

All CCTV and digital media evidence must be retained / disposed of in accordance with the Human Rights and Data Protection Act.

5.24.2 Disposal

All media at the conclusion of its appropriate evidential lifecycle must be considered for recycling /destruction. CD/DVD's must be shredded and disposed of in accordance with existing force policy.

6. DECLARATION & LEGALITIES

- 6.1** In line with all Force policies, the overarching purpose of this document is to directly support the PCC police and crime plan objectives. Overall the intention of this policy is to provide a safer North Wales.
- 6.2** In the writing of this policy cognisance has been taken of the college of policing code of ethics (2014).
- 6.3** North Wales Police policies will be written in accordance with the approved corporate format and published on the Force Intranet, allowing access to staff and public, where appropriate, on the pages of the public facing Internet site under the Force publication scheme and Freedom of Information Act 2000.
- 6.4** The following main legal requirements have been identified within this policy:

- Equality Act 2010
- Human Rights Act 1998
- The Welsh Language (Wales) Measure 2011 and the Welsh Language Standards for the Chief Constable
- Data Protection Act 2018
- Freedom of Information Act 2000
- Health and Safety Act 1974
- European Convention on Human Rights
- Protection of Freedoms Act 2012
- Police and Criminal Evidence Act 1984
- Serious Organised Crime & Police Act 2005

6.5 This policy has been written giving due regard to the above legislation and has considered the risk of unfair and/or disproportionate impacts on individuals or groups (actual or perceived) and has done so via an equality impact assessment (EIA).

6.6 New legislative requirements or changes in Force structure may necessitate a review of this policy document.