

Body Worn Video Policy

For Showsec Provided BWV

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Introduction

Purpose

This guidance explains the relevant legal framework under which Showsec operates Body Worn Video (BWV). It also provides consistency in Operating Procedures and Information Management processes for the practical use of BWV.

The guidance follows the structure of the key principles for the overt use of BWV.

Definitions

“Evidential material” is relevant to an incident where positive action has been taken, a crime or incident necessary of investigation has been raised, and/or an arrest has been made.

“User” covers anyone using BWV equipment

“Master copy” is a bit-for-bit copy of the original recording. It is stored securely, in line with Showsec policy and procedures pending its production (if required) at court as an exhibit. The master copy is only viewed if doubt is cast on the integrity of the images.

“Working copy” is the version produced from the master copy for the investigation, briefings, circulation, and preparation of defence.

Both master and working copies may be on CD-ROM or DVD, on a server or on Showsec networks.

Key Principles for the overt use of BWV

Six principles for the overt use of BWV provide the strategic underpinning of Showsec Policy. Each principle is supported by these instructions and associated documentation.

These principles are subject to continual review and will be updated where necessary.

Principle 1

Common law provides Showsec with the authority to use BWV in the lawful execution of their duties, for the prevention and detection of crime.

Principle 2

Data will be processed and managed in line with this policy and GDPR Guidance (UK Data Protection Act 2018).

Data retention, review and disposal will be in line with relevant legislation and current guidance. Showsec ensures the integrity of data throughout the process.

Principle 3

The normal use of body-worn video will be overt.

Showsec will ensure that the capabilities of BWV equipment are clear to the public. This includes its ability to capture audio as well as visual imagery.

Principle 4

The operational use of body-worn video must be proportionate, legitimate and necessary.

Compliance with GDPR will ensure the use of BWV is always proportionate, legitimate and necessary. **Continuous, non-specific recording is not permitted.**

Principle 5

Use of body-worn video will be incident specific.

Operators will use common sense and sound judgement when using body-worn video, in support of the principles of best evidence.

Operators are required to justify their use of BWV. There should be a tendency towards capturing audio/visual evidence when deciding whether to record. Nevertheless, there are several limitations.

Principle 6

Body-worn video does not replace conventional forms of evidence gathering

Such as witness statements and incident reports it supports them.

Principle 1

The use of body-worn video, by Showsec, is lawful.

Legal requirements

This section outlines the legislation relevant to Showsec use of BWV.

Data Protection Act 2018

The Data Protection Act 2018 is the UK's implementation of the General Data Protection Regulation (GDPR). GDPR regulates the processing of personal data or sensitive personal data, whether processed on computer, CCTV, stills camera or any other media. Any recorded image that captures an identifiable individual is covered by GDPR.

GDPR requires that the data subject must be informed of:

- the identity of the data controller – Showsec' data controller is Showsec Head Office Leicester
- the purpose or purposes for which the material is intended to be processed
any further information that is necessary for the processing to be fair.

The Guidance requires this information to be made clear to those individuals whose personal data will be processed. In the context of BWV, this is those who are included in the recording.

There are various ways to inform data subjects that they are being recorded, including verbally at the time they are being recorded or, if this is not practicable because of an ongoing incident, as soon as possible afterwards. However, where a Showsec Operator is in uniform and is clearly carrying or wearing a suitably identified camera (clearly labelled as an audio and visual recording device) this condition is considered to have been satisfied.

To assist in complying with principle 1, the devices that Showsec use are clearly labelled to alert a third party to the potential use of video and specifically audio recording equipment.

Showsec will also:

- Clearly label devices or otherwise identify them to inform subjects that they record audio and video footage.
- Limit recordings generally to situations where the BWV user would previously have made a written record of the encounter.
- Announce, where possible/practicable, to the subject(s) of an encounter that video and audio recording is taking place using BWV.
- Begin recordings at the start of any deployment to an incident and continue uninterrupted until the incident is concluded.

Not make recordings of general patrolling duties

Securely hold all recordings in accordance with Showsec procedures. Access to recordings must be controlled and only persons having a public space surveillance (CCTV) SIA licence and the operational need to view specific incidents may view them. Recordings are saved on Pinnacles cloud storage area (DEMS) or the Halo equivalent (Vault) named as follows:

- Date
 - Venue
 - Time of recording
-
- Retain and dispose of all material recorded by a BWV device in accordance with Showsec information management policies. Recordings will be stored for a maximum of 3 years for claim management in the cases of injuries to Showsec employees or workers
 - ensure prior to disposal, take all reasonable steps to ensure that the images are not required
 - Make a record of the destruction of any non-evidential recording.

Ensure that operators are:

- Aware that people included in a BWV recording are entitled to obtain a copy via a subject access request which must be requested using the data compliance email – privacy@showsec.co.uk The privacy team are able to explain the process for obtaining a copy of the footage
- Conversant with Showsec's published policy relating to the retention, review and disposal arrangements for this category of data
- Where personal data is being shared, data controllers must ensure that this complies with their legal obligations under GDPR

The European Convention on Human Rights

Article 6 of the European Convention on Human Rights (ECHR) provides for the right to a fair trial. All images from BWV can be used in court proceedings, whether they provide information that is beneficial to the prosecution or the defence. They must be safeguarded by an audit trail in the same way as other evidence that is retained for court.

Article 8 of the ECHR is the right to respect for private and family life, home and correspondence. Showsec are required to consider this article when dealing with recorded images, whether they are made in public or private areas.

The use of BWV must be in accordance with the law and proportionate. For the purposes of the

ECHR, it has been determined that Showsec operators have sufficient powers in common law to justify the use of BWV

Use of BWV can, however, be viewed as an interference and so must always be justifiable, on a case-by-case basis.

In principle, the use of BWV is justifiable for preventing and detecting crime. BWV can collect valuable evidence for use in criminal prosecutions and provides a record to promote integrity and confidence, and objective evidence of controversial events and interactions. It offers protection for operators and for members of the public. However, it is important Showsec do not retain BWV recordings where there is no clear evidence of an offence, unless some other good reason exists for their retention.

Recordings of persons in a public place are only public for those present at the time. Those situations are, therefore, still regarded as potentially private. Recorded conversations between members of the public should always be considered private. A person's reasonable expectation of privacy in the circumstances is relevant here. Users of BWV must consider Article 8 of the ECHR when recording and must not record beyond what is necessary for operational purposes.

Criminal Procedure and Investigations Act 1996

The Criminal Procedure and Investigations Act 1996 (CPIA) introduced the statutory test for disclosing material to the defence in criminal cases.

Showsec must be able to disclose both used and unused images and demonstrate that this has been done. Deleting any Showsec-generated images (or a third-party's images in Showsec's possession) prior to their respective retention periods may amount to a breach of the Act if they are not then available for disclosure. Showsec must retain images relevant to an investigation in accordance with the Code of Practice.

Principle 2

Data will be processed and managed in line with this policy and the principles of the Data Protection Act 2018.

Information management

The use of BWV devices generates a large amount of digital material that must be stored appropriately and retained, reviewed and deleted.

Audit trail

To prove the authenticity of recordings required as evidence in a trial at court, evidential continuity statements may be necessary. Such statements confirm that any securely stored master copy has not been tampered with in any way and must, therefore, include the following content:

- equipment serial number/identifying mark
- day, date and time the user took possession of the equipment (time A)
- day, date, time and location the user commenced recording (time B)
- day, date, time and location the user concluded recording (time C)
- day, date, time and location that the master copy was created and retained in secure storage (time D)

- if any other person had access to or used the equipment between times A, B or C and time D (if so a statement will be required from that person).

This information is captured on the Pinnacle DEMS system.

Producing exhibits

To allow the recorded evidence to be presented in court, Showsec must preserve the master copy as an exhibit.

Operators should not store evidence on removable storage cards/media.

Multiple recordings

Where more than one BWV device is present at the scene of an incident or the area of the incident is also covered by a CCTV system, the BWV user in the case must ensure that all available material of the incident is secured as exhibits in consideration of any defence arguments that may be presented.

Providing copies for the defence

BWV material should be disclosed to the defence in the same manner as other case exhibits. It is important to ensure that copies to be served on the defence do not contain any sensitive information such as the addresses of witnesses.

Storage, retention and deletion

Storage

All recorded material must be stored and retained in a secure manner in accordance with Showsec procedures.

Images should be stored so that they are retrievable and accessible for replay and viewing, and kept in an environment that will not be detrimental to the quality or capacity for future viewing.

They should be appropriately labelled and include information regarding review or disposal dates.

Working copies that the investigation team in the case no longer requires for investigation purposes may be stored with the relevant file

Retention and deletion

Overt filming raises significant human rights issues, notably the question of whether Showsec's action is compatible with the right to respect for private life protected by Article 8.

Taking photographs and recording video of incidents and individuals is not likely to be unlawful, if users follow this guidance. If Showsec wish to retain such images, the purpose for which the photographs were taken and their continuing retention must be justified and proportionate.

Once it becomes clear that the purpose for which the images were taken is no longer valid or no longer exists, the possibility that the photographs could be of some legitimate use in the future is generally insufficient to justify continuing retention.

Showsec will adhere to the following principles when considering the use of overt BWV and retaining images obtained:

- Is it in accordance with the law?
- Does it pursue a legitimate aim, for example, prevention of disorder or crime, is in the interests of public safety, or is for the protection of the rights and/or freedoms of others?
- Is it necessary and proportionate?
- Records should be regularly reviewed to ensure that they remain necessary for an operational purpose and are adequate and up to date. Any records that have no evidential or intelligence value should be disposed of securely.

- The type and amount of information held on an individual subject should not be excessive and must be proportionate to the risk the subject poses to the community. The review process should be documented for audit purposes.
- Storage media containing film footage (e.g., tapes, discs, memory cards) should be securely stored and only available to staff with an operational need to access the material.

It is the data controller's responsibility to devise a flexible policy that considers the ongoing relevance of different types of material, including the retention of material that will not be used as evidence.

The decision to retain footage will be a matter of judgement in every case as some material may be relevant to the ongoing monitoring of a situation, but other material may need to be deleted immediately.

Showsec has a prompt destruction policy which is rigorously applied. ACPO/Home Office (2007) National CCTV Strategy advises that material should be retained for a period of 31 days for any investigation to become apparent, after which it should be deleted, except in the examples provided above. Showsec will bear this in mind however in civil cases where the claimant has 3 years to claim the period of retention can be extended up to the 3 years

Sharing information with other agencies

GDPR allows Showsec to share material with a statutory partner agency where it is necessary to prevent or detect crime, or apprehend or prosecute offenders.

All requests for BWV material must be risk assessed in line with Showsec's policies and relevant legislation. Once the decision has been made to release material, the partner agency should be made aware that they are responsible for its appropriate use and storage. This may be done by writing a letter outlining the partner's responsibilities, including the extent of permitted use. Showsec will transfer material in a secure manner and maintain continuity of evidence.

Sharing information with the media.

The release of BWV images to the media must always be proportionate, necessary and for a legitimate purpose. Showsec will make each decision on a case-by-case basis, and should carry out early consultation with Live Nation Legal Department.

Principle 3

The normal use of body-worn video will be overt.

Operational use

BWV devices may be used to gather digital video evidence across a wide range of operational situations. Although the general principles of use apply in all situations, specific considerations may apply to different types of use.

Scene review and searching premises

BWV can be very effective for recording the location of objects and evidence at the scene of a crime or during the search of premises. The Investigating team are then able to review, for example, scenes of serious crime, or record the positions of vehicles and debris at the scene of a serious road traffic collision.

When used in this way the BWV recording should be treated as an evidential recording and, where possible, the user should provide a running commentary of factual information to accompany the recording to provide context during the review.

In keeping with standard practice at the scene of an incident that is deemed suspicious or likely to require investigation, the BWV user should always ensure minimal disruption to the scene. Additionally, all personnel should be required to withdraw from the scene so that it can be contained and secured until the appropriate resources can investigate.

Night-time patrols

The type of offences and surrounding circumstances such as violence and antisocial behaviour either in, or around, licensed premises are particularly suited to users capturing evidence with BWV equipment.

Typically, offenders have little recollection of their actions or state of mind and are frequently reluctant to accept the facts of a case.

Evidence from BWV recordings provide a first-hand account of the offender's actual behaviour, the attendant conditions and the threat posed to public safety. As a result, it is much more effective in supporting proportionate prosecutions for this type of offence.

Evidence captured by BWV users in respect of issues caused by the actual licensed premises can be used very effectively to support prosecutions or defend against claims.

Use as a training aid

Showsec can use BWV material to review and enhance how incidents are dealt with, improving professionalism and providing a powerful tool for behavioural change and continuous improvement.

Showsec will ensure that footage used for training does not contain, or is edited to remove, any personal data.

Showsec will comply with the requirements of GDPR. As the data controllers, Showsec are responsible for deciding how long they need to keep the footage.

Additionally, material which is still subject to any legal proceedings or where it has been used in a recent prosecution must not be used for training purposes.

Principle 4 and Principle 5

Principle 4 – The operational use of body-worn video must be proportionate, legitimate and necessary.

Principle 5 – Use of body-worn video will be incident specific. Operators will use common sense and sound judgment when using body-worn video, in support of the principles of best evidence.

Operational considerations

Recording an incident – basic principles and techniques

The decision to record or not to record an incident rests with the user. Users should always consider the circumstances and the people involved, for example, vulnerable persons.

Users may not indiscriminately record entire duties or patrols. Recordings must be incident specific (whether the recording is ultimately required for use as evidence).

All recordings can be used in evidence, even if it appears to the user at the time of the incident that this is unlikely. All recordings should be treated as evidential until it is confirmed otherwise. If it becomes obvious that the recording will not be evidential, unless there are other extenuating circumstances, users should stop recording immediately.

Users should capture as much evidence as possible (including the context of the encounter) and should always try to record as much of an incident as possible. Users should begin recording at the start of an incident or at the earliest opportunity thereafter, for example:

- as soon as users are deployed to an incident
- as soon as they become aware that any other encounter is likely to occur in front of them.
- To comply with GDPR and HRA, wherever practicable, users should restrict recording to the areas and persons necessary to obtain evidence and intelligence relevant to the incident. Users should always attempt to minimise collateral intrusion on those not involved.

The recording process

Starting a recording

At the start of any recording, the user should, where practicable, make a verbal announcement to indicate that the BWV equipment has been activated. This announcement should be captured on the recording and, if possible, should include:

- the date, time and location the nature of the incident to which the user is deployed
- Confirmation to those present that the incident is now being recorded using both video and audio.
- If the recording has started prior to the user's arrival at the scene of an incident, they should, as soon as is practicable, announce to those present that recording is taking place and that their actions and sounds are being recorded. Announcements should be made using straightforward language that can be easily understood

Making a commentary while filming

Some evidential information may take place out of view or hearing of the camera or microphone. It may prove helpful for the user to provide a running commentary detailing evidence not present in the video (e.g., distinctive smells such as cannabis) to assist the viewer.

Concluding a recording

Unless specific circumstances dictate otherwise, recording must continue uninterrupted from the moment it starts until the conclusion of the incident or the resumption of general patrolling. The Operator should continue to record for a short period after the incident to clearly demonstrate to any subsequent viewer that the incident has concluded and that the user has resumed other duties or activities.

Where practicable, users should make an announcement that the recording is about to finish. Prior to concluding recording, the user should make a verbal announcement to indicate the reason for ending the recording. This should state:

- the date, time and location
- the reason for concluding the recording.
- Once a recording has been completed, the recorded data becomes Showsec information

Selective capture

The BWV user should record entire encounters from beginning to end without interrupting the recording. There will, however, be occasions when the user may wish to consider interrupting the recording of an incident. In such circumstances the user may decide to start and stop recording at any point during an encounter. This practice is referred to as selective capture.

For example, it may be necessary to stop recording an incident in cases of a sensitive nature or if the

incident has concluded prior to the arrival of the BWV user. In all cases the user should exercise their professional judgement in deciding whether or not to record all or part of an incident.

If the user chooses to interrupt or cease recording at an ongoing incident, they should record their decision and rationale (if practicable in the circumstances) by making a suitable verbal statement on the BWV material and on the incident report.

Selective capture can also be used to describe the process of temporarily stopping and restarting recording in order to bookmark (see [bookmarking](#)) the recorded material.

Selective capture never involves deleting images. There are no circumstances in which the user can justify unauthorised deletion of any images that have already been recorded.

Any such action may result in legal or disciplinary proceedings.

Bookmarking

Bookmarking is a method for separating encounters recorded with BWV to clearly define specific instances or relevant parts of the recording, which then facilitates retrieval or disclosure of the relevant evidence.

While recording an incident, BWV users may encounter and record video or audio evidence from any mixture of victims, offenders or witnesses. During such instances, users may record statements made by victims or witnesses that should not be shown to the defendant (or their representative). For example, a witness may be recorded giving their name and address.

In such circumstances and only if it is practicable for the user to do so accurately and properly, they may stop and start the recording. Whenever a recording is interrupted in this way, the user should make a verbal announcement when the recording is stopped and again when it is restarted, clearly explaining the reason for the interruption.

A bookmarked recording covers the entire incident but contains gaps where recording has not taken place and so is likely to consist of more than one data file. When later saving and preparing their master copy of the recorded incident, users should take care to include all the bookmarked sections of the incident as one complete master recording.

Relying on BWV recordings as evidence and partial recordings

BWV material should be used to corroborate, rather than replace, traditional written statements/incident reports and operators should not rely on BWV for providing their evidence.

Although a BWV recording may provide compelling evidence, it will not necessarily prove all aspects of a case and users must always be prepared to provide written evidence of anything pertinent to the case and not wholly represented by the recording.

Some incidents may be only partially recorded. This may be because of the incident not being fully visible to the user or owing to some technical or physical failings in the BWV equipment. Similarly, problems with the equipment or prominent background noises may affect the clarity of the audio recording.

In such instances it is likely that the BWV recording will be incomplete and it may be necessary for the operator to give evidence of anything missing from or not discernible in the recording.

If the user becomes aware of a break in recording and it can be rectified quickly they should do so, explaining by verbal statement what happened when the recording recommences.

If, however, it is not possible to continue recording, the user should complete an incident report covering the incident.

If an incident is only partially recorded because of equipment failure, the user should produce the recorded evidence as usual and provide a statement covering the entire incident. This should include the reason, if known, for the equipment failure.

Objections to recording

In principle, users are not required to obtain the expressed consent of the person or persons being filmed.

If the subject of an encounter requests that the BWV be switched off, the user should advise the subject that:

- any non-evidential material is retained for a maximum of 31 days only (in accordance with MoPI)
- this material is restricted and cannot be disclosed to third parties without the subject's express authority, unless prescribed by law
- recorded material is Showsec information and can be accessed on request in writing (unless an exemption applies) and is also accessible via a subject access request in accordance with GDPR.
- It is then for the user to consider on a case-by-case basis if to switch the BWV off. There should always be a tendency to record (within the confines of legislation) unless circumstances dictate otherwise. An operator who fails to record an incident will be required to justify their actions as vigorously as any operator who chooses to record a similar encounter.
- However, in all cases recording can only be justified when it is relevant to the incident and necessary to gather evidence.
- If the user deems it necessary to turn off their BWV but events subsequently develop that require further investigation or proceedings, they should:
 - resume recording to capture any potential evidence
 - make the appropriate verbal announcements
 - record the circumstances in their pocket notebook (in the same way as they would for a partial recording).

Principle 6

Body-worn video does not replace conventional forms of evidence gathering (such as written statements and incident reports), it supports them.

Limitations

Technology and systems

BWV material provides a reasonably complete record of what its user sees and hears at an incident. There are, however, limitations to the technology and users must be aware that:

- some aspects of an incident that are vital to the evidence for the offence may occur out of camera view
- sound recordings may not be complete or other sounds at the scene may block significant statements by those present
- technical failures or operator errors may hinder the production of the recorded evidence. Users must, therefore, remain mindful of standard evidence gathering procedures at scenes, including the use of other video and digital evidence gathering devices, and must not rely solely on BWV evidence to support their case. The absence of BWV material in a case does not in any way weaken the strength of conventional evidence used. Operators may be required to explain why, if wearing BWV, it was not switched on at the time of the incident.
- Showsec is aware of the technology, support and storage issues associated with BWV, although the precise level and detail of support functions varies per the type of BWV, and possibly the level of BWV use.
- BWV material is recorded digitally and stored on digital media, which requires appropriate management and storage solutions

Use

BWV is an overt recording medium that can be used across a wide range of operations. Its use should always be incident specific and justifiable. Operators should use common sense and sound judgement when deciding to start recording.

The use of BWV is not appropriate in some situations. The following list is for guidance only and is not exhaustive:

- BWV must not, under any circumstances, be used for recording intimate searches or in any other circumstances where persons are in a state of undress.
- Users must respect legal privilege and must not record material that is, or is likely to be, subject to such protections.
- When recording in areas where individuals would have a strong expectation of privacy (for example, in a private residence or during an incident in a public arena such as where someone has been involved in an accident in the street), clear justification would be required for using BWV. Users must consider the right to respect for private and family life (Article 8 of the ECHR) and must not record beyond that which is justifiable, lawful, proportionate and necessary for the evidential requirements of a case.
- BWV should not be used for formal investigative interviews. It is also currently unsuitable for recording interviews with vulnerable or intimidated witnesses and victims.
- Users should exercise care in using BWV where it may cause serious offence, for example, during religious worship.

Transcription

A transcription should only be required under the direction of a court in a specific case. For example, if the sound is of a poor quality, or if the speech contains a high degree of slang or is in a foreign language, the services of a translator should be obtained. Even when the material has been transcribed, the video contains visual information such as actions and gestures that put the language into context. The video exhibit should, therefore, still be shown in conjunction with the written text.

SIA regulations

When you need a front line licence:

Video from a bodycam or headcam is usually watched live by someone in another location, or is recorded and then watched later.

If you watch video footage captured by a bodycam or a headcam as part of your job then you are likely to fall within the definition of public space surveillance (CCTV) activity.

You need a Public Space Surveillance (CCTV) licence if all of the following statements are true:

1. You use CCTV to watch members of the public or to identify particular individuals.
2. You use CCTV to guard against disorder or to protect individuals from assault - this includes the use of CCTV to try to prevent these things from happening, or to provide information about them if they do happen.
3. Your services are supplied under contract to a client.

When you do not need a licence

You do not need an SIA licence if you wear a bodycam or headcam but do not watch any of the footage from that device.

Showsec Requirements

Showsec requires any person who views BWV footage to hold a valid SIA Public Space Surveillance (CCTV) Licence. Usually this will be the Area Manager for the area in which the BWV is operated although occasionally this could be the Operations Executive/Supervisor, so long as they hold a valid SIA Public Space Surveillance (CCTV) Licence.

Usage

Prior to use, make sure that the battery is fully charged and there are no existing media files still on the device.

To maintain evidential continuity of any recorded material, make sure that the camera is assigned to you as the user and producer of any digital evidence.

Make sure the device is securely attached to your body or equipment, ensuring the lens is pointing in the required direction for optimal capture.

You should record all interactions where there is a possibility of obtaining evidence. As a simple rule, if you are recording information on an incident report, your camera should be on.

If you are the sole operator of a BWV device during an incident but are assisted by other security staff that are not wearing a BWV device, try to stand back from the incident to capture as much of the scene/interaction as you can whilst remaining close enough to record any audial interactions.

Consider bookmarking sections of your recording to make it easier for retrieval and viewing by third parties.

At the conclusion of any recorded event, it is good practice to explain why you are turning off the camera.

Avoid asking questions of victims and witnesses beyond those that are absolutely necessary. Any unnecessary or leading questions captured on BWV could be detrimental to a future defence case.

As soon as practicable, download all recorded material onto the storage site using the approved software only.

Remove all the recorded material from the BWV camera once it has been transferred to the storage site.

A technical guidance briefing has been written which should be read and understood before wearing a Body Worn Video Camera.

Other Relevant Documentation

- Body Worn Video Standard Operating Procedure
- Body Worn Video User Guide



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