

## BWV Policy – Talis Solutions Ltd

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| Lee Coote       | 1/2/20 | 1.0             |
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Talis Solutions Ltd have written this policy to ensure all of their staff using Body Worn Video recording devices (BWV) as part of their personal protective equipment, are aware of their responsibilities in relation to its use to enable 'best evidence' to be gathered and to maintain the integrity of the footage captured.

This policy has been written to make sure BWV is used correctly and that all staff who have any dealings with either the equipment or the images understand the legislation surrounding its use, Data Protection (Jersey) Law 2018.

Any use of surveillance measures such as Body Worn Video or Closed Circuit Television should be used *'fairly, lawfully and transparently. It should be used for specified, explicit purposes. It should be used in a way that is adequate, relevant and limited to only what is necessary.'*

Talis Solutions Ltd have implemented the use of BWV to assist their Registered Door Supervisors in controlling anti-social behaviour and to reduce complaints and protracted investigations into staff conduct. In using BWV transparency into our working practices is maximised building a stronger relationship with both law enforcement and the public alike.

### Introduction

These procedures have been designed with regard to the current legislation and guidance for the use of overt video recording of evidence.

All images recorded are the property of Talis Solutions irrespective of the ownership of the device they are recorded from. If the device or system is being used whilst working for Talis Solutions Ltd or on a venue or premises contracted to Talis Solutions Ltd ownership is still retained by Talis Solutions Ltd.

The images are recorded and retained for work purposes only and must not be shown or given to unauthorised persons other than in accordance with specified exemptions.

*An example of a specified exemption would be the States of Jersey Police who will apply in writing under the Data Protection (Jersey) Law 2018 when investigating an alleged crime.*

BWV is an overt method by which registered door supervisors/event staff/security officers can obtain and secure evidence at the scene of an incident. The procedures we have written are intended to enable Talis Solutions' staff to comply with legislation and guidance, to create evidence for use in possible criminal investigation by the Police.

When used effectively BWV can promote public reassurance, capture prima facie evidence, modify aggressive behaviour, potentially prevent harm and deter people from committing anti-social behaviour.

Recordings will provide independent evidence that will improve the quality of prosecution and may reduce the reliance on victim attendance in court saving costs.

Using recordings should also make a difference to the professionalism of the staff and in the professional development of staff. In certain permitted circumstances supervisors may be able to use the footage to review and improve how incidents are dealt with including updating tactics.

### Types of Kit

The BWV equipment is generically a body-mounted camera with built in microphone. Cameras store digital files that, once recorded, cannot be deleted or amended by the operator unless a password is entered. Each file carries a unique identifier and is time and date stamped.

### Maintenance of Equipment

It will be the responsibility of the owner of the device to keep it maintained however all device serial numbers will be retained by Talis Solutions Ltd.

When not in use all equipment must be securely stored in a suitable location, preferably a locked cabinet.

The user must ensure the BWV is working correctly prior to starting their shift and check that the battery is fully charged and the date and time stamp is accurate.

### Recording of Incidents

The following is guidance on how Talis Solutions stipulate BWV should be used at their contracted sites or event locations.

## 1. Make a decision

Guiding principles are;

- BWV should be switched on when footage gained may result in allegations being made against staff or a person is exhibiting signs of accusatory/aggressive behaviour or is seen committing any offence against the licensing law or acting in a manner likely to lead to violence
- Or would corroborate a colleague attempting to de-conflict and manage a conflict through de-escalation techniques.
- The decision to record or not to record any incident remains with the user.
- The user should be mindful that failure to record incidents that are of evidential value could result in an inability to corroborate an event if working alone.

## 2. Start recording early

It is important to record as much of an incident as possible; therefore recording should start at the earliest opportunity from the discovery of an incident or confrontation.

## 3. Recordings should be Incident Specific

Recording must be specific to each event; BWV shouldn't be left recording when no incidents or behaviour is taking place that would warrant its use.

## 4. Introductory passages

At the commencement of any recording the user should, where practicable, make a declaration as to the reasoning behind the event being recorded including audio

**If possible** try to give the following

Date, time and location

If the recording has commenced prior to arrival at the scene of an incident the user should, as soon as is practicable, announce to those persons present at the incident that recording is taking place and that actions and sounds are being recorded.

'For your information I am now recording you. This recording also contains audio...'

## 5. Collateral

Where possible users should restrict recording to areas and persons necessary in order to obtain evidence, try not to record other persons who are not involved

E.g. the surrounding area or passing your location

## 6. Injury to any person

Where possible and inline with a person's dignity try to record any injuries for best evidence.

## 7. Do not interrupt filming

Recording must continue uninterrupted from commencement of recording until the conclusion of the incident or you resume your general duties.

## 8. Concluding filming

Before concluding your recording try to make a verbal announcement to indicate the reasons why and include the time and date.

There are no circumstances in which the deletion of any recorded images can be justified and such action may result in legal or disciplinary proceedings, **unless the recordings are not part of any incident or accident and are being deleted as they have passed their retention date of 14 days.**

## 9. Limitations on Use

BWV should not be used if it would interfere with a person's dignity.

Examples are:

When intimate parts of the body are uncovered or when trained paramedics may be carrying out a medical procedure.

## 10. Audit Trail

Ensure that you keep an audit trail of any evidential footage. If the footage has been recorded on a privately owned BWV device the device should be kept in a locked or safe location until the footage can be downloaded to a laptop or PC owned by Talis Solutions Ltd. This should be the only copy made. The original should be held on the camera to comply with best evidence, until the relevant authority has concluded subsequent prosecution of any suspects.

The footage will not be shared with any other party, disclosed to any other party by any means or disclosed via a third party medium such as the internet or a related app or website.

Evidential data is classed as any data which:

Supports any evidence of an offence taking place

Data downloaded that subsequently becomes non-evidential will be stored for an agreed period of **14 days**. After this period it will be deleted.

This policy is designed to avoid discrimination and to ensure compatibility with The Human Rights (Jersey) Law 2000 and the Data Protection (Jersey) Law 2018.

Requests for the disclosure of any data (CCTV or BWV) must be made in writing to

[hr@talissolutions.com](mailto:hr@talissolutions.com)

The reason for disclosure must be justified according to the Data protection Law – merely being subject of a recording does not justify disclosure to you.

If at anytime you feel that a breach has been committed or you are not receiving the information/data you require from Talis Solutions Ltd you have recourse to email the Office of the Information Commissioner in Jersey at:

[enquiries@jerseyoic.org](mailto:enquiries@jerseyoic.org)

The commission will assist you impartially and investigate your query on your behalf.

Any CCTV installation undertaken by Talis Solutions Ltd will have been considered using the following mnemonic ensuring it is :

**P**roportionate

**L**awful

**A**ccountable

**N**ecessary

However post installation our client's policy will take precedence over our own and representation should be made to their nominated data controller.

