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**Application**

**When?** This Policy applies with immediate effect.

**Who?** All police officers and police staff, including the extended police family and those working voluntarily or under contract to the Mayor’s Office for Policing and Crime (MOPAC) or the Commissioner must be aware of, and are required to comply with, all relevant Metropolitan Police Service (MPS) policy and associated procedures.

This Policy applies in particular to officers and staff in the following roles (this list is not intended to be exhaustive):

- Operational Officers; including Emergency Response Policing Teams (ERPT), Neighbourhood Policing Teams (NPT), and Specialist Crime & Operations (SC&O) Units;
- Investigators;
- Supervisors;
- Duty Officers;
- Superintendents;
- Borough Commanders;
- National Police Chiefs’ Council (NPCC) officers;
- Directorate of Professional Standards (DPS);

**Policy Principles**

- BWV is a useful means for recording evidence and for demonstrating transparency in respect of police actions at incidents, however, BWV should only be used to corroborate and not replace evidence from other sources, such as police officers or eye witnesses.
• BWV is an overt system and should not be used for covert recording other than in exceptional circumstances and where the necessary authorities have been granted. As BWV is overt recording, officers must declare wherever possible when they are commencing audio and video recording during each and every encounter.

• The use of BWV must be proportionate and necessary to the situation. BWV use should be ‘incident specific.’

• The MPS expectation is that Body Worn Video should be used in any circumstance outlined below:

1. Where it may assist in providing a record of evidence in respect of the investigation of any offence or suspected offence.

2. When the use of BWV would provide transparency of an encounter (for example Stop & Search, Use of force)

3. When users would have been expected or required to have completed a written record or report of an encounter or incident.

4. Any other occasion when the user thinks a recording may be of evidential value in the future and to make a recording is proportionate and lawful in the circumstances.

There are a variety of circumstances where the use of BWV is mandatory - these are:

1. When a user decides to use statutory powers to stop a motor vehicle in order to engage with one or more of the occupants.

2. When users attend premises in order to effect an arrest.

3. 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.

4. When a user stops 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.

5. When a user decides to conduct a search of a person, premises, land, vehicle, vessel or aircraft in accordance with the Police and Criminal Evidence Act (PACE) code A or any other statutory search power.

6. When attending Critical Incidents.

7. Where a user exercises the use of force against persons or property.

8. Where a user gives a direction to an individual or group under any statutory power.
9. When attending Domestic Abuse or suspected Domestic Abuse incidents.

All footage will only be retained for a maximum of 31 days unless a user decides it is to be retained for evidence, disclosure or other policing purpose. The need for retention must be justifiable and clear. Simply retaining footage ‘just in case’ is not a strong enough test and the investigator or Officer in the case (OIC) in each instance must be capable of justifying why on a case by case basis.

All footage, whether ‘used’ or ‘unused’ material, must be disclosed in criminal proceedings.

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 as outlined above. 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 Director of Professional Standards.

Users need to be aware that the use of BWV can be intrusive and careful consideration must be given in respect of Article 8 European Convention on Human Rights (ECHR) (Right to respect for private and family life). While users should consider cultural issues and sensitivities when using BWV equipment, the overriding principle must be to meet the needs of victims and the interests of justice.

**Purpose and Benefits**

BWV is a useful means for recording evidence and for demonstrating transparency in respect of police actions at incidents. It is used to corroborate, and not replace, evidence from other sources, such as police officers or eye witnesses.

The purpose of the policy is to ensure that officers use BWV in a proportionate, legal, transparent and considerate manner, to meet the needs of victims and the interests of justice.

**Health and Safety Impact Statement**

Severity and likelihood of injury related to BWV has been assessed as low risk, with the following control measures in place:

- User must undertake body worn video specific training
- Appropriate personal protection equipment is to be carried
- User must have current Emergency Life Support (ELS) and Officer Safety Training (OST) certificates
- Any potential hazards are to be identified and notified to users
• Conflict intervention to be undertaken

• User and any accompanying officers must have with them a serviceable working radio

• The camera unit is both slimline and lightweight when fitted to body armour and the user must consider its positioning in relation to existing equipment such as airwave radio

• All BWV users attending or working in areas where suspect devices are located must follow the instructions detailed in MPS BWV user guidance document

• If it is necessary to transmit a live feed then this must be done away from the hazardous environment or medical equipment.

• All equipment must comply with the Electrical Equipment (Safety) Regulations 1994 (European Council Directive 2006/95/EEC)

**Associated Documents and Policies**

• Body Worn Video (BWV) Policy Toolkit.

• MPS BWV user guidance

**Legislation:**

• Data Protection Act 1998 - covering the processing, retention and management of personal data.

• Criminal Procedures and Investigations Act 1996 - covering the disclosure of material in criminal cases.

• Freedom of Information Act 2000 - covering the right of individuals to access recorded information held by public authorities.

• Human Rights Act 1998 - Specifically Art 6 ECHR (Right to a fair trial) and Art 8 ECHR (Right to respect for family and private life)

• Regulation of Investigatory Powers Act 2000 - covering covert directed or intrusive surveillance.

• Police and Criminal Evidence Act 1984 - specifically in respect of identification (Code D) and S64 (Power to photograph without consent)

• Protection of Freedoms Act 2012
Associated Documents:

- Information Commissioner’s guidance for the police, criminal justice and border sector.
- Office of the Surveillance Commissioner - advice and guidance notes
- Surveillance Camera Commissioner CCTV codes of practice

**Notices to be Cancelled / Amended**

None.