

Committee(s):	Date(s):
Port Health and Environmental Services	5 th May 2015
Subject: Introduction of Body Worn Video for Street Environment Officer	Public
Report of: Director of the Built Environment	For Decision

Summary

The City is looking to introduce Body Worn Video (BWV) for use by Street Environment Officers (SEOs) who perform a key role in ensuring that the cleansing and environment of the City's streets is maintained to the expected standard of the of a world class city and that businesses within the square mile dispose of waste legally. Additionally the SEO team are responsible for implementing the City's out-of-hours noise service that operates seven days per week. The majority of the work undertaken by the SEO team involves regulatory enforcement.

It is expected that the introduction of BWV will assist SEOs in their duties by providing accurate, irrefutable evidence of interventions and interaction between SEOs 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. In such circumstance the BWV recording would provide strong supporting evidence in prosecutions and is also expected to reduce the likelihood of aggression towards officers as BWV is proven to reduce the risk of escalation and lower exposure to physical or verbal abuse. BWV would also be of significant value when attending noise call-outs, when officers work alone and are often required to enter private residences. In this circumstance, as with all scenarios when BWV is used it will protect officers and the public alike from false allegations being made and will enable managers in effectively and expediently investigating complaints.

The use of BWV will be 'incident specific' thus reducing collateral intrusion. Officers will start using the BWV equipment from May 2015. The implementation of this technology is in partnership with the City of London Police and their BWV introduction through the Ring of Steel upgrade project and Civil Enforcement Officers within the Highways service and will be reviewed after six-months to determine if it has achieved the desired effect in reducing aggression towards officers, complaints against officers and assisting officers when performing their duties. Through partnering with the City Police,

Home Office grant funding is also available to assist in the purchase of the equipment.

Recommendations

Members of the Committee are asked to:

- Note the contents of this report and agree to the implementation of the use of Body Worn Cameras as outlined in the report from May 2015.
- Receive a further report following six months of implementation to review the effectiveness and impact of the equipment.

Main Report

Background

1. Body Worn Video (BWV) has routinely been in use to capture both video and audio information by public bodies since 2006, this includes local authorities, and some examples across London are Tower Hamlets, Newham and Harrow. Additionally the City Corporation's Civil Enforcement Officers (CEO's), via the contact with Vinci have recently introduced the use of BWV.
2. Studies have shown that the use of BWV reduces abuse, both 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.
3. A study of BWV was undertaken and published earlier this year by Portsmouth University (Operation Hyperion, *Ellis et al, 2015*); on behalf of Hampshire Constabulary. In the study cameras were issued to all officers on the Isle of Wight on 1 July 2013. The study evaluated the year prior to the issue of BWVs and the year after. The research showed a reduction in complaints made against officers when using BWV and that assaults on officers went down by a third. Simon Hayes, Police and Crime Commissioner for Hampshire said: "*The University of Portsmouth's report on the use of BWV on the Isle of Wight provides irrefutable evidence and compelling support for the investment I have made in this technology*". "*This report identifies clear benefits to victims of crime, plus officers, and should be of some reassurance to society as a whole.*"
4. Whilst our officers, to date, have not been physically assaulted they are subjected to verbal abuse and aggressive behaviour frequently when issuing

Fixed Penalty Notices (FPN's). There have been instances where we have had false allegations made against SEO's. The resolution requiring at times lengthy investigations, in some cases, requiring officers to obtain CCTV footage from third parties, this can be time consuming and be very stressful for the officer being investigated.

5. Officers have been looking at BWV solutions to improve the way we operate and address the concerns highlighted above. To ensure we are joined up and consistent in our approach Cleansing officers have been working in partnership with the City of London Police linking in with the wider Ring of Steel upgrade project to look at introducing Body Worn Video equipment. This BWV equipment, both Corporation and Police, along with the upgraded CCTV will link into the projects integrated Video Management System (VMS). In developing the BWV with the City Police we have been able to attract some external funding from the Home Office to contribute to the capital costs of the equipment.
6. The Street Environment Officers (SEOs) perform key functions in the City's out-of-hours noise service as well as ensuring that the City's streets are maintained to an agreed standard of cleanliness fitting of a world class city, including that they remain, so far as is reasonably practicable, free of litter and waste accumulations. Undertaking this line of work involves regular and frequent contact with the general public and business stakeholders, usually in the context of enforcing environmental law meaning a high level of exposure to potential confrontation. Based on the experiences of other public bodies it is envisaged that when dealing with potentially volatile situations the behaviour is far less likely to escalate to either physically or verbally abusive when a person is aware that they are being recorded.
7. BWV 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.
8. In the spirit of personal safety and continuous improvement, the equipment provides a positive development for the City to ensure, as is reasonably practicable, that the health and safety of its employees is enhanced.
9. BWV will be used in an 'incident specific' manner and not recording, for example, an entire patrol as this would be disproportionate and would incur needlessly high levels of collateral intrusion. The BWV will only be switched to record mode in accordance with the Protocol. The protocol is being produced in collaboration with the Comptrollers Department and the Information Officer and City Police to ensure Data Protection regulations

are complied with and similarly for the Privacy Impact Assessment which is a requirement.

10. Occasionally, when a fixed penalty notice (FPN) has been issued it may be disputed and it is envisaged that the use of BWV by SEOs will then improve the process of investigating such disputes by providing clear and irrefutable evidence to either support or challenge the FPN.
11. The introduction of BWV has the following further benefits:
 - Provision of reliable evidence to the Police and City Officers of assaults and abuse against SEOs
 - Assist in carrying out the City's public sector equality duty by seeking to reduce or eliminate racist or similar such targeted abuse directed at SEOs.

Operational Use of Body Worn Video

12. BWV is 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 shoulder harness. The BWV camera 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:
 1. Face to face issuing of FPNs;
 2. Engagement with a member of the public or business representative which the SEO believes is, or is likely to become, confrontational;
 3. Noise monitoring visits (note that in accordance with the protocol a recording in a private dwelling may only be made with the express consent of the occupier).
13. The SEO will make a verbal announcement to indicate that the BWV is in use or is about to be activated (where it is safe to do so). The SEOs will make the announcement clearly and in a straightforward language that can be easily understood by the public. Once the incident is concluded, the SEO will stop the device from recording and return it to stand-by mode.
14. Officers must have received training in all the necessary technical aspects of the equipment being used, and relevant legislation such as the Data Protection Act 1998 prior to using the equipment.

15. A BWV protocol has been produced in collaboration with the City's Information Officer and only when officers have signed to declare that they agree to solely use the BWV in accordance with the protocol will they be permitted to use the equipment.

Privacy

16. The BWV Protocol outlines best practice guidelines and advice for using BWV and utilising the material recorded. The Protocol will ensure:
 - That the deployment and usage of BWV, 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.
 - Information is stored safely and securely.
17. Whilst BWV 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 1. The PIA will be continually updated to take into account operational changes that might emerge overtime, and incorporate both internal and external feedback received during the six months review period.

Financial Implications

18. The purchase of the equipment is in conjunction with City of London Police and is supported by grant funding from the Home Office. The cost to the Cleansing department is £6,965 of which £3,065 (44%) will be claimed back the Home Office Innovation Fund; the balance of £3900 will be met from within existing local risk resources. The licence fee for use of

evidence.com (the cloud based storage facility) is £1,925 per annum will also be absorbed with in the local risk budget.

Legal Implications

19. The Protocol for the use of BWV 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.
20. All captured data will be processed to comply with the Data Protection Act 1998, and adherence to ICO guidance. The City recognises the risk of enforcement action, which could be taken under the Data Protection Act 1998 should any processing breach occur.

Strategic Implications

21. The introduction of BWV for use by SEOs 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 officers and improving the quality of investigation in relation to complaints and challenges to enforcement work, especially FPNs.

Conclusion

22. This report provides information to Members on the introduction of Body Worn Video (BWV) for Street Environment Officers as means of improving 'incident specific' evidence, personal safety and improving the delivery of environmental crime enforcement within the City.
23. The introduction of BWV in May 2015 will be reviewed after six months of operational use. The outcome of the review will be subject to separate report and anticipated to be presented to Members at Committee in the winter 2015.

Appendices

24. Appendix 1: Privacy Impact Statement

Appendix 2: Image of the Body Worn Video unit

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Appendix 1 – Privacy Impact Assessment

APPENDIX	PRIVACY IMPACT ASSESSEMENT	
<p>BODY WORN VIDEO & BENEFITS</p>	<p>It is proposed to introduce Body Worn Video cameras for the purposes of protecting officers and the public by providing an undisputable record of events when carrying out duties, including enforcement and monitoring. Target date for introduction is expected to be May 2015.</p> <p>Body Worn Video cameras (BWV) is a body worn portable system that provides an audio and visual record of activities undertaken by Street Environment Officers (SEOs). The BWV will not be used without audio and visual functions operating together.</p> <p>There is no alternative to BWV that can provide the same key benefits as listed below:</p> <ul style="list-style-type: none"> • Training purposes • Enhance the integrity and professionalism of officers undertaking environmental enforcement • Strengthen the quality of communication with the public • Strengthen the quality of evidence to support the issue of a Fixed Penalty Notice (FPN) to ensure fairness, transparency and accountability when dealing with complaints and to ensure irrefutable accuracy when preparing for prosecution. • Provide supporting evidence to noise monitoring • Improved health and safety: to reduce risks of assaults and to protect officers and the public from false allegations • Improve the safety of officers when lone working <p>BWV is proven and tested technology and will be provided by third party provider (Taser). The proposed cameras meet or exceed all recommendations in the Home Office Body-Worn Video Technical Guidance 2014.</p> <p>The proposed camera is designed to be overt and consequently is clearly identifiable as a camera recording device from the CCTV label carried on it.</p>	<p>Supplementary Information:</p>

<p>COLLECTION, USE & DELETION OF PERSONAL DATA</p>	<p>For data protection purposes, the City of London will be deemed the Data Controller.</p> <p>All recordings will be securely stored to ensure that at all times no unauthorised access will be allowed to the recorded material. All access to stored data will be logged and recorded. The SEO office (access controlled) located at Walbrook Wharf will be used for this purpose. Data access will be restricted to authorised personnel, by using unique passwords and logins.</p> <p>Daily recorded footage will be transferred to a secure cloud based storage and video management facility (Evidence.com). The stored data will be kept separately and uniquely identifiable at all times. Recorded data of evidential value will be downloaded to a video management system in line with City of London Police one this is available from the ‘Ring of Steel’ project.</p> <p>Access, viewing, processing, storage and disclosure of stored data will be the responsibility of the Street Environment Team, with the exception of data recorded during noise visits, in which case the retention and deletion would be the decision and responsibility of the Pollution Team Manager.</p> <p>Upon returning to the office and docking the camera the footage is automatically uploaded to Evidence.com.</p> <p>Non-evidential footage will be deleted after no longer than 30 days. Footage identified as evidential will remain stored until no longer required. Officers will check stored evidential data on a weekly basis and delete data no longer required. In the case of data obtained during the issuing of an FPN the data would be deemed as no longer required 21 days subsequent to liability to conviction for the offence being discharged, this is in case a person should lodge a complaint following making payment to discharge liability.</p> <p>Where data recorded by the BWV is to form evidence for prosecution copies of the data shall be produced onto disc for viewing by prosecution and defence.</p>	<p>Supplementary Information:</p> <p>Recorded images may include vehicle registration numbers, occupants of vehicles, pedestrians, business employees, residents and City of London Staff</p>
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<p>CONSULTATION</p>	<p>It would be advantageous to raise public and member awareness of the use of BWV by SEOs and promote the benefits and advantages of its use.</p>	<p>Supplementary Information: Methods of communication will be via: City of London (COL) website, COL social media e.g. Facebook, Twitter</p> <p>Committee report to Members</p>
<p>PRIVACY RISKS AND SOLUTIONS</p>	<p>BWV will only be deployed in an overt manner, using trained staff and in defined operational circumstances (refer to BWV Protocol). The technology will only be deployed in accordance with the Protocol to ensure that its use is proportionate, necessary and justifiable.</p> <p>All captured data will be processed to ensure compliance with the Data Protection Act and Human Rights Act 1998. In cases where recordings of individuals have taken place, the evidence/recording is only to be seen by the person recorded. The City will satisfy itself that the person wishing to see the recording is the same person recorded by pre-viewing the footage.</p> <p>All SEOs will receive training in all the necessary technical aspects of the equipment being used. This will cover the legal implications, equipment, practical use e.g. when to commence and cease recording, and health and safety.</p> <p>The SEO will announce to the member of the public when the camera is being used. The camera is securely fixed to the officer by way of a shoulder harness and secure fastening to ensure that it cannot easily be removed by a member of the general public.</p> <p>In the event of a lost camera, the Authorised Officer (as outlined in the Protocol) will notify the City of London's Information Officer so the Information Commissioner's Office can be informed at the earliest opportunity.</p>	

Appendix 2

Image of the Body Worn Video unit

