

Civil Enforcement Officer Protocol for the use of Body-Worn-Video Cameras



Nottingham
City Council

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Glossary Of Terms

Term	Description
CEO	Civil Enforcement Officer
SCEO	Senior Civil Enforcement Officer
PPE	Personal Protective Equipment
NCC	Nottingham City Council
BWV	Body-Worn-Video
CCTV	Close Circuit Television

Introduction

The use of body-worn video (BWV) has several benefits; primarily to reduce the number of confrontational situations and to provide evidence of any such incident, should it be required. It allows Civil Enforcement Officers (CEOs) to maintain the use of their hands and peripheral senses while recording an incident. A video recording from the scene of an incident may capture evidence of the activities of anyone involved and enable the raw emotion and action from the scene to be replayed in court in a manner that is not possible with written statements. Anyone reviewing the recording can see and hear the incident through the eyes of the CEO, thereby gaining a real understanding of the incident.

Background

Basic body-worn video cameras were introduced within Parking Regulation and Compliance in 2013, with newer, updated cameras purchased in 2018. The cameras were purchased to minimise the potential for aggressive and threatening behaviour towards the CEO. Higher specification cameras, featured in this protocol were purchased in November 2024, to replace the older versions purchased in 2018.

Body-worn video (BWV), also known as body cameras and body-worn cameras, is a video recording system that is typically used by enforcement services to record their interactions with the public or to gather video evidence at crime scenes and has been known to increase both officer and public accountability.

BWVs were initially adopted to help protect Police Officers. However, many Civil Parking Enforcement authorities are now using them to help capture evidence of assaults and to provide information as part of complaint investigations. Essentially, BWV is a form of closed-circuit television.

The BWV camera is a proactive and essential part of the CEO's work equipment. The devices are considered Personal Protective Equipment (PPE) that is provided in line with the requirements of the Health and Safety at Work Policy to help minimise risks to CEOs. As such, the devices will be always worn by CEOs whilst undertaking parking enforcement activities.

Limitations

Recordings from BWV cameras provide an account of what the CEO saw and heard at an incident. There are however limitations to the technology and CEOs must be aware that some aspects of incidents that may be vital evidence may occur out of camera view, that sound recordings may not be complete or that other sounds at the scene may block significant statements by those present. Importantly there is the possibility of other technical failures or operator errors that may hinder the production of the recording.

CEOs need to ensure that they continue to gather evidence in line with standard practices and procedures such as the use of a pocket notebook and not rely solely on the BWV evidence.

There are some examples of situations where the use of BWV cameras is not appropriate; the following list is for guidance only and is not exhaustive.

- Intimacy – BWV must not under any circumstances be used for the recording of intimate circumstances where persons are in a state of undress.
- Legal privilege – users must be careful to respect legal privilege and must not record material that is or is likely to be subject to such protections.
- Private dwellings – No recordings are to be made in private dwellings.

Responsibility

The Parking Regulation and Compliance Service Manager is the single point of contact and the single responsible officer for the operation of BWV used by Nottingham City Council's (NCC) CEOs. Access to the system is limited. Officers detailed roles and responsibilities are demonstrated in Appendix 1. All users have unique passwords that will be deleted if officers leave the authority or change posts. All authorised officers shall undergo annual GDPR and Information Security Training.

Operational Considerations

- It is crucial that the wider use of BWV evidence does not negate the need for other types of evidence, such as pocket notebook notes or statements from other CEOs or eyewitnesses.
- The incident is recorded in real-time and is limited to the field of view and audio range of the device.
- In keeping with providing traditional supporting evidence, the CEO is required to make a written record of the incident, including direct speech quotations, as soon as possible after the incident occurs.
- BWV evidence is far more accurate than previously possible when using traditional methods and any doubts as to what was done or said by any person present are minimised.
- Using BWV at incidents enables CEOs to present their evidence in a consistent and an accurate manner.
- BWV recordings may be used to investigate complaints relating to a CEOs actions whilst on duty.
- When used effectively, BWV can promote reassurance to the CEO while reducing antisocial or abusive behaviour from members of public.
- Recordings will provide irrefutable evidence that should improve the quality of responses to complaints and may reduce the reliance on other evidence.
- Using recordings can assist in the portrayal of the professionalism of Civil Parking Enforcement and the CEOs.

Regulation of Investigatory Powers Act (RIPA) 2000

Part 2 of the Regulation of Investigatory Powers Act 2000 covers acts of direct and intrusive surveillance. The Act identifies the procedures and authorities required in these circumstances. Guidance is intended to provide direction in respect of the overt use of BWV by CEOs during the course of their duty. Therefore, the provisions of RIPA are not applicable to the use of BWV provided it is used overtly. This protocol ensures that if overt cameras were to be used for a covert purpose a RIPA authorisation would be obtained.

Recording an Incident

- Recordings should commence at the start of any incident and must be specific in terms of feeling threatened. The recording should continue uninterrupted whilst the incident is taking place.
 - All recordings have the potential to be used in evidence, even if it appears to the user at the time of the incident that this is unlikely.
 - CEOs should concentrate the recording on the incident wherever possible and practical to do so to avoid / minimise any collateral intrusion.
 - Cameras should **not** be switched on when travelling to/from the patrol location or when travelling or walking through pedestrianised areas, unless the CEO believes that they may become the target of a physical or verbal assault from a member of the public.
 - CEOs should, where possible and practical, announce to the individual that video and audio recordings are taking place using BWV.
 - Video recordings must not be made indiscriminately during shift times when the CEO is taking a legitimate rest or comfort break as this does not constitute enforcement activity.
 - Where a video recording is required as evidence for a complaint investigation into alleged employee misconduct, the Council's procedures for obtaining authorisation to access and review CCTV footage must be followed in all instances.
 - When approached by a member of the public and at the commencement of any incident the user should, where practicable make a verbal statement to indicate that recording is taking place and if possible, this should include:
-

- Confirmation to those present that the incident is being recorded using both audio and video

- CEOs should use straight forwarded speech that can be easily understood by those present such as *“I am going to activate my camera”, “I am video recording this incident”* or *“everything you say and do is being recorded on video”*.
- Wherever practicable users should restrict recording to the areas and persons necessary in order to obtain evidence and intelligence relevant to the incident; they should attempt to minimise the risk of intrusion on those not involved.

Partial Recordings

There may be occasions where an incident is only partially recorded, such as through technical failure, the equipment being knocked, covered, or dislodged during a struggle or through the nature of the incident where the camera view is restricted. There may also be occasions where the sound recording is unclear or verbal responses are difficult to hear because of other more prominent sounds such as radio traffic or noise created by strong winds. In this case, the CEO is to make contemporaneous notes as necessary to support any BWV evidence.

Use of Body Worn Video – Warning to Data Subject

The use of BWV described in this protocol document is intended for “overt use” only and as such, they are not to be worn or used in a hidden or covert manner.

Under the Data Protection Act 2018 and UK GDPR, the data subject must be informed of:

- The identity of the Data Controller – which is Nottingham City Council
- The purpose or purposes for which the footage is intended to be processed – ensure the health, safety and wellbeing of staff and to manage any citizen complaints.
- Legal Basis - The basis under which the Council uses personal data for this purpose is that this is necessary for the performance of a task carried out in the public interest by the Council or in the exercise of official authority vested in the Council.
- All the above information is outlined in Privacy Notice **PN-170**, which can be found by a member of the public on <https://www.nottinghamcity.gov.uk/privacy-statement> or simply by searching Nottingham City Council Privacy Statement. The above Privacy Notice is saved under Growth and City Development Services.
- Any further information that is necessary for processing to be fair.

There will be a series of appropriate measures to ensure that the data subject is both aware that they are being recorded, how their data will be processed and ensure that the data subject is informed.

The first measure is in the form of visible notices such as badges. The CEO uniform includes a visible badge that demonstrates that Body Worn CCTV Video is in use, shown in the image below.





The second measure is through the CEO themselves. Upon initial contact with the data subjects, they will inform them of existence of the cameras, indicate verbally that they are going to record the incident and how their data will be processed. If, however, the CEO is unable to do so at the beginning of an incident due to circumstances that prevent them from doing so, there are other measures available. When the camera is recording, the light will change from green to red and the camera will announce “video recording started”. When the camera has stopped recording, the light will change from red to green and the camera will announce “video recording finished”.

Whilst there is an audio warning emitted directly from the camera itself, this should only be relied on in situations where the CEO is unable to give a verbal warning themselves in circumstances that prevented them from doing so. However, where the CEO has been unable to give a verbal warning at the beginning of recording, they should always instruct the data subjects and remind them that the incident has been recorded, what their rights are and direct them to where they can get more information in the interest of keeping the subject informed as soon as they are able to. Data Subjects should be directed to the Privacy Notice outlined above.

Members of the public may be unaware that the camera is capable of recording sound. CEOs should, therefore, consider the reasonable expectations of the public (e.g., if a member of the public approaches a CEO to ask a question) they may not expect to be recorded. If an incident occurs, it is good practice for the CEO to inform them that the device is switched on and is recording and remind them what the lights on the camera indicate so they better understand when the device is on and when it has been shut off as a physical indicator. In addition, the badges worn by CEO indicates sound recording.

In this way, a layered approach is to be applied to ensure that the data subjects are made aware that they are being recorded and for what purpose.

Data Storage

Memory Card (Physical)

The cameras will have a removable memory card which is encrypted and can only be accessed with a pin code. The risk if stolen / lost is that the footage contains audio and visual of perpetrators, potentially other members of public inside / outside customer buildings, and audio of the operative. Senior Civil Enforcement Officers (SCEO's) should ensure that the memory card remains encrypted and that the pin code is not shared so should this happen, no one outside the SCEO's can access the footage from the memory card.

These memory cards, when not in use, will be stored together with the BWC, securely at Byron House.

Footage (Digital)

All footage captured during the course of a CEO's duties, will be downloaded to a network PC at the end of their shift, and all non-evidential footage will be retained for a 31-day period and then disposed of unless it is identified as evidential footage.

Images and audio will be stored on a designated Council computer, which is in a secure building at Byron House. Any downloaded footage will be saved on secure Council servers directly, not the cloud. The computer also requires password access. This password will be held by Senior Civil Enforcement Officers.

Body Worn Cameras (Physical)

BWC will be stored together with the removable memory card and the rest of the equipment securely stored and docked within the Operations room at Byron House, Central Police Station in the Parking Regulation and Compliance office.

BWC equipment will be returned to Byron House at the end of every CEO's shift to ensure that the equipment is secured at all times.

Retention of Data

BWV footage is deleted after 31 days. Any evidence files created are kept up to the point of the incident being resolved and the case being closed within a reasonable period. Evidential recordings are retained for a period of up to 2 years after the case is completed and any time for an appeal has elapsed. The retention will be determined by the SCEO who reviews the footage recorded by the BWC.

Deletion of Footage

Footage from all BWV cameras which is no longer required must be deleted after 31 days. Any footage that is used as evidence regarding an incident is deleted once the case is resolved and the details are no longer required. Evidential recordings are retained for a period of up to 2 years.

The SCEO's and Parking Regulation and Compliance Service Manager is authorised to delete footage through password protection.

Downloading of Footage

SCEO's only are permitted to download the BWV footage to the PC located in the Operations Office at Byron House, at the end of the shift. The BWV footage is encrypted ensuring that viewing of the footage can only be accessed by authorised persons.

Data Sharing and Requests to View Footage

Nottingham City Council's Parking Regulation and Compliance Service Manager is authorised to access and view the footage of any BWV.

If a request for video footage is received from a member of the public, it will be referred to the Council's Information Compliance team for approval in line with the CCTV Policy.

Where the Information Compliance team request the footage, the SCEOs will identify and review the day's recordings and create an incident file within the BWV back-office function. This file can then be viewed in a controlled and secure environment and if deemed necessary downloaded onto an encrypted removable device such as a USB or disk.

If appropriate, arrangements can be made by the Council's Information Compliance team for the member of public to view the footage securely at an agreed time. Footage deemed to show any criminal act can be shared with Nottinghamshire Police subject to the necessary permissions and approval process. Data is shared with authorised investigating bodies/organisations that have approved investigatory powers such as Nottinghamshire Police in accordance with the Council's information-sharing agreement with Nottinghamshire Police

Evidential Statements

Using BWV, the CEO is able to produce a “perfect memory” of everything they saw and heard at an incident. Any video recording of an incident is likely to provide better evidence than a CEO's recollection and subsequent notes or statement making.

If the recording covers the whole incident, it is not essential for the CEO to produce a written statement detailing the entire nature of the interactions contained in the video footage as this is avoidable duplication.

If two CEOs are present at the same incident and one of the CEOs records the whole incident while the other actually deals with the incident, the resultant recording can be used as the evidence for both officers as long as it shows the entire incident.

The CEO recording the incident should also make notes to cover any additional points that may be outside the view of the camera as well as all evidential information required in the event of technical failure.

If there is any break in the recording details, the reason for this must be included in the CEO statement.

Body Worn Video Equipment Issue

- When not in use all equipment must be securely stored in the operations office at Byron House
- CEOs are issued their own BWV camera in order to demonstrate evidential continuity if required. Each CEO signs an issue receipt for their own camera, shown in Appendix 2.
- Senior Civil Enforcement Officers (SCEOs) will issue the equipment to each CEO as appropriate.
- When issued with the equipment the CEO is responsible for ensuring that it is working correctly prior to leaving Byron House. The CEO must immediately report to the CEO on duty if their device is not working.
- The BWV camera should then be ready to be activated only, when necessary, throughout the course of their duty.

Maintenance

- BWV equipment must be kept in good working order, and it is the responsibility of each officer to ensure that the equipment is well maintained.
- At the start of the shift the CEO must collect the BWV camera from the docking station and check it before leaving Byron House to establish that it is fully operational and that it is recording correctly (e.g., include checking that batteries are fully charged, images are being recorded the correct way up and are clear, camera lenses are clean).
- Camera's must be checked prior to deployment to ensure that they are working correctly, and this should be confirmed when the camera is returned to base at the end of the officer's shift.
- Any defects with the equipment should be reported to the SCEO on duty and a defects log should be completed.
- The CEO should return the BWV camera to the docking station at the end of the shift so that it is fully charged ready for use during the next shift.

Technical failure

In the event of a technical failure of the BWV equipment either through accidental damage or malfunction it is vital that the CEO is still able to provide the best possible evidence through traditional contemporaneous notes. It is therefore, crucial that users of BWV remain attentive throughout the incident and if required are able to recall evidential aspects of the encounter. CEOs must ensure they do not rely solely on the equipment to gather evidence – they must still be able to provide an evidential account proving any alleged offence without reliance on any BWV recording.

Use of Body Worn Video and Potential Misuse

If a CEO attends an incident and is recording evidence using a BWV camera, the whole incident should be recorded. CEOs must not intentionally fail to record an incident for example, by turning away without good cause or deliberately obstructing the camera lens. Such calculated actions may lead to an investigation into potential employee misconduct.

Misconduct Identified During Review

Recordings may be reviewed by authorised staff only.

If during a review, evidence is identified that indicates actual or potential misconduct, the person who has witnessed the conduct must bring this to the immediate attention of the CEO's direct SCEO or the Parking Regulation and Compliance Service Manager. The SCEO or Service Manager should then consider the nature of the recorded conduct and deal with the matter as appropriate in accordance with the relevant Council procedures (e.g., Conduct and Capability or Disciplinary). In any event, where there is a potential issue or allegation of employee misconduct, the Council's procedure for requesting, accessing, and reviewing CCTV footage must be followed.

Appendix 1 – Roles and Responsibilities

Responsible Officer	Responsibilities
Data Protection Officer	<p>For the purpose of this protocol, the Council's Senior Responsible Officer is the Data Protection Officer. The role of this officer is to deliver a corporate approach to the Council's responsibilities arising from the Protection of Freedoms Act 2012.</p> <p>The Data Protection Officer has responsibility for the integrity and efficacy of the processes in place within the local authority which ensure compliance with section 33 of the Protection of Freedoms Act 2012 and in respect of all relevant surveillance camera systems operated by the Council.</p>
Service Manager	<p>System Manager. Receiving, review and authorising or rejecting Subject Data Access forms. Viewing of Saved files</p>
Senior Civil Enforcement Officer (SCEO)	<p>SCEO's view the footage and determine if the recording is an incident or non-incident.</p> <p>SCEO – view saved files and monitor retention periods – 31 days for any footage not required. Evidence regarding an incident to be deleted once the case is resolved and the details are no longer required. Evidential recordings are retained for a period of up to 2 years.</p> <p>SCEO to act as System Manager in the absence of the Service Manager</p>

Appendix 2 - Camera Receipt

Civil Enforcement Officer (CEO) Body-Worn-Video Camera Receipt

Name.....

Collar Number.....

Date.....

Camera - Hytera SC580

I acknowledge receipt of this camera for the purposes of patrolling duties within Parking Regulation and Compliance. I understand recordings are not to be removed from the camera or stored on any unapproved devices. Images and recordings shall not be shared with anyone.

I will not alter the settings to differ from how the camera was given to me. I will report any loss, damage, or breakages immediately to a Senior Civil Enforcement Officer (SCEO) or Service Manager. I will not use the camera for any other purposes other than those relating to civil parking enforcement, antisocial behaviour, or other work-related duties.

At the end of my shift, I will inform an SCEO or Service Manager of any incident recording which may need to be downloaded and securely saved, if there are no recordings taken on that day, I will bring the camera out of sleep mode and turn the camera off, placing it into a charging cradle. If an SCEO or Manager is not available, I will email them with the date and time of the footage which needs to be recovered from the camera.

I will not allow the camera to be used by anyone other than myself unless authorised to do so by a SCEO or Service Manager.

I confirm that I have read the attached protocol and agree to use the device as instructed.

Signed.....

Print.....

