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<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 12</b>
<b>DATE OF MEETING:</b>	<b>19<sup>th</sup> NOVEMBER 2015</b>	<b>CATEGORY: RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>MIKE HAYNES – DIRECTOR OF HOUSING AND ENVIRONMENTAL SERVICES</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>MATT HOLFORD – (ext. 5856) ENVIRONMENTAL HEALTH MANAGER</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>BODY WORN VIDEO CAMERAS</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: EDS13, EDS14, HCS10</b>

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## **1. Recommendations**

- 1.1 That Members approve the proposed use of Body Worn Video Cameras by the Councils' Safer Neighbourhood Wardens.
- 1.2 That Members approve the Policy for the use of Body Worn Video Cameras.

## **2. Purpose of Report**

- 2.1 To seek approval from Members for the use of Body Worn Video Cameras by Council officers involved in anti-social behaviour and environmental crime investigations.
- 2.2 To seek approval from Members on the policy containing the control measures associated with the use of Body Worn Video Cameras in order to ensure that the Council comply with data protection and civil rights law and to protect the reputation of the Council and its officers.

## **3. Background**

- 3.1 Body Worn Video Cameras (BMVs) are small, portable devices worn by a person and are usually attached to their clothing or uniform. These devices can record both visual and audio information.
- 3.2 The use of BMVs has become commonplace in those aspects of the public service where officers face conflict situations and where their evidence is regularly challenged. In particular, they are used by Police services and by Civil Enforcement Officers (formerly known as Traffic Wardens). Locally Derbyshire Constabulary are currently in the process of implementing their use and the Civil Enforcement Officers employed through Derbyshire County Council have been using them since spring 2015.

- 3.3 Safer Neighbourhood Wardens are employed by South Derbyshire District Council to enforce dog control laws, anti-social behaviour, littering and waste management; to investigate flytipping incidents and abandoned vehicles and to assist with stewarding of the Councils main community events. They are a high profile uniformed presence on the streets of the District who aim to provide a re-assuring visual reminder of the work of the Council for the benefit of our law-abiding residents. They also provide a high visibility deterrent for those who seek to break the law, as well as a community based regulatory presence to catch and deal with law breakers.

#### **4. Benefits of BMVs**

- 4.1 The key benefits of BMVs are considered to be as follows;

- 4.1.1 Improved effectiveness in influencing behaviour and improved evidence gathering capability;
- 4.1.2 Improved transparency of officer conduct;
- 4.1.3 Enhanced staff protection.

- 4.2 Wardens trialled the use of the same BMV product currently being implemented by Derbyshire Constabulary over two weeks during the summer of 2015. During the trial the equipment was used during a number of investigations relating to fly tipping, dogs off the lead in Dog Control Areas, litter prevention patrols, dealing with groups of nuisance youths and service of Direction Notices on illegal encampments.
- 4.3 In terms of influencing behaviour and improving evidence gathering; the officers reported that it delivered tangible improvements in virtually all of their activities.
- 4.4 Wardens reported that the presence of the camera directly resulted in improvements in compliant behaviour from offenders in parks and open spaces. In some instances Wardens reported that simply the visible presence of the camera improved the behaviour of park users. In other instances, the Wardens were able to use the evidence recorded on the camera to immediately show to offenders the nature of their offence.
- 4.5 The hands-free camera enabled a real-time recording of the investigation of accumulations of fly tipped material, whereas currently officers are required to continually photograph evidence as they progress through the fly tipped material. The real-time footage enables any claim by suspected offenders that evidence has been 'planted' to be rebutted and reduces the possibility of evidence being lost.
- 4.6 In terms of assisting with complaints about the conduct of officers, the evidence from the camera was available for managers to review (and as a result, rebut) a complaint from a local resident about the conduct of a Warden.
- 4.7 Officers also reported that the cameras offered significant benefits in terms of personal safety. When the cameras were turned on during two incidents which were becoming heated, the officers reported that the levels of aggression being exhibited by members of the public quickly and significantly de-escalated. We have received anecdotal information from colleagues at both Derbyshire Constabulary and NSL (the current providers of Civil Enforcement Officers) that there have been significant reductions in both physical and verbal assaults on their staff since introducing BMV.

## **5. Drawbacks of BMV**

### **5.1 The key potential drawbacks of BMV are;**

5.1.1 Increased risk of breaching data protection, human rights and regulation of investigatory powers controls;

5.1.2 Potential perception of greater intrusion on privacy and civil rights;

5.1.3 Poorly specified equipment may not be fit for purpose.

5.2 In accordance with the Code of Practice issued by the Information Commissioner, we have carried out a Privacy Impact Assessment of the implementation of the use of BMV. The Privacy Impact Assessment is attached as Appendix A to this Committee report. The mitigation measures proposed in the Assessment (section 4) show that the data protection and human rights risks can be managed to ensure that all risks are reduced to an acceptable level. Similarly, the proposed controls should offer satisfactory mitigation measures to control the risks of adverse perception about the actions of the Council.

5.3 The cameras are designed to be highly visible and therefore the surveillance provided is 'overt' under the definition of the Regulation of Investigatory Powers Act. This is fully compliant with the Councils' RIPA Policy.

5.4 A Policy and Procedure on the use of BMVs has been produced which will direct staff in the day to day use of BMVs. The draft Policy is attached as Appendix B to this report. Compliance with the Policy and Procedure is considered to be the main safeguard against breaches of data protection and human rights provisions by Council officers.

5.5 If approved, the equipment will be ordered through the corporate IT procurement process. In addition to this process, the Home Office has issued Technical Guidance on BMV which has been used to produce a specification to support the IT procurement process. We are confident that equipment which meets these specifications will be fit for purpose.

## **6. Financial Implications**

6.1 Minor. The costs of the purchase of BMVs will be in the region of £2,000 which we would propose to meet from existing revenue budgets.

## **7. Corporate Implications**

7.1 The proposals align with the "safe and secure" Corporate Plan Theme.

## **8. Community Implications**

8.1 None

## **9. Conclusion**

9.1 The proposals set out the perceived benefits of the Councils Safer Neighbourhood Wardens use of Body Worn Video Cameras along with the potential drawbacks and risks of their use. Based on a short trial of a BMV product we are confident that they will significantly benefit the Warden service and lead to improvements in the

effectiveness and safety of our Wardens. We have identified the risks associated with the use of BMV and we consider that the mitigation measures proposed, including the adoption and compliance with the Policy and Procedure in relation to the use of Body Worn Video, will address these risks.

## **10. References**

- 10.1 "In the Picture: A Data Protection Code of Practice for Surveillance Cameras and Personal Information". Information Commissioners Office, Version 1.1, 21/5/2015.
- 10.2 "Body-Worn Video Technical Evidence", Home Office, Publication 14/14, May 2014;
- 10.3 "Conducting Privacy Impact Assessments: Code of Practice". Information Commissioners Office, 20140225, Version 1.0.