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WEST MIDLANDS POLICE Force Policy Document

POLICY TITLE:

IN-CAR VIDEO RECORDING POLICY

POLICY REFERENCE NO:

Ops/14

Executive Summary.

The purpose of this policy document is to set out the procedures as to the management, retention and destruction of all in-car video digital recordings taken by West Midlands Police (WMP) Traffic vehicles taken during the course of normal traffic policing duties.

The entire management process of this equipment and the video evidence obtained (i.e. front facing and internal visual/audio recordings), play a key role not only in the court judicial process but where required will also assist the Force and its officers as to any complaints lodged and in-turn secure the confidence of the public as to the integrity of WMP officers.

**Any enquiries in relation to this policy should be made directly with that of the policy contact / department shown below.

Intended Policy Audience.

This policy is aimed at all Operations Traffic Unit management, officers and staff, and ICT services.

Current Version And Effective Date.	Version 1.0	23/07/2012
Business Area Owner	Operations	
Department Responsible	Operations Traffic Unit	
Policy Contact	Operations Traffic Unit on extensions 7982 6523/4	
Policy Author	PS Paul Hughes (Operations Traffic Unit)	
Approved By	ACC Forsyth (Operations)	
Policy Initial Implementation Date	23/07/2012	
Review Date	01/06/2014	
Protective Marking	Not Protectively Marked	
Suitable For Publication – Freedom Of Information	Yes. (no restrictions – see section 9)	

Supporting Documents

Policy – directly supporting documents.

- Records Management policy

Evidence Based Research

Full supporting documentation and evidence of consultation in relation to this policy including that of any version changes for implementation and review, are held with the Force Policy Co-ordinator including that of the authorised original Command Team papers.

Please Note.

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UP TO DATE VERSION OF ANY POLICY OR DIRECTIVE CAN BE FOUND ON THE EQUIP database on the Intranet.

Force Diversity Vision Statement and Values

“Eliminate unlawful discrimination, harassment and victimisation. Advance equality of opportunity and foster good relations by embedding a culture of equality and respect that puts all of our communities, officers and staff at the heart of everything we do. Working together as one we will strive to make a difference to our service delivery by mainstreaming our organisational values”

“All members of the public and communities we serve, all police officers, special constables and police staff members shall receive equal and fair treatment regardless of, age, disability, sex, race, gender reassignment, religion/belief, sexual orientation, marriage/civil partnership and pregnancy/maternity. If you consider this policy could be improved for any of these groups please raise with the author of the policy without delay.”

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Acronyms

ANPR	Automatic Number Plate Recognition
CCTV	Closed Circuit Television
CIU	Collision Investigation Unit
CPIA	Criminal Procedures and Investigation Act 1996
DPA	Data Protection Act 1988
DVD	Digital Versatile Disc
EQIA	Equality Impact Assessment
EU	European Union
FBCT	Force Business Continuity Team
FOI	Freedom of Information Act 2000
GPMS	Government Protected Marking Scheme
HDD	Hard Disc Drive
ICT	Information and Communication Technology
LPU	Local Policing Unit
MOPI	Management of Police Information Act 2010
NFA	No Further Action
OTU	Operations Traffic Unit
RIPA	Regulatory Investigatory Powers Act
WMP	West Midlands Police

1. INTRODUCTION.

- 1.1 This policy document covers the operation and procedures for the digital hard disk drive (HDD) CCTV systems fitted to West Midlands Police (WMP) Traffic vehicles. It's purpose is to address the management, retention and destruction of overt video recordings taken during the course of Traffic policing duties. Examples would include the immediate or pre-planned monitoring of traffic related offences such as speeding, careless driving or the pursuit of suspects committing crime e.g. robbery, and theft of motor vehicle.
- 1.2 It does not refer to pre-planned covert operations involving video surveillance recordings of specific subjects, which are subject to mandatory authorities' levels under the Regulatory Investigatory Powers Act (RIPA).

2. BACKGROUND

- 2.1 Over the past few years a variety of recording systems have been utilised within WMP Traffic vehicles which brought with them a variety of data storage options. The Traffic Unit Fleet has now been rationalised and all vehicles upgraded to one type of system.
- 2.2 This document is designed to bring procedures in line with The Management of Police Information 2010 (MoPI) Code of Practice and Guidance, Data Protection Act 1998 (DPA), Criminal Procedures and Investigation Act (CPIA) 1996, Force retention schedule, Force Information Management Strategy, and WMP Record Management Policy.

3. SYSTEM DESCRIPTION

- 3.1 The system fitted to the vehicles is the Microbus MPC2 digital hard disk drive (HDD).
- 3.2 The HDD provides real time recording of images from the vehicles front facing camera and internal 'cab' camera where fitted, and also audio from internally fitted microphones.
- 3.3 All Traffic vehicles are fitted with signs advising that audio and visual recording takes place within the vehicle. It is recommended that officers also advise persons of the presence of the recording equipment, in particular those that are non-English speaking.
- 3.4 The HDD records continuously as soon as the system is activated. **It is Operations Traffic Unit (OTU) policy that the HDD recording system will be activated at the start of each tour of duty and remains on for the full tour of duty. This includes the internal microphone which should not be muted.**
- 3.5 The playing back of recorded images within the vehicle does not affect the continuous recording. The relevant sections of footage that are required are selected utilising the systems in built 'Timestamp' operation. These Timestamps are then saved to the HDD and downloaded by connecting the cars MPC2 to a fixed hardwired download point at a police station utilising a LAN Connector within the car during the download of Automatic Number Plate Recognition (ANPR) data. Any images not Timestamped and saved are lost once the system is turned off. All vehicles utilised will be downloaded at the end of the officer's tour of duty.
- 3.6 It is the operator's decision as to what footage is saved. All incidents of an evidential nature, or interaction with detained persons or suspects should be saved. In the instance of a detained person being taken in to a custody suite then the footage should be retained right up to the arrival at custody. It is recommended to retain 30 seconds of recording either side of the incident including all interaction with detained persons or suspects in order that a court can be satisfied that nothing of the incident has been omitted. If for any reason there is a break in the continuity of

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recorded material, or an incident is not saved, then the operator is responsible for providing an account of the reason(s) why.

- 3.7 All saved footage is saved on an ICT managed Central Server. Access to the server and the stored footage is via a 'shared drive'. Previously each base had its own drive, however all footage is now saved onto the one drive labelled as share_ANPR_Wednesbury.

During downloading the identification of the individual vehicle is recognised by the server and the Timestamp directed to the appropriate location. Each Traffic car has its own folder within the drive identified by its registration number. The Timestamp is stored within the folder and labelled by its relevant date and time in the following format:

2011_07_13_11_45

- 3.8 All officers will receive training in the correct operation of the HDD system and procedural guidance on image viewing and retention.

4. **TIMESTAMPS: Retention and Destruction**

- 4.1 MoPI applies to records held for a policing purpose. This is defined to be either:

- Protecting life and property
- Preserving order
- Preventing the commission of offences
- Bringing offenders to justice
- Any duty or responsibility arising from common or statute law

- 4.2 Policing records must also comply with the 8 principles of the DPA. These state that information must be:

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept for longer than necessary
- Processed in accordance with the data subject's rights
- Secure
- Not transferred to countries outside the EU without adequate protection.

- 4.3 The retention period for HDD Timestamps on the storage server will be 12 months, after this period files will be automatically weeded and deleted. Images which are of evidential value in relation to criminal or traffic proceedings, complaint or civil litigation may be retained beyond the 12 month period by downloading to DVD. This weed date allows officers to leave timestamps on the server until notification that a date for court proceedings and has been set to allow officers to retain images in one central point without the need for producing and storing large quantities of DVD's.

- 4.4 There will be occasions where immediate image file retention to DVD will be required and it is the individual officer's decision to do so. Some examples will be:

- Where the recording is identified as containing evidence for a case which is known to be going to court.
- Where a complaint against police is made.

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- Where the recording is required for viewing as part of a handover package or suspect interview
- Where there is unused material contained within the audio / image file that may undermine the prosecution case or assist the defence

5. RETENTION PERIODS FOR MASTER DVD COPIES

5.1 It is important to distinguish between records that provide information about an individual, and records that provide information towards an investigation. Any information about an individual will need to be kept for the time period specified by the MoPI group. As exhibits, the master DVD is classed as information relating to an investigation and need only be kept as long as the Force is likely to be furthering that enquiry, for civil litigation purposes, or as long as legislation mandates.

5.2 As defined by Record Management Policy, these records will belong to one of two categories (*please refer to the Records Management Policy for more detailed information*):

1. Convicted: - If an individual has been convicted of the offence, all records relating to the investigation must be retained for the length of any court ordered sentence or in cases where no custodial sentence is given, a minimum of 6 months following the end of the investigation/court case (whichever is longer).

2. All other cases (including acquittals, NFAs, or where no suspect has been identified):

- Group 1 = 50 years.
- All other offences = when the Senior Investigating Officer has confirmed that there are no further lines of enquiry and the investigation is closed.

A full list of group 1 offences can be found in the spreadsheet titled Composite List – Group 1 offences (located on [the MoPI website](#) under MoPI Guidance Documents)

6. SECURITY

6.1 The central server drives will only be utilised for the storage of in car CCTV data. Access to the server will be granted to OTU police officers only and will be via a shared drive. This shared drive can be accessed from any WMP networked workstation. Access to the drives is granted by ICT and is restricted to OTU staff.

6.2 **Officers should not copy timestamp files onto a workstations hard drive or other medium, other than the master and working DVD.**

6.3 The Server will have built in security levels allowing only viewing of files and production of DVD's. The burning of DVD's will only be authorised on the current identified 'Video Storage' workstations at each base.

6.4 Access to the workstation will be by the force smart card access system as per all workstations, producing an audit trail of access.

6.5 Timestamps will be transferred onto a DVD-R. This prevents data files being subsequently changed and further data being written to the disc. The master DVD will be sealed in a tamper proof exhibit bag and placed into detained property (crime) in accordance with force procedure. Officers are responsible for maintaining the continuity of any exhibits including the completion of statements producing the exhibit for court files. Where working copies of the timestamp are produced, for example with a handover package for interview, the producing officer is responsible for ensuring that correct storage and destruction policy is adhered to for copies that remain under their control.

- 6.6 A review of Officers requiring access to the drives and Nero Burning rights will be reviewed on a yearly basis by a nominated officer within the OTU and details passed to the relevant manager within ICT to renew the authorisation.

7. EQUALITY IMPACT ASSESSMENT (EQIA)

- 7.1 The Policy has been reviewed and drafted against all protected characteristics in accordance with the Public Sector Equality Duty embodied in the Equality Act 2010. The policy has therefore been Equality Impact Assessed to show how WMP has evidenced 'due regard' to the need to:

- Eliminate discrimination, harassment, and victimisation.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Supporting documentation in the form of an EQIA has been completed and is available for viewing in conjunction with this Policy.

8. HUMAN RIGHTS

- 8.1 This policy has been implemented and reviewed in accordance with that set out with the European Convention and principles provided by the Human Rights Act 1998. The application of this policy has no differential impact on any of the articles within the Act. However, failure as to its implementation would impact on the core duties of values of WMP (and its partners), to uphold the law and serve/protect all members of its community (and beyond) from harm, effecting that of:

➤ Right to Liberty and Security (*Article 5 – sections*):

- 1) Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:
 - c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after have done so
- 2) Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.

➤ Right to a Fair Trial (*Article 6 – sections*):

- 3) Everyone charged with a criminal offence has the following minimum rights:
 - d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him.

9. FREEDOM OF INFORMATION (FOI)

- 9.1 Public disclosure of each policy document is determined by the Force Policy Co-ordinator in agreement with its owner. Version 1.0 of this policy document has been GPMS marked as 'not protectively marked' and is fully disclosable to members of the public via the Force WMP internet website.

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9.2 Public disclosure does not automatically apply to supporting Force policies, directives and associated guidance documents, and in all cases the necessary advice should be sought prior to disclosure to any one of these associated documents.

There are no exemptions to the disclosure of this policy (see below):-

Which exemptions apply and to which section of the document?	Whole document	Section number
No issues – version 1.0	n/a	n/a.

10. TRAINING

10.1 Any training required to comply with this policy will be provided under the guidance of the Force Traffic Unit.

11. PROMOTION / DISTRIBUTION & MARKETING

11.1 The following methods will be adopted to ensure full knowledge of the Policy:

- Policy document and associated documents on the Force Intranet (noticeboard) for the attention of all WMP officers and staff;
- Recording and audit entry on the Force policy library;
- Intranet marketing via the [Operations Traffic Unit](#)

12. REVIEW

12.1 The Policy business owner Operations will maintain outright ownership of the policy and any other associated documents and in-turn delegate responsibility to the department/unit responsible for its continued monitoring.

12.2 The policy should be considered a 'living document' and subject to regular review to reflect upon any Force, Home Office/ACPO, legislative changes, good practice (learning the lessons) both locally and nationally, etc.

12.3 A formal review of the Policy document, including that of any other potential impacts i.e. EQIA, will be conducted by the date shown as indicated on the first page.

12.4 Any amendments to the Policy will be conducted and evidenced through the Force Policy Co-ordinator and set out within the version control template.

12.5 Feedback is always welcomed by that of the author/owner and/or Force Policy Co-ordinator as to the content and layout of the policy document and any potential improvements.



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13. VERSION HISTORY

Version	Date	Reason for Change	Amended/Agreed by.
Version 1.0	23/07/2012	New Force policy	New Force policy authorised by CC Sims