

## IPCC position statement on body worn video

### 1. Introduction

- 1.1. The use of body worn video (BWV) by police forces in England and Wales has increased in recent years. Some forces are now adopting full personal issue of BWV, making it part of an officer's personal protection equipment. It is a piece of equipment that is likely to be used more frequently in general policing.
- 1.2. There has been much discussion about the potential benefits of the increased use of BWV, including the ability to provide compelling evidence for use in the criminal justice system. In many instances, BWV footage is used to advance a criminal matter – either by providing what effectively is eye-witness footage of incidents where an officer has been present, or through the use of cameras to take statements from people. This reduces lengthy paperwork processes. There are, therefore, legitimate policing reasons for officers to view footage from BWV at an early stage.
- 1.3. In parallel with the increasing use of BWV in general operational policing, the IPCC is also seeing a growing number of cases where BWV forms part of the available evidence presented to us by forces. While it is accepted that the primary purpose of BWV is to support operational policing, it may also provide other valuable information in connection with complaints, conduct matters and death or serious injury matters.
- 1.4. Studies, albeit limited in scope, have shown that where police officers use BWV, complaints reduce significantly. Other results have shown a reduction in the use of force by police officers where BWV was being used.<sup>1</sup>
- 1.5. Where there is a complaint or a death or serious injury (DSI) or conduct investigation, the integrity of the evidence for that investigation and the impact on public confidence in the complaints system should also be considered.

### 2. Limitations of BWV evidence

- 2.1. Although BWV may be a useful tool it is not a complete answer. The coverage captured by BWV provides only a limited view of an incident; it shows only one angle; it does not record what might be happening behind the lens or behind the officer who is filming; it does not record smells, feelings of tension or the

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<sup>1</sup> [University of Cambridge Institute of Criminology](#) study on use in Rialto, California in 2012; [University of Portsmouth study: Evaluation of the Introduction of Personal Issue Body Worn Video Cameras \(Operation Hyperion\) on the Isle of Wight](#).

atmosphere surrounding an incident. There is also the risk that undue weight might be attached to its evidential value and caution should be exercised in this respect. It is potentially compelling viewing and there is a risk that other important evidence could be ignored or given less value. At worst, the footage could present a positively misleading picture of the whole situation.

- 2.2. From a complaints handling and investigation perspective, initial written accounts are useful because they have the potential to record much more detail, including the officer's perception of the event and how that informed their actions. This information can be pivotal in assessing whether an action was reasonable. If officers routinely view BWV footage before giving their initial written account there is a risk that statements present merely a commentary on the footage rather than the officer's own perceptions and thought processes. Additionally, there is a risk that watching BWV footage may affect an officer's recollections of an event, consciously or unconsciously.

### **3. Use of BWV evidence where a complaint is made**

- 3.1. If a complaint is made against an officer and BWV footage is available, but they have not yet viewed it, they should not view it until the investigating officer or person locally resolving the complaint is satisfied that they have a sufficient account of the officer's view of what happened. This allows the officer to give an account that is untainted by what they may see on the BWV footage. The officer should only view the footage before providing their initial account if there is a good policing reason for this – and this reason should be recorded clearly.
- 3.2. In many circumstances, a complaint will not be received immediately after an incident – the officer involved may have viewed the BWV footage by the time the complaint is received. Where an officer has viewed BWV footage before giving their account of an incident, their account should state that they have viewed the footage. It should also include the reasons for this and, if appropriate, distinguish between what they are saying as their honestly held belief and what is a reflection of what they have viewed on the footage.
- 3.3. In some circumstances, BWV footage may provide sufficient evidence for the person locally resolving a complaint to respond to it without the need for an account from the officer the complaint is about. However, this should not prevent an officer being given the opportunity to comment on a complaint about them that is being locally resolved.<sup>2</sup>

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<sup>2</sup> Police (Complaints and Misconduct) Regulations 2012, regulation 6(3).

- 3.4. Similarly, where an investigation is not subject to special requirements,<sup>3</sup> the availability of BWV footage may enable the complaint to be resolved more quickly.

#### **4. Use of BWV evidence where an officer is the subject of a criminal or misconduct investigation**

- 4.1. Where an officer is the subject of a criminal or misconduct investigation, or it appears possible that they may become subject to such an investigation, regardless of whether a notice of investigation has yet been served, they should only be allowed to view any BWV footage as determined by the investigating officer. For example, this may be part of staged disclosure during an interview.
- 4.2. If the footage has already been viewed before the criminal investigation starts or notice of investigation is served, this should be recorded in the officer's account and/or taken into account in any subsequent interview.

#### **5. Use of BWV footage in investigations into DSI matters<sup>4</sup>**

- 5.1. Where an investigation is being carried out into a DSI matter, the officers involved will be treated as witnesses. If a complaint is received or a conduct matter is identified, the investigation will be re-classified and any officers identified as subjects will be notified of this.
- 5.2. As soon as a police force becomes aware of a DSI, they should establish whether any of the officers present was wearing BWV and, if so, whether they recorded any footage. If footage does exist then it should be secured as quickly as possible and given to the investigating officer, or held securely until one is appointed.
- 5.3. Following a DSI, the officers involved should not view any BWV footage until they have completed their initial account of the incident. The investigating officer should then determine at what point it is appropriate for the officers to view the footage.

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<sup>3</sup> Paragraph 19B, Schedule 3, Police Reform Act 2002.

<sup>4</sup> A DSI matter is defined in Section 12 of the Police Reform Act 2002. These are cases where there has been no complaint or conduct matter identified.

## **6. Retention of BWV footage**

- 6.1. Chief officers have a statutory duty to obtain and preserve evidence relating to complaints, conduct matters and DSI matters. BWV footage should be obtained and preserved in line with this duty.<sup>5</sup>
- 6.2. Where no complaint, conduct matter or DSI matter has been identified, force policy should allow decisions about retaining BWV footage to be made on a case-by-case basis according to the circumstances. For example, footage may be retained because someone has indicated that they intend to make a complaint or because an injury has been sustained and it is not yet clear how serious the injury is.<sup>6</sup> Such decisions should be kept under review and the footage should not be retained for longer than necessary.

## **7. Other issues**

- 7.1. There is no doubt that BWV raises a number of other issues that need to be thought through and resolved. These include, but are not limited to: the impact on privacy<sup>7</sup>, the potential for members of the public to be suspicious about the reasons for cameras being turned on or off at specific times, or cameras not working.
- 7.2. Police forces should consider these issues carefully and create and share appropriate guidelines. They should also provide their officers with appropriate training.
- 7.3. In summary, the IPCC welcomes this technology and acknowledges the benefits that it may bring. But we do so with a note of caution. We would urge that its use is carefully monitored, and that answers are sought to the questions posed by its use. We will keep this position statement under review as new information and learning comes to light.

## **IPCC**

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<sup>5</sup> Police Reform Act 2002, Schedule 3, paragraph 1, 12 and 14B.

<sup>6</sup> An injury must be referred to the IPCC if it fits the definition of a 'serious injury' in Section 29, Police Reform Act 2002 i.e. if it is a fracture, deep cut, deep laceration or injury causing damage to an internal organ or the impairment of any bodily function.

<sup>7</sup> Advice on considerations around privacy can be found in the Information Commissioner's Office CCTV code of practice and College of Policing interim operational guidance on Body Worn Video.