

<b>Committee(s)</b>	<b>Dated:</b>
Port Health and Environmental Services Committee	19 July 2016
<b>Subject:</b> Update on the Body Worn Video trial	<b>Public</b>
<b>Report of:</b> Director of the Built Environment	<b>For Decision</b>
<b>Report author:</b> Jim Graham, Department of the Built Environment	

### Summary

The City has recently conducted a six month trial of body worn video (BWV) for use by Street Environment Officers (SEOs). The SEO team perform a key role in ensuring that the cleansing of the City's streets is maintained to standard 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.

The trial of BWV has assisted SEOs in their duties by providing accurate, irrefutable evidence of interventions and interaction between SEOs and the persons with whom they engage. This has been 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 can provide supporting evidence in prosecutions and has also been perceived to have reduced aggression towards officers. BWV has also been found to be of significant value when attending noise call-outs, especially as for such work officers usually work alone and can be required to deal with contentious issues. Additionally the BWV has enabled senior managers to have accurate evidence when reviewing complaints from the public, enabling their quick and reliable resolution. As BWV is only used at specific incidents and not "always on" there is no unnecessary and disproportionate intrusion onto the public. There have been no comments received during the public consultation regarding the use of BWV on the City of London's website over the last six months.

### Recommendation(s)

Members are asked to:

- Agree the introduction of body worn video.

### Main Report

#### Background

1. Body worn video (BWV) has routinely been used by public bodies, including local authorities since its introduction in 2006 to capture both video and audio information. SEOs commenced the use of BWV in January 2016 as part of a six month trial following the proposal as was put to committee in 2015.

2. SEOs daily duties include ensuring that the City's streets are maintained to an agreed standard of cleanliness and 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, frequently in the context of face to face enforcement of criminal law, meaning a high level of exposure to confrontation.
3. SEOs have used BWV solely 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. Only when the SEO deems it necessary has the BWV been switched to record mode.

### **Current Position**

4. SEOs perform key functions in the City's out-of-hours noise service. This involves face to face contact with both complainants and the subject of complaints. For these tasks SEOs work alone and are required to enter persons homes and workplaces where they could potentially be exposed to false allegations regarding their conduct or to claims/promises that they may have been alleged to have stated. BWV provides clear and irrefutable evidence to either support or challenge any allegations made.
5. The impact of false allegations being made can have a significant impact on resources as they naturally require full investigation. To add to this there is a potentially serious level of stress incurred by the officer(s) against whom the allegations are made. By using BWV we have already experienced what prompt and effective resolve can be achieved, an example being when a person issued with a fixed penalty notice for the offence of leaving litter subsequently lodged a complaint against the issuing officer claiming that the officer had been rude and aggressive. Senior managers were immediately able to view the footage allowing them to witness the incident as if first hand and, in this instance, disprove the allegation within minutes, a much swifter route to conclusion than would have been necessary without the availability of BWV whereby managers and officers time would have drained by undergoing a series of interviews of persons present so as to glean what occurred. Having the ability to prove the facts of the matter also served to reduce the impact of stress on the officer involved.
6. The Environmental Health Pollution Team review BWV recordings following noise complaints and if they are contentious or evidential (more often contentious than evidential) it is invaluable to see and hear the events as they unfold. Sometimes complaints can be exaggerated by the complainant and reviewing the footage showing the facts of an environmental impact. Particularly useful cases of BWV usage have involved a construction site being less than truthful with events both of how they were working and what they claimed an officer advised them. BWV was able to prove the facts of the matter beyond dispute. Another beneficial example experienced during the trial period has been proving exaggeration by residents as to noise impacts thereby allowing officers watching the footage to make better informed decisions as notes in a pocket book only go so far descriptively.

7. Throughout the six month trial period the use of BWV by SEOs has been publicised on the City's website welcoming the public to express their opinion on the matter via a dedicated email address; no comments were received. Likewise there has been no negative feedback from the public regarding the use of BWV whilst it has been in operational use.
8. SEOs and their line management were consulted as to their opinion of how effective BWV is as a tool to support the undertaking of their duties and it was resoundingly made clear that it is seen as a benefit, both for the reasons already cited and because in the opinion of the SEOs BWV has an effect on behaviour of persons with whom they are engaging that noticeably reduces aggression, consequently improving officer safety. The ability to review difficult incidents also benefits the SEOs in identifying lessons learnt and future training requirements.

### **Options**

9. Members can approve the continued use of BWV by SEOs, or instruct officers to cease using the equipment.

### **Proposals**

10. BWV for use by SEOs is proving to be a strong and effective tool and as such its proposed continued use is supported by SEOs, cleansing management, City Police Licensing officers and Environmental Health Management. For this reason it is proposed that the use of BWV by SEOs be continued on a permanent basis.

### **Corporate & Strategic Implications**

11. The continued use 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.

### **Implications**

12. The licence fee for use of evidence.com (the cloud based storage facility for the recorded footage and software providing an audit trail of the recordings) is £1,925 per annum which will be absorbed within the local risk budget.
13. The Protocol for the use of BWV complies 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.

14. All captured data is 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.

## **Conclusion**

15. This report provides information to Members on the continued use of Body Worn Video (BWV) for SEOs as means of a reasonable measure to protect the personal safety of officers and continual improvement of the delivery of environmental crime enforcement within the City.

## **Background Papers**

Introduction of Body Worn Video for Street Environment Officer, PHES, 05 May 2015

## **Appendices**

None

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