

June 2015

BODY-WORN VIDEO

A report by Greater Manchester's
Independent Police Ethics Committee





FOREWORD FROM BISHOP DAVID WALKER

Integrity sits at the heart of good policing.

That is the ethos under which the Ethics Committee was established by Greater Manchester Police and Crime Commissioner Tony Lloyd in August 2014.

Independent of Greater Manchester Police, our job is to advise and challenge on the ethical dilemmas that modern policing faces.

The committee is a wonderfully diverse group, and we bring our varied skills and experiences together to help shape Greater Manchester Police into a service with people at its heart, and which instils confidence and trust in the communities it serves.

The use of body-worn video by police is the perfect issue to be addressed by the committee because it raises many questions and poses ethical dilemmas that need to be carefully considered before its use is approved.

We carried out research with focus groups to inform our thinking and now wish to present our findings and subsequent recommendations in this report.

The Rt Revd Dr David Walker
Bishop of Manchester
and Chair of the Independent Police Ethics Committee

BACKGROUND AND METHODOLOGY



This report is the first of the Independent Ethics Committee for policing in Greater Manchester. The committee was set up by Greater Manchester's Police and Crime Commissioner Tony Lloyd and Greater Manchester Police to consider ethical dilemmas that modern policing faces.

Technological advancements mean that police can now use affordable body-worn video (BWV) cameras which provide high-quality images and audio which can be used for evidential purposes.

The Ethics Committee decided to look at the ethical dimensions of if, when and how body-worn videos should be used by police and PCSOs. As well as being considered by the full committee, three members of the committee agreed to undertake further research into the issues discussed, by interviewing different stakeholders. This report summarises the findings and makes recommendations to the Police and Crime Commissioner and Chief Constable.

THE ISSUES



The issues considered at Ethics Committee meeting are also raised in the draft College of Policing Guidance (2014) on BWV. In summary, the group considered the following:

The recording process – use of discretion

The decision to record or not record rests with the user – although the guidance states that incidents should be recorded whenever a police power is invoked. Does this degree of discretion raise concerns? For example:

- Could the discretion be abused by police officers selectively recording incidents involving certain subjects or certain groups of subjects?
- Is there the potential that it could be perceived as being misused against certain subjects or groups – whether or not that is the reality?
- Likewise, could the option not to record a situation be misused and/or seen to be misused?
- Does partial recording run the risk of presenting a biased view of an incident?
- If police officers have the discretion to turn off the video at the request of a subject, is there potential for intimidation or manipulation?

Would the use of body-worn video be an intrusion and pile additional pressure on police officers and PCSOs?





The recording process – what issues would be raised by continuous use?

- Would the above concerns be lessened if recording was continuous?
- What impact would continuous use have on police officers or PCSOs? Would they feel that this was an intrusion and an additional pressure? Or would they feel that it would support them against unfounded allegations – and potentially reduce the likelihood of such allegations?
- What impact would BWV have on police behaviour? How does it feed into the complaints procedure?

Impact on police-public relationships?

- What impact would the recording of interactions have with the public? Could it create a barrier – akin to taking officers off the streets and into cars?
- What impact would it have on anti-social behaviour? Are people more or less likely to behave badly in front of the camera?

*What will the impact be on
antisocial behaviour?*

*Are people more or less
likely to behave badly in
front of the camera?*



Impact on prosecution/ court hearing?

Video recording has the potential to provide powerful evidence to support prosecution, support victims, speed up justice and reduce the cost of unnecessary and cracked trials.

- Does seeing an incident from the perspective of the BWV user create an inbuilt bias?
- What about the impact on juries/ those in court?
- Others captured on the video have the right to privacy. Is this sufficiently protected by the ability to pixilate the images? Do victims have the right to request pixilation?

Impact on victims?

- Victims may be recorded at a vulnerable moment. Does this increase their vulnerability? Is it an invasion of their privacy?
- Or does it support them in deciding that they will be believed if they pursue prosecution?
- Does it increase the risk – e.g. in situations of domestic abuse?
- Could they be intimidated into requesting that the recording is turned off?

Storage and deletion of recordings

Guidance advises that material should be destroyed after a maximum of 31 days, except in certain circumstances.

- Does this present an appropriate balance between the retention of material that may assist a later investigation vs the rights of those captured on the recording?
- Is there a practical consideration about storing large quantities of recordings? How much more of a problem would that be if recording was continuous?

THE RESEARCH



This report is based on focus groups with:

- A community fitness group (18 participants - age range 19 – 71)
- Young people at a learning centre (6 participants -age range 14 – 16)
- Service users at a Women’s Centre (6 participants – varied ages). The women were from an area which is not involved in the GMP pilot
- Police officers responsible for implementing the use of BWV

Additional evidence was obtained through telephone interviews with two Women’s Centre managers.

The views of the groups are reported separately to capture the differences in their perception of the pros and cons of BWV and of the potential issues involved.



Young People

The young people had mixed views about the use of BWV with the group split down the middle; some felt that the BWV would be a good way to protect communities from crime but believed it should not be controlled at the officer's discretion. The section of the group previously involved in crime believed it would just be another way of incriminating them in a crime. All the female members of the group believed BWV would make the streets safer.

One queried the legality of filming a young person without parent/guardian consent – a point also raised by the Women's Group.

Staff working with young people discussed the potential effects on police, and felt that being under constant video surveillance could result in high staff absence due to stress. The most professional of staff need to be able to walk away and have time from a difficult situation.



Community Fitness group

All members of the group were in favour of BWV, seeing it as the police making use of modern day technology to improve the service. Not doing so would put the police at a disadvantage in dealing with crime.

Key benefits were:

- For someone to see their own behaviour on video could act as a future deterrent
- It would have a positive effect on police behaviour e.g. stop racism and violence
- It would reduce and record anti-social behaviour

Main concerns

- The equipment being used at the officer's discretion
- The potential stress to the police officer.



Women's Group

The women were asked to explore the issue from the perspective of a victim of domestic abuse. Some very real concerns were explored during the discussion, but at the conclusion all were unanimous that BWV was a good thing – providing some safeguards can be put in place.

Key benefits:

- Avoiding the need to attend court to give evidence ('victimless prosecution')
- Video evidence would work alongside CCTV and other security measures and make it easier and quicker to get a conviction
- The court would be able to see the damage to their home, as well as injuries
- Confidence that if they called the police, they would be believed and something would be done about the perpetrator's behaviour
- Video evidence could buy them some time before they needed to make a statement – a chance to calm down, attend to injuries and settle the children
- The perpetrator may calm down and be less likely to resist arrest
- Seeing the video would be a 'reality check' for the victim and less inclined to tolerate the abusive behaviour
- Seeing the video may shock the perpetrator and encourage them to change their behaviour
- Positive impact on the behaviour of the police
- More efficient use of police time if BWV helped to reduce paperwork.



Main concerns:

- For some women, being seen in a distressed state would be upsetting
- Some perpetrators may calm down before the police arrived and play up to the camera, making the distressed victim appear to be the perpetrator
- Calling the police can escalate abusive behaviour; BWV could make this worse if the perpetrator feels cornered
- Recordings could be used for other purposes – for example in child protection proceedings (although one woman countered this concern, stating that it could have helped her in such proceedings if she had been able to show how she had protected her children when the police were called to an incident involving her violent partner)
- Recordings would have to be held securely, and shown carefully at court to avoid illegal recording and misuse

Continuous recording or switching it on and off?

Continuous recording allows the behaviour of all parties to be monitored – perpetrator, victim, police and bystanders. If victims had the right to request that it is switched off, this could address concerns about recording the family's children. However, when the police arrive on the scene, it is not always immediately clear who is the victim. The knowledge that the victim could request that the video is turned off may lead to manipulation and intimidation after the victim has called the police. If the police have the discretion to turn it off, this could be misused, or the police could be accused by one party of turning it off without permission. They would need to record the consent to turn it off – which may be unrealistic in some situations.

Queries

- Is it legal for recordings to capture images of children without parent/guardian consent?
- Would it be possible to request access to a video through Clare's law?

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Police views

Discussion with police officers responsible for the implementation of BWV confirmed operational practice which, by and large, seems to support the views of respondents about how the scheme should work.

- Officers are expected to leave the camera running until the incident is completely 'finished'. (Experience has shown that there is a risk of events occurring after the camera is switched off)
- BWV is mandated for officers attending domestic abuse situations. Victims have sometimes asked for the camera to be turned off. However, officers are advised to keep the BWV turned on but to direct it away from the victim. This means that they continue to gather sound evidence even if they do not capture any images, and reduces the risk of missing evidence if they have not identified the 'victim' correctly.
- If the BWV is turned off the officer should record that this is to happen

Perceived benefits:

- Better recording of evidence
- Supporting 'victimless prosecutions'
- Calming the situation – officers report that the effect of those being recorded seeing themselves seems to have had a positive impact on them becoming calmer
- Particular benefits in domestic abuse context

Policy issues:

- Use is not mandated for stop and search
- BWV has not been used in protests such as Barton
- Officers are not provided with BWVs unless they have been trained
- Recordings can be used as a training tool to improve practice
- Recordings can be edited so that faces can be blurred (e.g. children and other parties not required for evidential purposes)
- Data is stored for limited periods and according to MOPI (Management of Police Information) guidelines.

CONCLUSIONS

The vast majority of those interviewing as part of this research are positive about the benefits of BWV, seeing advantages to victims, police and prosecution processes and in terms of crime reduction/ calming. The Ethics Committee would therefore support the roll out of the pilot, with the following recommendations:

1. BWV should always record the complete incident from start to finish and should be supported by a running commentary where this is possible
2. Officers and PCSOs should use discretion whether to continue recording vulnerable victims. In these situations the presumption should be that recording will continue, but the video may be directed away from the victim as audio recording via the BWV should still be used to capture evidence
3. During an incident if the BWV is switched off, distorted, blocked or simply not turned on without good reason a thorough investigation must take place
4. Leaflets should be produced and where appropriate left by the police to explain that BWV has been used, and to provide information about the video's use, storage and retention
5. There should be clear protocols about the limitations on the use of videos, and about the period of retention
6. Videos should be stored and used in accordance with Data Protection requirements and in line with all evidence. Secure use in a court situation – for example in a trial – may need particular consideration.
7. Images captured of innocent bystanders – including children within a family situation - should be obscured when the BWV is used for evidence
8. Full training in the use of BWV must be mandatory and start at grass roots policing

9. BWV should be fitted with GPS tracking system in case of loss or theft during an incident
10. Victims of domestic abuse should be afforded an appropriate opportunity to review the video recording
11. Recordings of anti-social behaviour and other offending should be replayed to perpetrators at a later date to act as a deterrent against future incidents
12. Research should be commissioned into the impact on offenders of viewing their behaviour.
13. BWV should be used as a tool in the development of professional standards for police officers and PCSOs
14. Evidence from BWV should be used when available as part of the complaints process.

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POLICE & CRIME COMMISSIONER
GREATER MANCHESTER