

Committee(s):	Date(s):	
Planning & Transportation	15 December 2015	
Subject: Body Worn Cameras (Bodycams): Civil Enforcement Officers (Parking)	Public	
Report of: Director of the Built Environment	For Information	
<u>Summary</u>		
<p>Body Worn Cameras (Bodycams) were introduced on 11 May 2015 for Civil Enforcement Officers (CEOs). The CEOs are employed by Indigo Parking Services UK Ltd (previously Vinci Park Services UK Ltd) who are contracted to provide parking and traffic enforcement as part of combined services on behalf of and for the City of London under an Agreement dated 24 February 2014. The CEOs perform a key role in maintaining road safety and traffic flows in the City by encouraging motorists to comply with the parking and traffic regulations.</p> <p>This report updates Members on the implementation of Bodycams, the effect this technology has had in improving personal safety of CEOs and enhancing parking and traffic enforcement service delivery.</p> <p>Recommendations</p> <p>Members are asked to receive this report.</p>		

Main Report

Background

1. Body Worn Cameras (Bodycams) for Civil Enforcement Officers (CEOs) were introduced on 11 May 2015. A review of this technology has been undertaken since its introduction, and this report updates Members on the outcome of that review.
2. Members are reminded that Bodycams are routinely used by local authorities for parking and traffic enforcement to capture both video and

audio information. The equipment is known to improve safety, reduce crime and anti-social behaviour as well as improving the delivery of services through improved efficiency, and better management of complaints and investigations.

Personal Safety

3. CEOs perform a key role in maintaining road safety and traffic flows in the City of London by encouraging motorists to comply with parking and traffic regulations. This brings them into regular contact with the public in often highly charged circumstances. As such CEOs can be subject to varying degrees of abuse whilst carrying out their duties.
4. Prior to the introduction of Bodycams there were 2-3 reported incidents every month where a CEO was subject to serious verbal (including racial abuse) or physical abuse. Since the introduction of Bodycams there have been no reported incidents of serious abuse or assaults requiring Police intervention. However, should these occur the Bodycam continues to be a useful tool in providing reliable evidence to the Police if needed e.g. in the event of a prosecution.
5. A significant benefit reported by CEOs is the preventative nature of the equipment. Once the CEO announces to a member of the public that their interaction is being recorded, a potentially aggressive incident is diffused and prevented from escalating. The CEOs report that this has reduced potential incidents of abuse by an estimated 70%

Complaints & Appeals

6. Sometimes complaints are received about the issue of a Penalty Charge Notice (PCN) where there are disputes of fact regarding conversations and other interactions between motorists and the CEO. The Bodycam recording of such interaction has proved helpful in resolving these disputes efficiently and effectively. Since May 2015, Bodycam recordings assisted in dealing with six complaints about CEOs, none of which were upheld.
7. The Bodycam recordings of enforcement activities have greatly assisted with the consideration of challenges, and appeals to PCNs improving the quality of investigation and decision making regarding cancellation.
8. However some London authorities are now using Bodycam recordings to support their evidence in respect of appeals referred to the Environment and Traffic Adjudicators at London Tribunals (formerly Parking & Traffic Appeals Service). The supplementary evidence at appeal has proved particularly beneficial in those cases where there is a differing account of

circumstances surrounding the issue of the PCN between the CEO and motorist.

9. The City of London does not currently utilise Bodycam recordings to support appeals that are referred to the Enforcement & Traffic Adjudication London Tribunal, but it is proposed that this be undertaken in future for those cases where the motorists and CEO's account of the circumstances are different. It is anticipated that this will be around a dozen cases a year. The Privacy Impact Assessment (PIA), detailed in Appendix 1, has been amended to reflect this additional use of recordings.

CEO Training

10. All CEOs have received training in the necessary technical aspects of the equipment being used, and legislation such as the Data Protection Act 1998 (DPA). Only those who have received the training are permitted to use the equipment.
11. Bodycam recordings have provided useful information for improving general enforcement training of CEOs. Trainers and supervisors have utilised the footage from Bodycams on nine occasions to review and improve how incidents and parking contraventions are handled. The overall result being an improved quality of enforcement and customer service.

Privacy Impact Assessment (PIA)

12. In line with the Information Commissioner's Office (ICO) recommendation, a Privacy Impact Assessment (PIA) was completed prior to the introduction of the Bodycams to ensure compliance with the Data Protection Act 1998 (DPA). Members were provided with a copy of the first PIA with the report that was presented to Committee on 14 April 2015. Since then the PIA has been updated to take into account operational changes that have emerged since the technology was introduced.
13. A Body Worn Camera Protocol is in place, which outlines best practice guidelines for the use of the equipment and recordings. The adherence to this Protocol is a requirement of the current agreement between the City and Indigo who are operating the Bodycams on behalf of the City.
14. Specifically the Protocol ensures that:
 - That the deployment and usage of Bodycams, 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 ICO
 - That captured and retained images and sounds are suitable evidential quality
 - Information is stored safely and securely
15. A fundamental breach of the Protocol might also result in termination of the Agreement.

Financial & Risk Implications

16. Indigo's compliance with the Body Worn Camera Protocol is monitored and managed as a contractual Key Performance Indicator (KPI) with financial penalties imposed for failing to meet the provisions of the Protocol. Indigo has met the KPI.
17. The purchase of the equipment was jointly funded between the City and Indigo and supplied by Edesix who are a specialist provider of this type of equipment for parking enforcement. The City of London retains ownership of the equipment, and all recordings captured.

Legal Implications

18. The Protocol for the use of Bodycams ensures compliance 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.
19. Under the Agreement, which was varied by way of a Change Request, the service provider must take account of, and comply with the Protocol for the use of Body Worn Cameras. Monitoring of the service provider's adherence and compliance with the Protocol is a key performance indicator, which is monitored regularly, and is a standard agenda item at contract management meetings with the service provider.
20. Any fines, costs and other expenses, which the City may incur arising from data protection breaches or other action, which the City may incur as a result of the service provider's failure to comply with the City's Protocol

and the Data Protection Act 1998 would be provided for within the indemnity set out in the Agreement.

21. There has been no change in the legal entity of the original contracting party who the City contracted with for the provision of the combined services. A Certificate of Incorporation recording the change of name from Vinci Park Services UK Ltd to Indigo Parking Services UK Ltd was issued by Companies House on 5 November 2015.
22. All captured data is processed and complies with the Data Protection Act 1998, and adheres to ICO guidance. The City recognises the risk of enforcement action should any processing breach occur. For data protection purposes, the City of London is the Data Controller (the responsible party) and Indigo is the Data Processor in relation to the personal information being processed through Bodycams. This is consistent with other data that is stored and used by the City's contractor for processing PCNs and the provisions are covered in formal contract between both parties.
23. Any individual who is the subject of a recording, and requests access to it, has a right to do so in line with the sixth data protection principle. This process is known as a subject access request (SAR). There have been no SAR requests since the introduction of Bodycams.

Strategic Implications

24. The introduction of Bodycams contributes towards the provision of an efficient and high quality local service for workers, residents and visitors in the Square Mile by improving efficiency of working, minimising threats towards CEOs and improving the quality of investigation in relation to complaints, challenges and appeals to PCNs. It also supports the City's Core Value of working in partnership with its contractors and service providers.

Conclusion

25. This report provides an update to Members on the use of Body Worn Cameras (Bodycams) for Civil Enforcement Officers since this technology was introduced on 11 May 2015. It outlines benefits in relation to improving the delivery of parking and traffic enforcement services. As Bodycams will continue to be used for parking and traffic enforcement purposes.

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Appendix 1

	PRIVACY IMPACT ASSESSEMENT	
<p>BODYCAMS & BENEFITS</p>	<p>Introduction</p> <p>Body Worn Cameras (Bodycams) were introduced on 11 May 2015 for the purposes of parking and traffic enforcement.</p> <p>Body Worn Cameras (Bodycams) are a body worn portable system that can provide an audio and visual record of enforcement activities undertaken by Civil Enforcement Officers (CEOs). This technology is routinely used by local authorities including those who have contracted out their parking services.</p> <p>Bodycam technology can address a number of needs:</p> <ul style="list-style-type: none"> • Maintaining traffic flows and minimising congestion on City Streets • Improved health and safety of CEOs by reducing the risks of assaults • Training tool • Enhance the integrity, efficiency and effectiveness of parking enforcement 	<p>Supplementary Information:</p> <p>Civil Enforcement Officers (CEOs) are employed by Indigo who provide parking enforcement on behalf of the City of London.</p>

- Strengthen the quality of communication with motorists and general public
- Strengthen the quality of evidence to support the issue of a Penalty Charge Notice (PCN) to ensure fairness, transparency and accountability in the appeals process and in dealing with complaints
- Improving the quality of evidence to support police action in the event of physical and verbal assaults on CEOs representing the City of London.

Improved health and safety of CEOs

According to some findings such as those previously presented to the London Assembly Parking Enforcement Scrutiny Committee assaults on parking attendants (now Civil Enforcement Officers) was on the rise.

Prior to the introduction of Bodycams there were 121 incidents of abuse directed at CEOs representing the City of London, which equates to approximately 25 per year. These incidents ranged from spitting and liquid throwing, verbal abuse e.g. racial and physical abuse such as pushing. This equates to around 2-3 reported serious incidents of physical and verbal abuse every month.

The City of London considered this to be unacceptable as CEOs should not be subject to harassment, distress, abuse and threatening

	<p>behaviour whilst undertaking their duties therefore worked in partnership with Indigo to reduce this through the introduction of Body Worn Cameras (Bodycams).</p> <p>It is a well-known fact that violent and aggressive attacks on staff leads to loss of time, increased costs as a result of procuring additional staff and legal fees, as well as a reduction in staff morale. Equally for the affected employee the effects of a violent incident can be both physical and psychological.</p> <p>In addition to improving safety, Bodycams have also proven to assist in the management of complaints and investigations. The technology also minimises the frequency and duration of potentially aggressive interaction between the CEO and the motorist, allowing CEOs to go about their duties more efficiently.</p> <p>Bodycams have proven to be an invaluable tool and their use has reduced the risk of assaults. Working in partnership with Indigo, the City of London introduced this technology for the CEOs on 11 May 2015 and has noted advantages since the equipment was implemented, particularly in relation to improved safety of CEOs.</p> <p>Appeals and complaints</p> <p>Bodycams are used to document evidence of parking contraventions and conversations with the public. This will improve fairness,</p>	<p>Bodycams are activated when a Penalty Charge Notice (PCN) is issued to a vehicle that is parked in contravention, and switched off once the PCN has been served.</p>
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	<p>transparency and accountability in the appeals process, and in the management of complaints. Where necessary, the evidence is provided to the Environment & Traffic Adjudication London Tribunals to support the validity of a Penalty Charge Notice only when there is differing accounts of circumstances between the motorist and CEO.</p>	
<p>COLLECTION, USE & DELETION OF PERSONAL DATA</p>	<p>For data protection purposes, the City of London is the Data Controller and Indigo is the Data Processor in relation to any personal information being processed. This is consistent with other data that is stored and used by the City’s contractors for processing PCNs and the provisions are covered in the formal contract between the City of London and Indigo.</p> <p>The City of London is already a notified Data Controller with the Information Commissioner’s Office (Registration Number Z5996206), and the registration entry has been updated to reflect the use of the Bodycams prior introduction.</p> <p>All recordings are securely stored in a locked location that is covered by office CCTV to ensure that at all times no unauthorised access is allowed to the recorded material. All access to stored data is logged and recorded. The existing CCTV room (controlled) located at Aldersgate Street is used for this purpose. Data access is restricted to authorised personnel only, by using unique passwords</p>	<p>Supplementary Information:</p> <p>Recorded images include vehicle registration numbers, and possibly occupants of vehicles, pedestrians and employees of Indigo or City of London.</p> <p>In addition to the City’s Authorised Officer, only the Contract Manager, Assistant Contract Manager & Training Manager Indigo will have access to the recorded data.</p> <p>Data will be stored for a maximum of 90 days. There is encrypted security built in to ensure there is no unauthorised</p>

	<p>and logins.</p> <p>Daily recorded footage is transferred to a secure storage device. The stored data is kept separately and uniquely identifiable at all times. No footage is left on the Bodycam devices once it has been transferred to the secure storage device.</p> <p>Stored recordings are used for the enforcement of PCNs issued by CEOs, and, where necessary, as evidence for the police to follow up physical or verbal assaults on the CEOs performing their duties.</p> <p>Stored recordings are also used for CEO training, for example the correct way to issue a PCN or how best to manage a potentially volatile situation with evidence used to demonstrate to CEOs how their individual performance can be improved.</p> <p>Access, viewing, disclosure and retention of stored data are controlled by the City of London, and in accordance with the Data Protection Act 1998, and any other relevant legislation. The storage and processing of the data is undertaken by Indigo in accordance with an agreed Protocol with the City of London.</p> <p>A retention schedule is in place to ensure that no information is retained for longer than is necessary for its purpose, for example where the PCN is paid without appeal, the appeal process has been exhausted or where the police may need it for evidence purposes.</p>	<p>access.</p> <p>Data storage is located at Aldersgate Street with controlled access to authorised personnel.</p> <p>Recorded audio is in relation to any conversation the CEOs engages in with motorists, members of the public and employees of Indigo or the City of London, where such recording is made in line with the agreed protocol.</p> <p>In the event of an incident, the reporting procedure is followed and only those incidents of physical abuse or serious verbal abuse such as racial abuse, will be considered for further action i.e. referral to the Police. What constitutes serious verbal abuse is a judgment that will be made by the</p>
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		<p>Authorised Officer.</p> <p>The data is securely stored for 90 days or longer in the event of an incident that might be investigated by the Police.</p>
CONSULTATION	<p>As the equipment is not necessarily identified as a camera by the public, especially from a distance, members of the public may be unaware that the Bodycam is capable of recording sound. In order to ensure fair processing, the use of Bodycams was widely publicised via the City’s website to public awareness of the use of Bodycams in its enforcement area.</p> <p>The general public were invited to comment the use of this technology following its first introduction by contacting parking.team@cityoflondon.gov.uk.</p> <p>This initiative was also publicised via other communication methods such as Twitter, Facebook and News Letters.</p>	<p>Supplementary Information:</p> <p>No enquiries were received.</p>
PRIVACY RISKS AND SOLUTIONS	<p>Privacy and Related Risks</p> <p>A number of risks were identified with the introduction of Bodycams:</p> <ul style="list-style-type: none"> • Inadequate disclosure controls, which increased the likelihood 	

	<p>of information being shared inappropriately.</p> <ul style="list-style-type: none">• The context in which information is used or disclosed can change over time, leading to it being used for different purposes without people's knowledge.• New surveillance methods may be an unjustified intrusion on privacy. Measures taken against individuals as a result of collecting information about them might be seen as intrusive.• Information which is collected and stored unnecessarily, or is not properly managed so that duplicate records are created, presents a greater security risk.• If a retention period is not established information might be used for longer than necessary.• Non-compliance with the DPA or other legislation can lead to sanctions, fines and reputational damage. Problems which are only identified after the project has launched are more likely to require expensive fixes.• Information that is collected and stored unnecessarily, or is	
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	<p>not properly managed so that duplicate records are created, is less useful to the business.</p> <ul style="list-style-type: none"> • Public distrust about how information is used can damage an organisation's reputation and lead to loss of business. Data losses which damage individuals could lead to claims for compensation. <p>Identified Solutions</p> <p>A Protocol outlining the detailed procedures for the operational use of Bodycams was produced to ensure the use of the equipment and the recorded personal data complies with the Data Protection Act.</p> <p>Bodycams are only deployed in an overt manner, using trained uniformed staff and in defined operational circumstances. The technology is only deployed in accordance with the Protocol to ensure its use is proportion, necessary and justifiable.</p> <p>All CEOs wear a visible identification badge alerting to the presence of the Bodycam equipment. The camera is securely fixed to the CEO's uniform to ensure it cannot easily be removed by a member</p>	<p>Monthly audits are undertaken to ensure that the use of Bodycams is managed in accordance with the Protocol.</p>
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of the public.

The following photograph illustrates the equipment is attached to the CEO's uniform:



All captured data is processed to ensure compliance with the Data Protection Act and other relevant legislation. In cases where recordings of identifiable individuals have taken place, the evidence/recording is only made available in accordance with the Data Protection Act. This is likely to include employees of the City of London or its contractor, the Police, third parties involved in the handling of PCN appeals.

Any individual who is the subject of a recording, and requests

There is encrypted security built in so there is no unauthorised access to footage. Each CEO is assigned their own personal Bodycam.

access to it, has a right to do so in line with the sixth data protection principle. This process is known as a subject access request (SAR)

Upon receipt of such a request, the City of London follows the normal procedure and ensures that the person requesting access to the recording is the same person recorded.

All CEOs receive specific training in the necessary technical aspects of the equipment being used. This covers the legal implications, equipment, practical use, (when to commence and cease recording for example) and safety information.

The CEO make a verbal announcement to indicate that the Bodycam is activated, and the announcement includes details of the date, time, location, and nature of the. CEOs are instructed to make the announcements clearly and in straightforward language that can be easily understood by the general public.

Recordings commence at the start of any alleged contravention and continue uninterrupted until the contravention has been fully recorded and the PCN served. If a driver returns and enters into a conversation, the CEO makes them aware that the parking contravention and/or conversation is being recorded.

CEOs will not use Bodycams for monitoring and recording of all

activity on a continuous basis. Nor will the information captured from a Bodycam replace the CEO's pocket book, which remains the primary evidence to support the issue of a PCN. Recording of general patrolling duties are not made, unless a driver or member of the public approaches the CEO and the CEO believes that individual is being aggressive or there is the potential for aggression. When engaging in non-routine or potentially controvertible conversations, the CEO announces to the individuals that video and audio recording is taking place.

The contractor operates a booking in/out procedure for these devices, in a controlled environment providing a full audit trail of the equipment in use. In the event of a lost camera, the contractor is obliged to immediately report it to the City of London's the Authorised Officers (as outlined in the Protocol) who will then notify the City of London's Information Officer. The information lost will then be assessed, and any necessary action taken.

The Agreement with the contractor (Indigo formerly Vinci Park Services UK Ltd) provides for variations to be dealt with by way of a Change Request. The Change Request places an obligation upon Indigo to take account of, and comply with a Protocol for the use of Body Worn Cameras, setting out how the equipment is used. Any breach of the Protocol is regarded as fundamental breach of the Agreement, which might ultimately result in its termination. The Change Request also incorporated changes required to Indigo's Data Protection Access Controls Policy and Data Retention Schedule.

	<p>At the end of the CEO's shift, the information is downloaded onto a secure networked computer, which is located at Aldersgate premises. Recorded material is not disclosed to a third party unless approved, and access to recordings are controlled and approved by City of London Authorised Officers listed in the Protocol.</p>	
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CONCLUSION

The introduction of Bodycams is a positive development to ensure, as is reasonably practicable, the health and safety of its contractors. Body Worn Cameras were introduced on 11 May 2015 for the purposes of parking and traffic enforcement and has achieved the desired outcomes of:

- Improved safety for CEOs
- Improved service delivery by minimising the frequency and duration of interactions between the CEO and motorist allowing CEOs to go about their duties more efficiently (Network Management Duty)
- Enhanced quality of service e.g. by identifying training needs
- Evidence for complaints, challenges and appeals in relation to Penalty Charge Notices
- Evidence for prosecution re: verbal or physical abuse towards a CEO

This technology is routinely used by local authorities for the purposes of improved safety around its parking and traffic enforcement services. A survey undertaken in April 2015 suggested that over third of local authorities are using, or intend to introduce this technology.

The Privacy Impact Assessment, together with the Body Worn Camera Protocol will be reviewed regularly and updated in the light of experience.