



To: The Leader and Executive Councillor for Strategy and Transformation: Councillor Lewis Herbert

Report by: Joel Carré, Head of Environmental Services

Relevant scrutiny committee: Strategy & Resources
10/10/2016
Scrutiny Committee

Wards affected: Abbey Arbury Castle Cherry Hinton Coleridge
East Chesterton King's Hedges Market Newnham
Petersfield Queen Edith's Romsey Trumpington
West Chesterton

USE OF BODY WORN CAMERAS BY PUBLIC REALM ENFORCEMENT OFFICERS

Key Decision

1. Executive summary

Body Worn Cameras (BWCs) have been in use in the UK since 2006, and this report provides information to members on the introduction of BWC for Enforcement Officers¹ (EOs), as means of improving 'incident specific' evidence, personal safety and improving the delivery of environmental crime enforcement within Cambridge.

It is expected that the introduction of BWC will assist EOs in their duties by providing accurate, irrefutable evidence of interventions and interaction between EOs and the persons with whom they engage. This is anticipated to be of particular benefit when issuing fixed penalty notices (FPNs) on the street to persons committing environmental crime, for example leaving litter.

BWCs have the potential to significantly improve the safety of officers and the public by encouraging people to moderate their behaviour and by deterring abuse and aggression or, if necessary, by providing evidence of any abuse or aggression or misconduct that has taken place, which can then be used to support required management action.

¹ For the purposes of this report, the term "Enforcement Officers" covers both the Council's Public Realm Enforcement Officers (currently 6 FTE) and Dog Warden (currently 1 FTE)

2. Recommendations

The Executive Councillor is recommended to:

1. Note the contents of this report and agree to the implementation of the use of Body Worn Cameras by Enforcement Officers as outlined in the report from 10 October 2016.
2. Authorise the purchase of Body Worn Cameras from the Fixed Penalty Notice fund
3. Approve the Code of Practice and Operational Procedure, as set out in Appendix A and B, respectively, of this report

3. Background

- 3.1. Body Worn Cameras (BWC) have routinely been in use to capture both video and audio information by public bodies since 2006, including local authorities.
- 3.2. Studies² have shown that the use of BWC reduces abuse (physical and verbal), that officers could be exposed to and it better enables officers to perform their roles by providing a contemporaneous, irrefutable record of events. BWC are not designed to replace traditional forms of collecting evidence, such as written statements and interview, but to complement and support them.
- 3.3. Whilst EOs, to date, have not been physically assaulted, they are subjected to verbal abuse and aggressive behaviour frequently when issuing Fixed Penalty Notices (FPN's). It is estimated that approximately 75% of interactions involving the issuing of FPNs result in some degree of verbal abuse.
- 3.4. EOs perform key functions in the council's aims for making Cambridge cleaner and greener, protecting the city's unique quality of life and making Cambridge safer. Through their environmental crime function, such as enforcing against littering and the illegal dumping of waste, these aims are achieved.
- 3.5. EO work involves regular and frequent contact with the general public and business stakeholders, usually in the context of enforcing environmental law, which results in a high level of exposure to potential confrontation. Where BWC are used elsewhere it has been demonstrated that when dealing with potentially volatile situations the behaviour is far less likely to escalate to being either physically or verbally abusive when a

² Studies into the uses of body worn cameras that are referred to as part of this report are referenced in the background papers
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person is aware that they are being recorded. In line with the council policy and risk assessments officers undertake training to deal with violence and aggression, and in cases where circumstances dictate officers would seek to defuse a situation where possible or utilise existing tools such as mobile phones or radios to seek assistance from relevant agencies.

- 3.6. BWC will also improve the quality of investigation in relation to complaints and challenges to enforcement work and ensure that high levels of customer service are being delivered.
- 3.7. BWCs will be used in an 'incident specific' manner and not for general recording, for example, an entire patrol, as this would be disproportionate and would incur needlessly high levels of collateral intrusion. The BWC will only be switched to 'Record' mode and used in accordance with the Code of Practice (Appendix A) and Operational Procedure (Appendix B). Both the Code of Practice and Operational Procedure have been produced in collaboration with relevant council departments (i.e. CCTV, Legal Services and Data Protection) to ensure all legal duties and regulations (including Data Protection Act 1998, Freedom of Information Act 2000 and Human Rights Act 1998 are complied with, the proposed use of BWC is proportionate and any risk of civil liberties erosion is protected. They are also consistent with the Home Office and Police operational guidance on use of BWC in policing.
- 3.8. Where an issued FPN is disputed, any BWC recorded material can also be used to improve the process of investigating such disputes by providing clear and irrefutable evidence. Approximately 10% of FPNs issued by EOs result in a dispute or appeal being raised. In a study for Hampshire Police research found that the introduction of BWC reduced the number of complaints about officer conduct by 15%.³
- 3.9. In summary, the introduction of BWC offers the following benefits:
 - Provision of reliable evidence to the Police and council officers of assaults and abuse against EOs;
 - Investigating complaints made by members of the public. The BWCs will improve transparency and accountability in the event of complaints by providing a record of the interaction in question;
 - Protecting public safety by recording in accordance with 3.1 of the code of practice

³ Data limited to small scale study undertaken for Hampshire Constabulary
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Operational Use of Body Worn Camera

- 3.10. Operational use of BWC will be strictly in accordance with the Code of Practice and Operational Procedure.
- 3.11 BWC are designed to be overt, including a label on the device illustrating that it is a video and audio recording device. It is worn on the body by using a lanyard or clip attachment. The BWC will be 'incident specific' and not indiscriminately record an entire patrol. For the purpose of this document and associated documentation an incident is defined as:
- An engagement with a member of the public, which, in the opinion of the EO is confrontational; and where the EO believes they may be subject to physical or verbal abuse;
 - The EO is approached by a member of the public in a manner perceived as aggressive or threatening.
 - EO witnessing a littering, fly tipping, dog fouling or Punt Touting offence
- 3.12. The BWC is a video and audio recording device; one feature cannot be used without the other. The cameras will be worn by the EOs as part of their uniform.
- 3.13. The EO will make an announcement to indicate that the BWC is in use or is about to be activated (where it is safe to do so). The EO will make the announcement clearly and in a straightforward language that can be easily understood by the public. Once the incident is concluded, the EO will stop the device from recording and return it to stand-by mode.
- 3.14. EOs will have received training in all the necessary technical aspects of the BWC equipment being used, and relevant legislation, such as the Data Protection Act 1998, prior to using the equipment.

Privacy

- 3.14. The BWC Code of Practice and Operational Procedure outlines best practice guidelines and advice for using BWC and utilising the material recorded.

The Code of Practice and Operational Procedure will ensure:

- That the deployment and usage of BWC, including the process of the capture, retention, and sharing of any data, complies with relevant legislation and good practice;
- On-going compliance with any data protection good practice note, as may be released from time to time by the Information Commissioner's Office (ICO);
- That captured and retained images and sounds are suitable evidential quality;
- Footage that is not likely to be required for the investigation, or is not of evidential value, will be removed automatically from the system within a very short time - the current guidance is within 31 days from the date of the incident/recording;
- The number of staff who have access to the footage is limited to only those who require it for evidential purposes; and safeguards in place for the destruction of copies of the footage; and
- Information is stored safely and securely.

3.15. Whilst BWC technology is routinely used in environmental crime enforcement throughout the UK, it is recognised that there might be concerns regarding personal privacy issues, particularly as the device would not necessarily be identified as a camera from a distance. As such the Information Commissioner's Office (ICO) recommends that a Privacy Impact Assessment (PIA) is completed to ensure compliance with the Data Protection Act 1998 (DPA). A PIA is a process which helps to anticipate and address likely impacts of a project, and to identify solutions to minimise the risk of personal intrusion. A PIA in respect of the introduction of this technology has been undertaken and detailed in Appendix 3. The PIA will be continually updated to take into account operational changes that might emerge overtime.

3.16. The Code of Practice and Operational Procedure for the use of BWC must comply with the Data Protection Act 1998, which regulates the processing of personal data. The Freedom of Information Act 2000 provides for a general right of access to information, which is not personal data held by public bodies. The Human Rights Act 1998, Article 6 (right to a fair trial) requires recordings that might have the potential to be used in court proceedings, to be safe guarded i.e. need an audit trail. Article 8 (right to respect for private life) requires that recordings, which may potentially be private, must not go beyond what is necessary.

3.17. All captured data will be processed to comply with the Data Protection Act 1998, and adherence to ICO guidance. The council

recognises the risk of enforcement action, which could be taken under the Data Protection Act 1998 should any processing breach occur.

4. Implications

(a) Financial Implications

To meet EO operational needs and comply with BWC Code of Practice and Operational Procedure, there is a requirement to purchase eight cameras and a docking station, at an estimated cost of £3000. The purchase of this equipment will be financed by income from fixed penalty notices. There are no other set up costs.

There are also no other ongoing revenue costs associated with the use of BWC.

(b) Staffing Implications

There are no additional staffing implications, as officers are already equipped to deal with dog fouling and nuisances.

(c) Equality and Poverty Implications

An EQIA has been completed, please see attached Appendix D. The use of BWC is environmental crime incident specific and being adopted as a tool to support personal safety, and enforcement action. There is no adverse impact on Protected Groups from its adoption.

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(d) Environmental Implications

Nil: to indicate that the proposal has no climate change impact.

(e) Procurement

Costs are unlikely to fall within the procurement criteria.

(f) Consultation and communication

Consultation is not required on the introduction for BWC. The EOs who will be using BWC have been consulted and were in support of the introduction of BWC.

To communicate the introduction of BWC, successes in their use will be advertised to the city community through news releases, social and web media.

(g) **Community Safety**

There are no adverse community safety implications. It is expected that the introduction of BWC will assist EOs in their duties by providing accurate, irrefutable evidence of interventions and interaction between EOs and the persons with whom they engage. BWCs have the potential to significantly improve the safety of officers and the public by encouraging people to moderate their behaviour and by deterring abuse and aggression or, if necessary, by providing evidence of any abuse or aggression or misconduct that has taken place

5. Background papers

The following background papers were used in the preparation of this report:

- Home Office: Surveillance Camera Code of Practice
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/204775/Surveillance_Camera_Code_of_Practice_WEB.pdf
- College of Policing: [Authorised Professional Practice for Body Worn Video](http://library.college.police.uk/docs/college-of-policing/Body-worn-video-guidance-2014.pdf) <http://library.college.police.uk/docs/college-of-policing/Body-worn-video-guidance-2014.pdf> Surveillance Camera Commissioner: Code of Practice A Guide To The 12 Principles
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/368115/Leaflet_v6_WEB.pdf
- Cambridge City Council Corporate Enforcement Policy
<https://www.cambridge.gov.uk/content/enforcement-policy>
- Houses of Parliament - Parliamentary Office of Science and Technology – Body-Worn Video in UK Policing
<http://researchbriefings.files.parliament.uk/documents/POST-PB-0014/POST-PB-0014.pdf>
- [Existing and Ongoing Body Worn Camera Research: Knowledge Gaps and Opportunities](http://cebcp.org/wp-content/technology/BodyWornCameraResearch.pdf) <http://cebcp.org/wp-content/technology/BodyWornCameraResearch.pdf>
- [Evaluation of the Introduction of Personal Issue Body Worn Video Cameras \(Operation Hyperion\) on the Isle of Wight, Final Report to](#)

6. Appendices

Appendix A – Code of Practice for the use of Body Worn CCTV Cameras by Cambridge City Council Enforcement Officers

Appendix B – Cambridge City Council Body Worn Camera Operational Procedure

Appendix C - Body Worn Camera for Public Realm Enforcement Officers and the Dog Warden Service - Privacy Impact Assessment

Appendix D - EQIA

7. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

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