

# Body Worn Video

Standard Operating Procedure (SOP)

This SOP provides clear direction and procedural instruction to provide a consistency of response in accordance with force policy. It is recognised that policing is a dynamic profession, and the standard response may not be appropriate in every circumstance. In every situation, your decisions and actions should be supported by the National Decision Model and based on the values and ethics of Police Scotland. You may be expected to provide a clear and reasonable rationale for any decision or action which you take.

## Notice:

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Contents

[Body Worn Video 1](#_Toc193712286)

[Notice: 1](#_Toc193712287)

[1. Introduction 5](#_Toc193712288)

[2. Purpose of BWV 5](#_Toc193712289)

[3. Lawfulness 6](#_Toc193712290)

[Data protection considerations 7](#_Toc193712291)

[Human rights considerations 8](#_Toc193712292)

[4. Training in the use of BWV 8](#_Toc193712293)

[Using BWV for training 8](#_Toc193712294)

[5. Operational use of BWV 9](#_Toc193712295)

[What to record 9](#_Toc193712296)

[When to start recording 9](#_Toc193712297)

[Limitations of use 10](#_Toc193712298)

[Pre-record 13](#_Toc193712299)

[During recording 13](#_Toc193712300)

[Bookmarking 13](#_Toc193712301)

[BWV commentary 13](#_Toc193712302)

[Audible alert/lights 15](#_Toc193712303)

[Objections and requests for/against recording 15](#_Toc193712304)

[Armed policing 16](#_Toc193712305)

[Stop and search 17](#_Toc193712306)

[Strip search 17](#_Toc193712307)

[Building-entries, searching premises and boarding up 18](#_Toc193712308)

[Police Search Advisor (PoLSA)-led searches 19](#_Toc193712309)

[Crime scenes 19](#_Toc193712310)

[Investigation of death 20](#_Toc193712311)

[Missing persons 20](#_Toc193712312)

[BWV within private dwellings 20](#_Toc193712313)

[Hospitals, mental health and social care facilities 21](#_Toc193712314)

[Mental health incidents 21](#_Toc193712315)

[Domestic abuse incidents 22](#_Toc193712316)

[Rape and sexual crime 23](#_Toc193712317)

[Vulnerable persons 25](#_Toc193712318)

[Use of force 26](#_Toc193712319)

[BWV and indecent images of children 26](#_Toc193712320)

[Firearms licensing 27](#_Toc193712321)

[Vehicle pursuits 27](#_Toc193712322)

[Prisons 27](#_Toc193712323)

[Border Force 28](#_Toc193712324)

[Potential explosive environment or suspect packages 28](#_Toc193712325)

[Sensitive/covert operations or locations 28](#_Toc193712326)

[Pre-planned operations 29](#_Toc193712327)

[Mutual aid 30](#_Toc193712328)

[Victim/witness statements 30](#_Toc193712329)

[Arrests 31](#_Toc193712330)

[Person transport 31](#_Toc193712331)

[Use of BWV in custody facilities 31](#_Toc193712332)

[When to stop recording 32](#_Toc193712333)

[6. Post-recording actions 32](#_Toc193712334)

[VideoManager 33](#_Toc193712335)

[Restriction of BWV footage 34](#_Toc193712336)

[Redaction 34](#_Toc193712337)

[Clipping 35](#_Toc193712338)

[Intelligence 35](#_Toc193712339)

[7. Case reporting 36](#_Toc193712340)

[Standard Prosecution Report (SPR) 36](#_Toc193712341)

[Disclosure schedules 36](#_Toc193712342)

[Operational statements 36](#_Toc193712343)

[Productions 37](#_Toc193712344)

[Digital Evidence Sharing Capability (DESC) 37](#_Toc193712345)

[Courts 38](#_Toc193712346)

[Compliance checks 38](#_Toc193712347)

[8. Retention and disposal 39](#_Toc193712348)

[Retention 39](#_Toc193712349)

[Manual deletion of footage 39](#_Toc193712350)

[Deletion of BWV footage—individual rights request (IRR) 40](#_Toc193712351)

[9. Sharing BWV footage 41](#_Toc193712352)

[Releasing/publishing BWV recordings 41](#_Toc193712353)

[External partner organisations 41](#_Toc193712354)

[Freedom of information (FOI) and subject access requests (SARs) 42](#_Toc193712355)

[10. Support 42](#_Toc193712356)

[Information communications technology (ICT) 42](#_Toc193712357)

[Lost/missing device procedure 42](#_Toc193712358)

[Damaged/malfunctioning equipment 44](#_Toc193712359)

[Contamination 44](#_Toc193712360)

[Auditing of hardware 45](#_Toc193712361)

[Return of equipment 46](#_Toc193712362)

[11. Professional Standards Department (PSD) 46](#_Toc193712363)

[12. Post-incident procedure (PIP) 48](#_Toc193712364)

[Compliance record 49](#_Toc193712365)

[Version control table 49](#_Toc193712366)

[Feedback 49](#_Toc193712367)

1. **Introduction**

This document provides direction and procedural instruction to Police Officers and Police Staff on the appropriate use and management of body worn video (BWV) and its supporting Digital Evidence Management System (DEMS) known as VideoManager and is supported by a BWV Aide Memoire.

A BWV camera is a recording device worn by Police Officers and Police Staff. It can collect audio and video footage, which will be referred to as BWV recordings throughout this document, during policing encounters with members of the public. It provides Police Officers and Police Staff with an additional tool which enables them to record, review, scrutinise, gather, and submit evidence for most incidents they attend as well as other policing activities.

BWV users will be able to capture:

* First accounts from victims, suspects, or witnesses.
* The image of a person.
* Conversations with members of the public.
* Decisions and actions of the user.
* Physical and emotional demeanour of people, and actions of people.
* The prevailing atmosphere during an incident.
* The location of evidence and provide a record of criminal activity.

It can be used as a form of evidence in criminal, civil and misconduct proceedings.

1. **Purpose of BWV**

Police Scotland has a responsibility to maintain law and order; protect the public and their property, and prevent, detect, and investigate crime. To carry out these responsibilities Police Scotland will gather and record information.

A BWV camera is a small, visible device that can be worn on the chest or the head. It is mounted on to clips that can be attached to the outer layer of uniform (or headwear used by Armed Policing) worn by Police Officers and Police Staff. BWV users should only use the carriage system approved by Police Scotland. The carriage position of the BWV camera allows for those viewing the BWV recording, to review both audio and visual evidence of an encounter from the perspective of the Police Officer and Police Staff.

BWV recordings can corroborate a written record of events and provide independent evidence of police actions and interactions through an unbiased and secure recording. BWV recordings will be used to support, rather than replace, traditional written statements. BWV users will understand that the use of BWV does not replace existing requirements, procedures, or obligations relating to the recording of admissions, statements, or declarations.

Police Scotland operates within Scots Law and as directed by the Lord Advocate. The importance of corroboration is unique to Scots criminal law. A long-standing feature of Scots Law is that there must be evidence from at least two separate sources to establish that:

1. a crime known to the law of Scotland was committed; and
2. it was the accused person who committed the crime.

BWV is a visual and audio representation of what Police Officers and Police Staff experience. It can accurately represent events from the exact position, angle and viewpoint of the camera, and BWV recordings can be used to support a verbal or written account. BWV recordings are independent of Police Officers and Police Staff and provide a visual and audio account of events which can be used to test the evidence of Police Officers and/or Police Staff and other witnesses.

The wearing and use of BWV is mandatory for all frontline uniformed Police Officers (including special constables) from the rank of Constable to Inspector and Police Staff namely Police Custody and Security Officers (PCSOs) for custody duties.

1. **Lawfulness**

The use of BWV must be in accordance with the Law and be proportionate, legal, accountable, necessary, and ethical (PLANE). The use of BWV is justifiable to fulfil the obligations of Police Scotland as defined in:

* Section 20 Police and Fire Reform (Scotland) Act 2012) - Duties of a Constable).
* Section 28 Police and Fire Reform (Scotland) Act 2012 - PCSO’s.
* Police and Fire Reform (Scotland) Act 2012, Schedule 2 - Powers and Duties of a PCSO.
* Section 32 Police and Fire Reform (Scotland) Act 2012 - Policing Principles.

In addition to use for law enforcement purposes there is a use for general policing purposes. This includes:

* Child and adult protection, safeguarding of vulnerable persons including missing persons and well-being.
* Providing information and evidence for civil court hearings and civil processes.
* Handling complaints about the police (CAP) and/or Police Staff including PCSO’s.
* Performance, capability, or misconduct processes/proceedings, in connection with Police Officers and/or Police Staff including PCSO’s.
* The execution of a range of statutory and common law functions of Police Scotland, including, but not limited to licensed premises, anti-social behaviour, multi-agency response and decision making.

**Data protection considerations**

The use of BWV will involve the capture and processing of personal and personal sensitive data. As such, use of BWV will require to be compliant with data protection legislation - The Data Protection Act 2018 (DPA 2018), UK General Data Protection Regulation (UK GDPR), and the Scottish Biometrics Commissioner Code of Practice.

Where BWV recordings are obtained and processed for Law Enforcement purposes, Section 31 DPA 2018 applies. Where BWV is obtained and used for any other purposes, UK GDPR applies.

BWV cameras are overt and to comply with DPA 2018, they will have a sticker on the front, which informs members of the public that the BWV camera is there. They must not be worn in a covert manner or used for covert recording.

Data Protection Impact Assessments (DPIA) have been completed for both law enforcement and general data processing and can be referred to if required as well as the BWV Privacy Notice.

**Human rights considerations**

Furthermore, when using BWV, consideration must be given to human rights legislation, in particular:

* Article 3 of the European Convention on Human Rights (ECHR) – Prohibition of Torture/Inhumane Treatment and Article 37 United Nations Convention on the Rights of the Child (UNCRC) – Prohibition of Torture/Inhumane Treatment.
* Article 6 of the ECHR – Right to a fair trial and Article 40 UNCRC Juvenile Justice.
* Article 8 of the ECHR – Right to a Private and Family Life and Article 16 of the UNCRC the right to privacy.
* Article 10 of the ECHR - Right to freedom of expression and Article 12 UNCRC the right of freedom of expression for children.
1. **Training in the use of BWV**

Police Officers and Police Staff who are in roles where BWV is deemed a requirement, will be permitted the use of BWV, and granted access to VideoManager upon completion of the formal training package which is assigned according to their role. This will take the form of either e-learning, and or face-to-face training, which they will be advised upon at the time of seeking access. Bespoke face-to-face training will be provided for individuals nominated as BWV single points of contact (SPOCs). Specialist roles will be provided further guidance which is specific to their role.

When a Police Officer or Police Staff transfers internally within Police Scotland to a role requiring BWV, or transferring from an external force into Police Scotland, they will undertake the same mandatory BWV and VideoManager training that all other Police Officers and Police Staff are required to undertake.

**Using BWV for training**

No BWV recordings from a live incident should be shown or used in a training environment. All formal elements of training require the use of fictitious or staged datasets that have no connection to real life incidents, people, or locations.

If/when Learning Training and Development (LTD) requires the use of BWV recordings it should be captured and held via the VideoManager training environment only, in accordance with all current LTD practices around retention of training data.

This is only in support of LTD generated training activities and will not be available for the wider organisation. The training environment for BWV/VideoManager will be owned by the LTD in support of its role/requirements around BWV training delivery.

1. **Operational use of BWV**

**What to record**

BWV must be used in the following circumstances unless there is a clear and justifiable reason not to do so. All recordings must adhere to the PLANE principles and the reasons/justification for not recording must be captured within the user’s notebook/mobile device or other relevant systems/forms as soon as practicable.

* To provide a record of evidence in respect of the investigation of any crime, suspected crime including the reporting and arresting of any persons officially or not officially accused.
* To provide transparency of an encounter for example, use of police powers, use or potential use of force, including the use or potential use of any firearm, using powers of entry, execution of warrants and orders, make-safe procedures, and detention under the Mental Health (Scotland) Act 2015.
* Prior to entering any land, premises, vehicle, vessel, or aircraft in pursuance of any legal power to search those premises.
* In any circumstances where the user identifies a recording relates to a clear law enforcement purpose or other policing purpose which will be of evidential value in the future and a recording is PLANE.

**When to start recording**

In the following circumstances, all BWV users present/attending must activate recording on their BWV cameras;

* Prior to arriving at the incident.
* Prior to utilising blue lights.
* Prior to stopping persons or vehicles.
* When an armed Police Officer or a specially trained officer (STO) is authorised to deploy, or self deploys to a firearms/taser incident they will immediately commence recording.
* When there is an armed policing operation and following an instruction by the relevant Armed Policing Command.
* At the first available opportunity for spontaneous incidents.

BWV users should note that failure to record any incident as outlined above may see users challenged during future court proceedings which may impact the outcome of court cases. In addition, the circumstances in which BWV recording must be activated are mandatory and failure to comply without reasonable justification, may result in Police Officers and Police Staff being subject to performance, capability, or misconduct matters.

Further guidance on the use of BWV within custody facilities, will be provided by CJSD Policy,

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and for any out of hours queries contact the Custody Review Inspector.

The reasons/justification for not recording must be entered into the user’s notebook/mobile device or other relevant systems as soon as practicable.

**Limitations of use**

BWV can be used across a wide range of policing incidents and operations, however, there are limitations, and the below is not an exhaustive list.

* BWV must not be worn or used in a hidden or covert manner.
* BWV must not routinely record entire duties and patrols during their shift.
* BWV must not be used forpersonal purposes.
* BWV should not be used to record the writing of witness statements unless there is an operational benefit that can be justified by the user, such as a ‘dying declaration,’ and it adheres to the PLANE principles.
* BWV must not be used for formal investigative interviews. It is completely unsuitable for recording interviews with vulnerable or intimidated witnesses and victims and should not be used for interviewing suspects.
* BWV must not be used for recording private conversations between Police Officers, Police Staff, and supervisors.
* Users should be aware that as soon as BWV recording is activated on their way to an incident that conversations within the vehicle and with the Area Control Room will be recorded. Police Officers and PCSO’s will wear their earpieces with their personal radio, to minimise the risk of recording information not connected to the incident, to comply with the Police Scotland Information Security SOP. If captured refer to Section 6 for Redaction and Clipping.
* Users should avoid capturing policing acronyms, access codes, or passwords to electronic devices/computers. If captured refer to Section 6 for Redaction and Clipping.
* Users should not capture the internal layouts of police buildings. If captured refer to Section 6 for Redaction and Clipping.
* Users must not intentionally fail to record an incident, turn the device away from the area of focus or otherwise deliberately obstruct the lens/microphone of the BWV camera without justification. The reasons/justification for not recording must be entered into the user’s notebook/mobile device or other relevant systems as soon as practicable.
* Users should exercise care in decision making, as to whether or not it is PLANE to record in areas where it may cause serious offence, such as during religious worship.
* Users must consider in decision making, as to whether or not it is PLANE to record in areas where someone may expect privacy, such as changing facilities.
* Users must attempt to minimise collateral intrusion to those persons not involved in the incident.
* Users must notrecord material that is or is likely to be subject to legal privilege, for example, protects communication between a legal professional and client.
* BWV cameras must not be worn in an area where it is believed that a suspect improvised explosive device (IED) or a chemical/gas spillage/leakage may be present. BWV can be used with distraction devices used by Armed Policing.
* Users must not use BWV to record other types of video evidence, such as CCTV screens and mobile phones, unless the user can justify otherwise. The BWV recorded version of video evidence will be poorer quality and have little evidential integrity which could be easily challenged during court proceedings. There may however be circumstances where this practice is the only means of securing evidence that may otherwise be lost. This can be described as the ‘golden hour principle,’ where there is an immediate policing purpose or an urgent safeguarding concern. The reasons/justification for recording must be entered into the user’s notebook/mobile device or other relevant systems as soon as practicable.

The golden hour principle is the period immediately following the report of an offence or incident, when positive action should be taken. This may include protecting, preserving, or gathering material that may otherwise be concealed, lost, damaged, altered or destroyed.

Users must be able to justify why they have recorded the digital evidence, and the consequences if they had not done so. If still in existence, the original data must be downloaded and seized as soon as possible to ensure the authenticity and integrity of that piece of best evidence.

* Recording a phone call on your BWV camera without notifying the caller that you are recording is prohibited and would be contrary to the Regulation of Investigatory Powers (Scotland) Act 2000.

Care should be taken when the BWV camera is likely to capture any person in a state of undress. Any such recording must be subject of PLANE considerations. Audio should remain activated, and the lens of the BWV camera covered until the person is dressed if practicable to do so. It is recognised that spontaneous exposure may occur, and the priority is to deal with the situation, and it may not always be safe to cover the lens of the BWV camera when the use of two hands is required, such as firearms officers/STO or in a defensive stance, arresting persons, or applying use of force. BWV recordings should be restricted as soon as reasonably practicable and not shared with third parties, including the Crown Office and Procurator Fiscal Service (COPFS) and Scottish Children’s Reporter Administration (SCRA). See section relating to Restriction of BWV recordings.COPFS/SCRA should be made aware that BWV recordings are available on request if required for criminal proceedings.

Frontline Police Officers and Police Staff must not perform any redaction work on BWV recordings. All requests from COPFS/SCRA should be directed to the Technical Support Unit (TSU). Only certain roles/departments such as Disclosure Unit, Anti-Corruption Unit (ACU) and Professional Standards Department (PSD) will be given permission to use redaction software for their specific purposes. For more information on redaction, please refer to refer to Section 6 for Redaction and Clipping.

**Pre-record**

Pre-record is enabled on the BWV cameras. This is a feature that records in a continuous loop. When the record button is pressed the previous 30 second footage is captured and included within the recording, until the recording is stopped. The pre-record only captures visual recording for 30 seconds and excludes audio.

**During recording**

Recording should, where practicable, be restricted to those individuals and areas where it is necessary to provide evidence relevant to the incident. Users must consider taking steps to minimise collateral intrusion for any individuals present who are not involved in the incident, particularly in areas where there is a higher than usual expectation of privacy, for example changing facilities. When considering the use of BWV in such areas, users must be mindful of the increased level of justification that is required and ensure the PLANE principles apply.

**Bookmarking**

Bookmarking can be applied during recording to highlight pertinent parts of the recording, for example the moment evidence is found during a stop and search. Once the footage is uploaded to VideoManager the viewer can be directed to that specific moment by clicking the bookmark icon on the footage, which expedites the reviewing of the evidence.

**BWV commentary**

When a BWV user starts recording, they should state the incident they are attending. This allows for the BWV camera to capture the gathering of information and provides context around decisions made.

At the start of a recording, or as soon as practicable, the user is to make a verbal announcement to inform those present that they are recording both visually and audibly, for example:

“Video and audio recording is taking place.”

This announcement should be in clear understandable language, tailored to the subjects they are communicating with, considering age, disabilities, or impairments.

BWV users will often come across members of the public whose first language is not English. In the instances where this creates a language barrier, it is recommended that the user point to the BWV device and say “camera,” as this is a universal word understood by many and where required, utilise the use of interpretation services.

In respect to communicating with those who are deaf, deafened, and hard of hearing persons (including those who use sign language), Police Scotland does provide e-learning training to Police Officers and Police Staff. The camera will also display a sticker that informs members of the public that the BWV camera is there.

Some evidential information may take place out of view or hearing of the BWV camera or microphone. It may prove helpful for the user to provide a running commentary detailing evidence which does not present in the video (for example, distinctive smells such as cannabis or noxious or flammable liquids) to assist both the user and viewer with later recollection.

Under normal circumstances, BWV users must cease recording either when:

* The incident has concluded to a safe and secure position.
* It is no longer PLANE to continue recording.

At the end of a recording the user must state the reason they have ended the recording which will assist when giving evidence in court, for example -

“The incident is now complete.”

There may be circumstances in which the recording is stopped or disrupted during an incident or events, for example knocked or turned off during a struggle, where there is a technical failure or where the view of the camera and/or microphone becomes obstructed or compromised for some reason. Where this occurs and the BWV user becomes aware of this then the recording must be recommenced, and a supporting explanation provided on camera as soon as practicable in addition to being documented in any subsequent written statement.

**Audible alert/lights**

It is recognised that Police Officers and Police Staff may be presented with an operational situation where there is a justifiable need to deactivate the recording lights on the BWV camera (hush mode). The possible situations are not exhaustive, and user discretion is required for each scenario, for example:

* Situations requiring rapid or quiet entry whereby lights could alert the occupants or others prior to entry, resulting in a loss of evidence, suspect escape, or harm to Police Officers or Police Staff.
* Vulnerable individuals with health issues where BWV camera lights could put them or others at risk of harm.

Even when the lights are deactivated the BWV cameras will provide haptic (vibration) feedback to remind the user that recording is taking place. As the BWV cameras are being used overtly and not for surveillance purposes, as such are not subject to the provisions set out by the Regulation of Investigatory Powers (Scotland) Act 2000.

**Objections and requests for/against recording**

There may be occasions where a person objects to being recorded or there may be ECHR considerations as to why a recording may not take place. Any decision to record should adhere to the PLANE principles. Users may record overt audio and video without consent if it is for a law enforcement purpose or policing purpose as previously described. The police have powers to record images as defined in Section 3, Lawfulness, of this document.

The decision to continue recording will remain with the user, who should consider the objections made by the person in respect of the recording. The presumption should be however, that recording should continue.

If the user decides to continue recording despite the objections of an individual, they should state why they have decided to do so. They may also consider taking steps to advise the individual of the following.

* The reason for the recording taking place (such as, for the prevention, investigation and detection of crime/suspected crime, prevention of harm or transparency of the encounter, see section What to record) and in line with the BWV SOP (refer to Police Scotland BWV internet page https://www.scotland.police.uk/about-us/how-we-do-it/body-worn-video/).
* Non-evidential material will only be retained for a maximum of 31 days as prescribed by Record Retention SOP.
* Evidential material will be retained in line with the Police Scotland Records Retention SOP.
* Footage is subject to the DPA 2018 and GDPR UK and can be applied for on request via the Police Scotland Subject Access Requests (SAR) procedures.
* Any material will only be disclosed to third parties in accordance with the law.
* The recording is being made to support the encounter and can be used to confirm the accounts of all parties at an incident.

Users may also encounter members of the public who specifically request that any interaction with them is recorded, even if the user does not believe that there is any evidential reason to do so. The BWV user should consider recording such an encounter, but should remind the person requesting the recording that, unless there is an evidential reason to retain the footage, it will automatically delete at 31 days.

**Armed policing**

Armed policing officers, with the authorisation of the Initial Tactical Firearms Commander (ITFC) can be deployed to the full range of general policing incidents, including:

* Firearms incidents.
* Threat to life incidents.
* Incidents determined by the ITFC based upon the principles of the National Decision Model with a focus on vulnerability and public safety.
* Where proactively tasked to support local and national priorities in line with current tasking and coordinating processes.

The wearing and use of BWV will be mandatory for all armed policing officers used as per this BWV SOP.

The actions of armed policing officers, particularly when they are involved in incidents that may result in a post incident procedure (PIP), are subject to rigorous scrutiny (see section 12). To provide reassurance to the public around the integrity and transparency of established processes armed policing officers will adhere to the BWV SOP.

**Stop and search**

Any stop and search process must be compliant with relevant legislation. To ensure full transparency, all use of stop and search powers must be recorded on BWV, unless there are exceptional and justifiable circumstances not to.

Police Officers who are in plain clothes but identify themselves as Police Officers to use powers are not exempt from this position. BWV cameras must be worn overtly with approved carriage systems. A BWV recording does not replace the need for a written/electronic record of the search to be completed by the searching officer and for a record of that search to be provided to the subject, in line with Stop and Search SOP.

Where the stop/search activity was negative, there is a requirement to retain the BWV footage for a period of 6 months to comply with the Stop and Search Code of Practice. When Police Officers encounter a vulnerable person, for example, when dealing with persons who appear to be fearful of interaction, an explanation of the BWV and its use should be provided to provide reassurance to the person present.

**Strip search**

There are two separate definitions of a strip search. The Care and Welfare of Persons in Police Custody SOP defines a strip search as involving the removal and examination, in stages, of all clothing, with a visual, external examination of the body. The Stop and Search Code of Practice defines a strip search as a search involving the removal of more than outer coat, jacket, gloves, headgear, or footwear.

BWV must not be used for the sole purpose of recording strip searches, either within or out with the custody environment, which includes strip search under stop and search legislation as well as for arrested persons within the custody facility. If, however, a situation develops, such as, an escalation in behaviour, production of a weapon or a requirement for use of force, then BWV users can in these circumstances choose to record. Prior to the commencement of any strip search, the person being searched must be informed that BWV recording of the search will not take place unless such circumstances arise, with this conversation captured on either BWV or custody CCTV. The decision to record any search on BWV must adhere to the PLANE principles, Care and Welfare of Persons in Police Custody SOP and the Stop and Search SOP, including the Code of Practice on the Exercise of Powers of Stop and Search of the Person in Scotland. Further guidance on the use of BWV within custody facilities, will be provided by CJSD Policy,

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and for any out of hours queries contact the Custody Review Inspector.

To protect the dignity of the searched person, BWV recordings must be restricted as soon as reasonably practicable and not shared with the COPFS/SCRA. See section relating to Restriction of BWV footage. COPFS/SCRA should however be made aware that BWV footage is available on request if required for criminal proceedings. If the footage of a strip search in custody is non evidential, it will be deleted in 31 days, otherwise it will be retained in line with the Record Retention SOP.

**Building-entries, searching premises and boarding up**

Where there are several Police Officers involved in gaining entry to a premise, all Police Officers equipped with BWV must ensure that their BWV cameras are switched on and recording when effecting entry.

After a scene is secure, BWV can be an effective tool in recording the layout and the location of any objects or evidence, as well as capturing any significant statements from people at the scene. BWV does not replace the need for specialist services such as the STOP Unit and specialist equipment.

Prior to leaving a scene or premises, especially where there has been damage incurred, or a company is required to board up and secure the premises, it is recommended that a police officer:

* Completes a final walkthrough of the scene.
* Records any damage.
* Records all Police Officers leaving the scene.

This is to ensure that there is a true and accurate record of any damage caused to a property through police involvement, in the event of any later disputes. Police Officers have an obligation to protect and secure property under the Police and Fire Reform (Scotland) Act 2012.

In circumstances where a significant number of Police Officers are searching within the same premises consideration should be given to whether all searching officers are required to record. This can be discussed with the lead officer at the time of the search. Due to the large amount of data that is likely to be captured which may include personal and sensitive information.

**Police Search Advisor (PoLSA)-led searches**

BWV must not to be used during PoLSA-led searches utilising Licensed Search Officers (LSOs). This is because it may lead to the disclosure of confidential search tactics which are sensitive (any tactics used by LSOs should not be disclosed). It should not be used when engaged in a Counter-Terrorism search as it may lead to search tactics being compromised.

However, BWV must be used both pre and post search, to negate complaints about damage and to record the location of persons and property as entry is gained. Once the scene is secure and under police control BWV should be switched off with relevant commentary recorded.

**Crime scenes**

BWV can be a beneficial tool for recording the location of objects and evidence at the scene of a crime or during the search of premises.

It provides BWV users with the ability to review, for example, scenes of a serious crime, cannabis cultivations, or it can record the positions of vehicles and debris at the scene of a road traffic collision. It can also provide useful evidence of conduct during any search and to confirm where items were located and to record any statements made by persons at the scene. Where practicable, users should provide a running commentary of information to accompany the recording to provide context during the review of footage.

As per Police Scotland practice, BWV users should always ensure minimal disruption to the scene. All persons should be required to withdraw from the scene so it can be contained and secured until appropriate resources are able to investigate. BWV can provide a valuable supplementary overview but does not replace the need for specialist services and equipment.

Police Officers are reminded that their mobile device may still be the fastest route to share information/still images in a time critical incident and Police Officers should contact the Digital Support and Evolution Group (DSEG),

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for further information.

**Investigation of death**

BWV should be used to record a medical death, unexplained medical death, or police reportable death to capture the scene, position of the deceased and the seizing of any evidence. BWV should be used to capture the removal of valuable personal belongings. When a police officer is required to remove the clothing of the deceased BWV should remain switched on to check for any unidentified or unexplained injuries. BWV should be switched off when the mortuary procedure has been completed or when leaving the scene for funeral directors to attend. BWV footage of a deceased should be restricted. See section relating to Restriction of BWV footage.

Further information relating to investigation of death is contained within the Investigation of Death National Guidance.

**Missing persons**

The use of BWV can assist in recording the search of the house/premises/scene of where a missing person was last seen or lived. This could aid the senior investigating officer (SIO) orPoLSA by providing the chance to review this footage and identify further investigative opportunities.Further information relating to the missing persons investigations is contained within theMissing Persons SOP.

**BWV within private dwellings**

If a user is present within a private dwelling, for a policing purpose, they are entitled to make a recording in the same way they would record any other incident.

However, Article 8 of the European Convention on Human Rights (ECHR) and Article 16 UNCRC states individuals have a right to a private and family life and recording within the confines of a dwelling is likely to be particularly intrusive. To record, there must be a law enforcement or other policing purpose to do so and be in line with the PLANE principles.

Users should ensure that they are able to explain to occupants about their use of BWV to alleviate any concerns. Any objections to recordings that are being conducted for a law enforcement or policing purpose should be documented on the recording, and an explanation given to the subject as to why the recording will continue. This may be of relevance for certain offences within a private dwelling such as a domestic incident, or an investigation involving the protection of children.

**Hospitals, mental health, and social care facilities**

Users can use BWV without consent whilst lawfully on private or public premises in relation to hospital, mental health settings or social care facilities. This is true if they are acting in the execution of their duty and in pursuit of a legitimate and justifiable law enforcement or other policing purpose and adhere to the PLANE principles. Staff within such premises should be consulted, where operationally practical and safe to do so and informed of any decision to activate BWV and the rationale recorded. The same guidance applies in ambulances.

**Mental health incidents**

BWV must be used when attending mental health incidents, either in a law enforcement capacity or acting in support of health-care services where the presence of a police officer is required/requested, unless the user can justify otherwise. All recordings must adhere to the PLANE principles and the justification for not recording must be captured within the user’s notebook/mobile device or other relevant systems/forms.

Removal of persons to places of safety (either voluntarily or under emergency mental health detention as per the Mental Health and Place of Safety SOP) can last many hours, however, the encounter must be recorded to support and protect Police Officers as well as the individual and community. Police Officers should provide a justification and rationale to end any recording.

Using BWV at mental health incidents can seem particularly intrusive as it may involve capturing footage of an individual in crisis, and when they need immediate care and assistance. The involved person may outline very different perceptions and experiences when presented to, or being assessed by mental health professionals, so BWV footage allows an insight into a person’s behaviour at the point they requested help. BWV footage can be shared with statutory organisations such as the National Health Service (NHS) and Social Work in line with information sharing agreements and PLANE principles.

Having BWV recording allows for full transparency of all actions taken, and the circumstances and context leading up to any powers under the Mental Health (Care and Treatment) (Scotland) Act 2003 being exercised, and any use of force applied to do so.

Where the use of a BWV camera is likely to or has triggered a decline in their behaviour such as flashing lights and audible sounds then users should consider switching to hush mode. The person involved must not be made to believe that the camera has been switched off when in fact, it is still recording and they must still be informed, when practicable to do so, that they are being audio and visually recorded.

**Domestic abuse incidents**

BWV must be used when attending all domestic abuse incidents and be activated as per section 5, When to start recording.

The use of BWV can be beneficial for Police Officers attending domestic abuse incidents. It allows for an initial capture in respect of evidence of demeanour, language, the scene, behaviour of those present and used to support domestic abuse investigations.

Using BWV in such instances can significantly strengthen a prosecution case, drawing attention to the true extent of the offending. The recording can provide evidence that supports grounds for an arrest and, where a victim or witness is reluctant to provide a written statement, it may also be important in determining when to proceed with a case without the victim’s support.

This includes recording at non-crime domestic incidents and where significant risk factors are likely to be disclosed, which can then be used to assist in any applications for interdicts, domestic abuse protection orders and non-harassment orders.

The impact of an incident on victims and witnesses may diminish as time passes, therefore the initial use of BWV is valuable to capture the immediate emotions and reactions at the time of the incident.

In instances where allegations of assault are made and Police Officers observe no visible injuries or other evidence of note, users should be aware that injuries such as bruising may take time to show and as such BWV footage may not record the whole picture. Police Officers are reminded that the BWV camera must not be used to capture intimate areas of the body.

Police Officers should gather all evidence of domestic abuse or of any encounter where they believe such abuse may occur, remembering that all recordings must adhere to the PLANE principles for a law enforcement and/or policing purpose. Any decision to not record requires exceptional and justifiable justification which must be captured within the user’s notebook/mobile device or other relevant systems/forms as soon as practicable.

BWV users should be aware that recordings made at non-crime domestic incidents may have significance in future prosecutions, such as first instances of coercive and controlling behaviour.

BWV should not be used to capture the taking of victim/witness statements or the completion of the DAQ’s, as these are recorded in a less intrusive format.

Further information relating to investigation of domestic abuse is contained within the Domestic Abuse SOP.

**Rape and sexual crime**

If a user is attending a report of a rape or sexual crime that is dynamic, ongoing, historical or is disclosed in relation to another incident, then BWV must be activated prior to arrival at this incident. In these circumstances, BWV can capture layout of a scene, any persons present, significant comments made, productions in situ and the victim. This should capture footage of all available evidence at incidents.

Where an individual is reporting a sexual offence involving penetration, no witness statement should be recorded concerning these offences. A brief overview of the offences should be documented in an initial briefing report (IBR) and indicate whether a recording has been secured.

Police Officers dealing with the victim have certain considerations to think about when using BWV. A victim centred and trauma informed approach is critical to the way in which the police respond to such incidents. Distress can manifest in various ways, ranging from emotional turmoil to withdrawal, and is often noticeable during the initial interactions with police. Distress can now be used as corroboration particularly in rape cases. A written account and any observations must always be recorded within a notebook/mobile device. Recording must adhere to the PLANE principles.

Although consent is not required to use/not use BWV, the circumstances of each individual case and the wishes of the victim should determine if BWV is used during the recording of an initial account. If in any doubt, or the circumstances are not clear, then BWV should remain on during the initial account.

Further information relating to investigation of sexual crime is contained within the Sexual Crime Investigation SOP.

In instances where a child or young person reports a sexual offence, it is essential to accurately record their exact words during the initial interaction. No initial briefing report is required for a child. An interim Vulnerable Person Database (iVPD) concern report must be completed. While parental consent is not necessary for recording, it is considered a best practice to have a parent or guardian present during the process (unless it is an allegation against them). Recording must adhere to the PLANE principles.

**Vulnerable persons**

A vulnerable person could be someone who may not have a medical diagnosis confirming a physical or mental condition, however, their behaviour or individual circumstance at a particular time can place them in vulnerable situations.

Police Officers and Police Staff should consider the use or non-use of BWV during interactions with potentially vulnerable members of the community. For example, when dealing with persons who appear to be fearful of interaction with Police Officers or have expressly stated that they are concerned by the interaction. An explanation of the BWV and its use should be provided with an aim to reassure the potential vulnerable person. Further information relating to adult support and protection and child protection is contained within the Adult Support and Protection SOP and Child Protection SOP.

**Children**

If a child (a person under 18 years of age) is present during any incident the Police Officer or Police Staff has a duty to ensure the welfare of the child. Police Officers or Police Staff can speak to the child whilst their BWV is recording although it is important that Police Officers and Police Staff should not ask closed (and/or probing), questions of the child.

If a Police Officer or Police Staff find themselves alone with any child, then BWV must be used to provide accurate record of the interaction.

The voice of the child is an important consideration when dealing with not just children, but others who can evidence the experience of a child, such as adults that children have disclosed information to. To capture all evidence, and the voice of the child, BWV should be recording during these conversations with adults. Further information relating to child protection is contained within the Child Protection SOP.

Police Officers or Police Staff should always consider recording their rationale using the national decision model (NDM) for why they have recorded and ensure that the use of BWV adheres to PLANE principles and the reason/justification for not recording must be captured within the user’s notebook/mobile device or other relevant systems/forms as soon as practicable.

Further guidance on obtaining a child’s views is available within the Lord Advocate Guidelines for reporting cases involving a child witness, child accused or an accused who has a child.

**Use of force**

The use of BWV in situations where Police Officers and Police Staff require to use force provides invaluable evidential footage of the circumstances at the time of an incident, and the behaviour and actions that Police Officers and Police Staff were faced with.

Where it is not possible to commence recording prior to force being used, for example when users face spontaneous and/or unexpected violence, the user must activate recording as soon as it is reasonably practicable to do so. In such circumstances, it is recommended that users record the reasons for any delay in their statement or notebook/mobile device as soon as practicable. The existence of BWV recordings cannot justify, in isolation, any use of force. Users must still justify their actions, perceptions, and decisions by making a separate written record.

Users must bear in mind that BWV may not have captured the full circumstances of the incident, so written records (for example notebook / mobile device) are still required, which will cover the entirety of the incident to ensure evidential continuity. The requirement for a written record will apply to all Police Officers and Police Staff present as they may have differing perspectives of a dynamic situation. The use of BWV does not remove the requirement to make a written/electronic record of any use of force, as per Police Scotland practice in this regard. The use of BWV should be highlighted in any use of force submission.

**BWV and indecent images of children**

The use of BWV comes with the possibility of capturing indecent images of children accidentally. BWV will not be used to intentionally capture indecent images of children. COPFS/SCRA should not be sent any indecent images of children, and any images should be restricted on the VideoManager system and referred to Cybercrime Investigations for data processing and investigation. See section relating to Restriction of BWV footage.

**Firearms licensing**

The use of BWV within private dwellings must always be justified. BWV should not be used for the completion of firearms applications or renewal forms within a private dwelling. However, BWV should be used when handling or inspecting any firearm or ammunition (executing a police power) and recording should be confined to the room where they are contained. BWV can also be used to capture any evidence relating to an applicant’s suitability to hold a license or to capture evidence of any crime. The use of BWV will be recorded on the firearms initial incident notification (FIIN) report.

**Vehicle pursuits**

Pursuit activity is likely to place members of the public and Police Officers at a significant degree of risk. All BWV users present/attending a pursuit must activate recording on their BWV cameras prior to utilising blue lights. For any spontaneous event, BWV cameras must be activated as soon as practicable. BWV users must bear in mind the need to provide evidence of any criminal activities, standard of driving and any other evidence occurring prior to or during the pursuit.

Where practical, users should provide a running commentary of information to accompany the recording to provide context during the review of footage. As part of the radio communications between the BWV user and the Area Control Room (ACR) and/or Strategic Commander, it should be communicated clearly that BWV has been activated, and this should be recorded on the STORM incident log. If BWV is not activated, then the ACR should also be advised, and the rationale recorded on the incident log for not doing so. Further information is contained within the Vehicle Pursuits SOP.

**Prisons**

Users can operate BWV within prisons without consent whilst lawfully on private premises if they are acting in the execution of their duty and in pursuit of a legitimate and justifiable law enforcement and/or policing purpose.

**Border Force**

Border Force is a law enforcement command within the Home Office who carry out immigration and customs controls for people and goods entering the UK within its ports, whether they be through air, sea or by rail. On occasions they request police officer assistance, and, in these circumstances, BWV should be utilised.

Care should be given not to capture personal and sensitive data within certain control zones and immigration computer screens. UK Border Force may request BWV footage to be shared with them to assist with prosecutions. The National Crime Agency prosecutes criminal matters whilst HM Revenue and Customs (HMRC) will prosecute custom and excise offences on their behalf. If in any doubt Police Officers should liaise with UK Border Force staff.

**Potential explosive environment or suspect packages**

If you need to enter a potentially explosive environment or approach a suspect device or IED, the BWV camera must not be worn. The ACR should be advised accordingly. BWV cameras must not be worn within 15 metres of a suspect package and must not be used to record any suspect device in situ. Refer to the Stay Safe Aide Memoire for more information.

Illicit labs (including, but not exhaustive, to synthetic drug labs, cannabis extraction labs/butane honey oil labs) also carry with them an inherent risk of the atmosphere not being safe. Most gases used or created within illicit labs are classified as extremely flammable and pressurised containers can explode if heated, BWV must not be worn unless the safety of the atmosphere has been confirmed and this has been recorded. More information is contained within the Bomb Threats / Suspicious Packages SOP.

**Sensitive/covert operations or locations**

Police Scotland has an expectation as to when Police Officer and Police Staff use BWV. However, there may be certain locations or operational situations where there is a need to balance this expectation against the requirement to maintain officer safety and/or operational security.

In such instances and prior to any deployment, an assessment should be carried out by either the Bronze, Silver, or Gold commander as to when or whether BWV is deployed. Some factors to be considered are:

* Presence of covert assets.
* Sensitive methodology or intelligence.
* Identification of possible covert officers, equipment, or vehicles.
* Any safety considerations.
* Location, such as domestic abuse refuges and asylum seeker accommodation,
* Information on walls, or passcodes for entry to buildings/areas.
* Material relating to legal privilege.
* Availability of other recording capabilities, for example CCTV.

Where practicable, when attending incidents at sites owned by the Ministry of Defence (MOD), users should seek advice from the MOD Police prior to recording within their sites.

* If the wearing of BWV is not deemed operationally suitable then the decision and appropriate rationale needs to be authorised and recorded by the police officer in charge of the operation.

If it is known, prior to docking the camera, any information captured on BWV is classified as above official sensitive(that is, secret or top secret) it must not be uploaded to the local network. Guidance should be sought from Digital Division through the IT portal in relation to the management of data classified above official sensitive.

If footage is reclassified to higher than official sensitive, after upload, contact Digital Division for its removal from the cloud to a suitable storage system. More information can be found within the Information Security SOP.

**Pre-planned operations**

When planning operations, the officer in charge (OIC) should consider the operational use of BWV. Their decision should be recorded in the planning log or other record of the operation. Police Officers in charge of planning police operations should also ensure that their decisions around the deployment of BWV are communicated clearly to users, prior to commencement.

**Mutual aid**

If deployed out with Scotland with BWV, Police Scotland will adhere to the following in relation to mutual aid:

* Police Officers deploy with their own BWV cameras.
* Police Officers will have sufficient means to charge, offload and share footage.
* In the event of a critical incident, Post Incident Management (PIM) process, or to provide to prosecutors for remand decisions, footage can be downloaded and supplied to the home force/investigators in a timely manner.
* Police Scotland will allocate a BWV SPOC/Bronze with deploying officers. They will take responsibility for the equipment and be proficient in using BWV and the platforms associated with it.
* Where Police Scotland officers are deployed on mutual aid to a host force that may have a different BWV Policy, they will revert to the Police Scotland BWV SOP as per NPCC Guidance.

When receiving mutual aid from other forces, the following needs to be considered as a part of the planning:

* There are facilities to charge laptops and docks/cameras.
* Locations where BWV cameras, docks and other BWV equipment are located, they are secure from public access and meet the storage requirements for data up to ‘OFFICIAL SENSITIVE.’
* Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002 [Section 30(c)](http://www.legislation.gov.uk/asp/2002/13/section/30), Prejudice to effective conduct of public affairs.
* The BWV area is capable of, sending/receiving data, to enable attending forces to set up LTE routers. Any requests for Wi-fi should be directed to Digital Division.
* Establish how to receive evidential footage from attending forces.
* Identify BWV SPOCS from each attending force.

**Victim/witness statements**

BWV should only be used to capture the initial accounts, including an IBR, of victims and/or witnesses which are communicated at the time of an incident. The initial account is about determining any action that is immediately required. Questions should only be asked as necessary to:

* Establish whether an offence has been committed.
* Assess current risk(s) to victims and/or witnesses.
* Identify and prioritise areas of the investigation.

BWV recordings do not replace the need for formal written statements from victims and witnesses, but they can be used as supporting evidence for investigations. Users should understand that any questioning of witnesses beyond the parameters laid out above may lead them to inadvertently conducting a witness interview. BWV should not be used when completing a victim or witness statement.

**Arrests**

BWV must be used to capture anything said or done by the suspect at the point of arrest and caution. This will provide a reliable and accurate record of any significant statements made by the suspect prior to their arrival at custody.

**Person transport**

When transporting a person to a custody centre or places of safety, all escorting Police Officers must activate their BWV during this journey in line with section 5, under the heading What to record. This provides a record of that journey and any incidents that occur during transportation.

It provides transparency of the entire encounter with that person and protects all parties involved providing an accurate record of the conduct of Police Officers involved. Any decision made not to record a journey must be captured within the user’s notebook/mobile device or other relevant systems/forms as soon as practicable.

**Use of BWV in custody facilities**

Users must continue recording when an arrested person/voluntary attendee arrives within the custody facility, (as not all Police Scotland custody facilities have CCTV), to capture the booking process up to the point of securing the person within a cell. The use of BWV within custody facilities offers greater transparency of police actions. Any recording must adhere to the PLANE principles.

BWV cameras do not interfere with any Police Scotland equipment, for example intoximeters.

Further guidance on the use of BWV within custody facilities, will be provided by CJSD Policy,

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and for any out of hours queries contact the Custody Review Inspector.

**When to stop recording**

As the decision to start recording rests with the user, so too does the decision to stop. Users should, under normal circumstances, cease recording in the following instances:

* It is no longer PLANE.
* There is no likelihood of immediate capture of evidence, for example, when taking a victim/witness statement or recording domestic abuse questions (DAQs), since these will be recorded in a less intrusive format.
* The incident has concluded, or the user has left the scene.
* The Police Officer has completed the booking in process within custody up to the point of securing the person within a cell.
* In relation to firearms deployments when the firearms authorisation has been rescinded. However, if a PIP has been implemented, then recording will continue until the PIM instructs the user to switch BWV off. See Section 12 for PIP information.

Users should make a verbal announcement explaining the reason for stopping the recording before doing so.

There will be occasions when a user decides to temporarily suspend recording before their involvement in an incident has concluded. Prior to any temporary suspension, such as when conducting a strip search, the user must make a verbal announcement explaining the reason for stopping/re-starting the BWV camera.

1. **Post-recording actions**

All BWV cameras must be docked as soon as possible, for example, at the end of a shift or incident. This will ensure that the footage and evidential continuity is secured on the VideoManager systems and any necessary firmware upgrades are received and the battery is charged.

Once a recording has been initiated, the recorded data becomes police information and is subject to the Police Scotland Information Management policies and procedures.

Once the footage is uploaded, a user must decide whether the footage is to be retained for evidential purposes or for other policing purposes.

Footage will only be retained for a law enforcement purpose (relating to any criminal/road traffic investigation, including direct measures) or other policing purposes, (for example any non-crime adult or child protection enquiries, negative stop and search, missing person enquiries, and so on) that will continue beyond 31 days. The need for retention must be justifiable and proportionate. Users will select the relevant retention category within the VideoManager.

If there are any faults preventing the camera being docked or recordings being uploaded refer to section Damaged/Malfunctioning Equipment.

**VideoManager**

VideoManager is required to securely manage BWV footage.

User access to VideoManager will be strictly controlled and determined according to role-based access controls (RBAC). The system is fully audited detailing access and what functions have been carried out.

VideoManager provides accountability, transparency and preserves the integrity of the evidence as the original data file is never altered. The system is used to store data, manage users and BWV cameras. It provides authorised users with the ability to play back, redact, make clips, and securely share evidence with partner agencies. It also has the means to share evidence with internal and external partners.

Police Officers and Police Staff can only view BWV footage for a law enforcement or policing purpose. The viewing of BWV footage is fully auditable and must not be viewed by others based on being inquisitive. Police Officers and Police Staff will be required to provide justification on each occasion as to why they are viewing the BWV footage.

BWV users should also be aware that the use of any third-party software, including the use of Microsoft Windows built in tools such as the ‘print screen’ function or any other screen grabbing software is strictly prohibited for non-policing purposes.

**Restriction of BWV footage**

To restrict the viewing of footage within VideoManager, the sharing field will need to be amended by a supervisor, to include, only the users authorised to view the footage. Police Officers and Police Staff must make a risk assessment regarding the captured BWV footage and the impact it might have on the subjects involved and the organisation. The viewing of BWV footage can be restricted by supervisors, to permit viewing on the VideoManager only to authorised users. See section Restriction of BWV footage.

Below are examples of types of footage where this restriction should be applied. This is not an exhaustive list.

* Incident where a PIP is anticipated.
* Indecent images of adults and/or children.
* Strip searches.
* Graphic/distressing footage for example severe injury, deceased human, or animal.
* Incidents where restricting the access to the footage would help mitigate against an identified risk or harm to one or more persons in the footage.
* To protect sensitive assets and information.
* Professional Standards Department (PSD) / Anti-Corruption Unit (ACU) / Police Investigations and Review Commissioner (PIRC) Investigations.

**Redaction**

Redaction can include concealing specific visible objects and actions as well as removing metadata and masking parts of the audio. Pixelation, blurring, and solid masking are ways to conceal personal and sensitive data.

Only approved users will have access to the full redaction tools within VideoManager such as the Disclosure Unit relating to Subject Access Requests (SAR), ACU and PSD regarding ongoing investigations or prior to submitting BWV footage to the PIRC.

Police Scotland will provide BWV recording in unredacted format to COPFS for criminal proceedings unless the footage contains:

* Sensitive police tactics.
* Sensitive assets.
* Sensitive buildings and locations.
* Identities where the right of anonymity has been invoked.

TSU should be notified regarding the above and any requests for complex redactions, such as enhancements.

**Clipping**

Clipping refers to the user making a choice of how to show excerpts of footage of evidential value, like a highlight reel of the original footage. It does not involve the deletion of any images from the original source footage, contained within what is referred to as the ‘master file.’ COPFS/SCRA should be submitted evidential clipped material from the original master file. The material should present the evidential parts of the footage rather than all the BWV footage. For example, 10 minutes’ worth of BWV footage being clipped to 2 minutes of evidential material.

**Intelligence**

BWV footage may be used for intelligence purposes if the footage itself is being retained for an evidential reason, or if judicial proceedings are reasonably anticipated. In cases where BWV footage has been recorded of an individual and there would otherwise be no evidential reason to retain the footage or no judicial proceedings are anticipated, then this footage must, except in exceptional circumstances, be weeded in line with all other footage and may not be kept purely for intelligence or identification purposes.

If it is deemed no longer necessary or proportionate to retain the footage purely for intelligence purposes, then this footage must be weeded in line with all other non-evidential footage.

1. **Case reporting**

**Standard Prosecution Report (SPR)**

Police Scotland has a duty to reveal to the COPFS/SCRA all material which may be relevant and that has been obtained or generated during the investigation.

COPFS have published Lord Advocate Guidelines on the submission of BWV footage, which can be accessed via the below;

Lord Advocate’s Guidelines on the provision of Body Worn Video evidence to the Procurator Fiscal in criminal cases | COPFS.

An SPR contains a ‘description of locus’ section which includes whether the scene is covered by CCTV, and if so, what it shows. There is also an additional heading named ‘visually recorded evidence’ in which a BWV synopsis should be noted by editing the template to reflect BWV. Further information on case reporting can be found in the Case Reporting SOP.

**Disclosure schedules**

When deciding whether a BWV recording should be captured on highly sensitive, sensitive, and/or non-sensitive disclosure schedules, Police Officers should refer to the Disclosure of Evidence in Criminal Proceedings Divisional Guidance and liaise with the Procurator Fiscal (PF) via PF Memo.

**Operational statements**

Where Police Officers or Police Staff review their BWV footage prior to making an operational statement, they must refer to this at the beginning of their statement, for full transparency and to account for any differences that may exist between their BWV recording and their written statement.

Where a user makes written notes at the scene of an incident, they should be fully completed prior to reviewing any BWV footage of the incident. Users are encouraged to make verbal declarations and commentaries whilst their BWV camera is recording, as this will assist when reviewing the footage prior to making a statement, since it will provide context and justification for actions taken.

Operational statements should refer to the BWV footage and the related production number.

When presenting evidence in court, an operational understanding of the following should assist BWV users.

* The 30 second pre-record function.
* What purpose and justification exists to process and edit image/footage.
* How the tool was applied—such as clipping.

**Productions**

Digital images include photographs, negatives, CCTV, BWV footage, photographic images of a crime scene, or related to a crime or incident, and are all treated as productions. Schedule 8 forms under section 279 of the Criminal Procedure (Scotland) Act 1995 will need to be produced for each BWV recording. The officer in charge (OIC) of downloading may be treated as “person in possession or control” or “authorised representative.” Schedule 8 forms will be submitted alongside the footage electronically through DESC.

**Digital Evidence Sharing Capability (DESC)**

DESC allows for the storage, sharing and presentation of BWV evidence. The production number for evidential footage will be created within DESC together with the relevant section 279 certification.

Digital evidence as a production for criminal cases should be shared through DESC which reduces the need for such evidence to be physically transported from the Police to the COPFS.

**Sharing capabilities**

BWV footage can be shared on VideoManager by authorised users, such as PSD for disclosure to PIRC and the Disclosure Unit for SAR’s.

The sharing of information must comply with the Information Sharing SOP.

**Courts**

BWV cameras should not be activated within court buildings unless there is an incident which Police Officers have to deal with. Once the incident has been concluded the BWV camera should be switched off.

**Compliance checks**

**First line checks**

First line supervisors will dip-sample a minimum of two random clips per month from their team and review the user’s compliance to the BWV SOP. This will be recorded on VideoManager.

**Second line checks**

Second line auditing will be determined and managed by the Divisional Response Support Superintendents, who will ensure a minimum of 12 clips are dip sampled per month, selected from the first line checks to ensure compliance to the BWV SOP.

BWV footage may be used to support individual and organisational learning, management action, performance, capability, or misconduct proceedings, if identified during viewing.

1. **Retention and disposal**

**Retention**

Any footage identified as non-evidential is retained no longer than 31 days and will thereafter be automatically deleted. Where footage is identified to be retained for a law enforcement or other policing purpose, it will be retained in accordance with the Record Retention SOP, with the user selecting the relevant retention category within the VideoManager.

All footage relating to an investigation must be saved, regardless, if it contains relevant information, for disclosure purposes. If the status of the incident/crime changes, the investigating officer must update the retention category. For example, if direct measures progress to a Standard Prosecution Report (SPR), then change retention category from ‘direct measures’ to ‘low-risk offences’

The retention periods for BWV will be reviewed annually.

**Manual deletion of footage**

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**Deletion of BWV footage—individual rights request (IRR)**

Where the request to delete BWV footage relates to an IRR from a member of the public, the request will follow the existing process. Information Assurance will only raise an SR for the deletion of the file, if they determine that the footage is to be deleted before the 31-day retention period expires.

Information Assurance have 30 days to respond to an IRR and by the time Information Assurance can progress the request and any SR has been actioned; the 31-day retention period may have already elapsed.

Authorised SRs will be sent to the Digital Division where the deletion of BWV footage will be conducted by two individuals who have the approved role-based access control for the manual deletion of BWV footage.

**9. Sharing BWV footage**

**Releasing/publishing BWV recordings**

The publication of BWV material on Police Scotland channels or released to the media for publicity purposes or appeals should be proportionate, necessary and for a law enforcement or policing purpose. Existing procedures in respect of release of photographic and/or video material to the media must be followed. Strict guidance on the circumstances of when this can be carried out are in place.

The advice of Corporate Communications must be sought on each occasion. BWV in respect of any matter subject to a report to COPFS, which includes a PIRC report to COPFS, must ensure that COPFS have agreed and approved the disclosure of that material in the public arena. Redaction must also be considered prior to publishing/releasing BWV footage.

The creation of images or video by using any other method outside of the VideoManager software damages the integrity of the system and could expose Police Scotland to organisational risk. The creation of images or videos for anything other than a law enforcement or other policing purpose is strictly prohibited.

**External partner organisations**

The sharing of information with external partners must be in accordance with the DPA 2018 and UK GDPR and also be authorised in law (such as the Police and Fire Reform (Scotland) Act 2012, and any other legislation such as the Adult Support and Protection (Scotland) Act 2007).

When Police Scotland receive a request or wish to proactively share footage with a partner organisation, then this may be shared in in line with the Information Sharing SOP.

Specific sharing instances with partner agencies, statutory and non-statutory, may already be covered by an existing agreement, such as an Information Sharing Agreement (ISA) or Memorandum of Understanding (MoU). For more information on sharing agreements and advice around sharing requests, contact

Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002 [Section 30(c)](http://www.legislation.gov.uk/asp/2002/13/section/30), Prejudice to effective conduct of public affairs.

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.

**Freedom of information (FOI) and subject access requests (SARs)**

The Freedom of Information (Scotland) Act (FOI(S)A) 2002 grants a general right of access to all types of recorded information held by public authorities, which may include digital still images and footage by BWV.

Police Officers and Police Staff should be aware that people included in a BWV recording are entitled to obtain a copy via a SAR and that the footage may be deleted after 31 days. Applications can be made using the SAR form.

Any SAR under the DPA 2018 to Police Scotland will be considered as per established procedures. Information on how to submit a SAR and copies of the BWV SOP will be available on the Police Scotland website.

The Disclosure Unit will manage all SARs relating to BWV, DataProtectionSubjectAccess@scotland.police.uk.

**10. Support**

**Information communications technology (ICT)**

BWV users should make requests for maintenance and repair via the existing IT Connect online Portal. Requests are routed to Digital Division who will contact the user and arrange for a repair or replacement to be carried out.

**Lost/missing device procedure**

Loss of a BWV camera should be reported to the supervisor and ACR as soon as it is identified that the camera is lost. Suitable resources should be deployed to locate the device.

As soon as practicable, a record should be made in the police officer’s notebook/mobile device of the nature of the digital images/footage the BWV camera contained at the time it was lost and of the last time the BWV camera was placed into a BWV dock.

The Information Security Manager should also be informed via

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and a completed Security Incident Reporting Form 081-001 explaining the circumstances. If the BWV camera is not found promptly, the relevant Duty Superintendent should also be informed along with a representative from Digital Division. The circumstances of the loss will be considered, and the user may be issued a new device.

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**Damaged/malfunctioning equipment**

If a BWV device is suspected to be defective, the user should raise a log on IT Connect and return the device to the dock. If it is defective the user will be directed to return the device to Digital Division. If a damaged BWV device contains evidential images/audio and is unable to be docked and the footage cannot be downloaded, it should be seized as evidence. Contact should then be made with Digital Division via IT Connect.

**Lithium-ion batteries**

There is a need to be aware of the hazards surrounding BWV cameras and any other devices that use lithium-ion technology to reduce the risk of harm. The warning signs are as follows:

* Batteries do generate heat, however if they are extremely hot then this could be a sign of a faulty battery.
* If the battery looks misshapen or has swollen.
* ​The battery is not performing as well as it should.
* It makes a hissing or crackling noise.

The procedure is to disconnect any power source to the battery and mark at as faulty and put it outside in a secure safe place, in line with local arrangements. Report the item via the IT Connect 'Report a Fault' portal confirming it location.

**Contamination**

If a BWV device is contaminated by blood or other bodily fluid, any wet excess should be wiped off, using an isopropyl alcohol wipe, by a person wearing a mask and gloves. If the user is unable to remove the contaminant, then place the camera into a suitable sealed bag and report via an SR to Digital Division, detailing the contaminant and location of the camera. If evidence is to be recovered the camera should be seized as evidence and detailed within the SR.

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The BWV user should make use of a pool BWV device until their own device is either returned or replaced.

**Auditing of hardware**

BWV cameras have the capability of containing personal and sensitive information as well as audio and visual records of same. Due to this it is imperative that Police Scotland account for each device and report any missing BWV cameras as soon as possible. Police Scotland will record the following as part of auditing, in relation to a BWV device.

* The assigned user.
* Serial number.
* Its physical location.
* Its operational status.

To achieve this, BWV cameras must remain in the docks when not in use, to remain visible on the VideoManager and allow the required audits to take place. It is essential that audits are carried out at monthly intervals to comply with the standards detailed within the Home Office Safeguarding BWV Data document. Users will be responsible for reporting any faulty or damaged BWV cameras via the relevant process. Any missing BWV cameras are to be reported as per the lost/missing device procedure above.

For users unable to carry out the audit due to a multitude of reasons (long term sickness, abstractions and so on) this audit should be carried out by their supervisor who will have been copied into the initial audit request.

For any BWV camera that has not been docked in over 7 days, a request should be generated to the user and their supervisor or nominated person within the users police station, for them to locate the BWV camera and ascertain its whereabouts and reason for not being docked.

In the unavoidable instance where a BWV camera is docked in another police station that is not the users primary place of work then efforts to retrieve/return the BWV camera, should be made by the user who is responsible for ensuring this is done. The user should utilise a pool BWV camera until this has been carried out.

**Return of equipment**

Personal issue BWV cameras and ancillary equipment, require to be retained by a police officer or Police Staff supervisor and returned to Digital Division in the following circumstances (this list is not exhaustive).

* Retirement.
* Maternity support leave.
* Long-term special leave.
* Adoption leave.
* Transfer forces.
* Career break.
* Resignation.
* Long term suspension.
* Any other absence.
* Transfer to a role where BWV is not required.

In relation to short term suspension, maternity leave and long-term sickness, Divisions/Departments are responsible for ensuring that the device is docked to comply with auditing requirements within a secure environment at their place of work to comply with auditing requirements and to ensure the BWV cameras receives firmware upgrades when required.

**11. Professional Standards Department (PSD)**

PSD and ACU will have access to and will view any BWV footage which will assist in the assessment or investigation into any PSD/ACU related matters including:

* CAP.
* Conduct matters.
* Death or serious injury following Police contact.
* Death or serious injury in Police custody.
* PIRC investigations.
* PIP’s.
* Any other PSD/ACU enquiries.

PSD will not view footage without a legitimate purpose.

BWV footage can be used to quickly resolve complaints, avoid lengthy complaint, and conduct investigations, as the true facts of an incident can be quickly established.

It is recognised that Police Officers investigating a CAP may require access to BWV footage to inform any complaint or conduct investigations. On each occasion they will record their rationale for all material that they are accessing within the complaint file policy log.

PSD will consider the requirement to restrict access to BWV footage, where that footage forms part of a complaint or conduct matter. See section relating to Restriction of BWV footage. Any footage relating to conduct or complaints must be retained in line with the Record Retention SOP.

For further information see the Complaints about the Police SOP.

Where a matter has been referred to Complaint Allegations about the Police Department (CAAPD) or the PIRC, PSD will be the point of contact for CAAPD/PIRC and provide BWV footage where it is required for an independent investigation.

Operational Safety Training (OST) can access BWV footage for the purpose of reviewing incidents at the direction of PSD/PIRC or to conduct or consider the conduct during a tactical review of an officer’s use of force. This also applies to other business areas which require to access and review BWV footage at the direction of PSD/PIRC.

Failure to adhere to BWV SOP may be considered a breach of the Standards of Professional Behaviour and this may result in performance, capability, or misconduct proceedings.

People and Development are responsible for Police Staff disciplinary matters. Further information can be found within the Code of Conduct for Police Staff.

**12. Post-incident procedure (PIP)**

The actions of Police Officers and Police Staff are subject to intense scrutiny, particularly when involved in incidents that may result in the use of PIP, as per the Post Incident Procedure National Guidance. Police Officers and Police Staff will adhere to the BWV SOP. This will enable support to be provided to these Police Officers and Police Staff and give reassurance to the public around the integrity and transparency of the established processes in place.

It will be the responsibility of the PIM or appointed officer (AO) to secure all reference material (including BWV) from any key police witness (KPW) to facilitate these items being made available to the initial investigating officer (IIO).

In the event of an incident where PIP is invoked users will continue to record until their arrival at the post incident suite or other designated point, but in any event under the direction of the PIM. BWV will provide corroboration of the delivery of the ‘conferring reminder’ as well as evidence of the scene itself. This is detailed within the Post Incident Procedure Aide Memoire.

As per the PIP national guidance, (post-deployment) there is a requirement for Police Officers and Police Staff, subject to legal and medical advice, to provide an initial account before going off duty (Stage 3—Personal Initial Account) as per the Post Incident Procedure Aide Memoire. In these circumstances users should not dock their BWV cameras or attempt to view footage. Upon arrival at the PIP suite, they should notify the PIM of the existence of BWV and await instruction as to when they should turn it off.

Prior to the docking of any BWV cameras, the PIM will have responsibility for establishing contact with the Digital Division who can provide advice on the operation of the VideoManager and assist with establishing an agreed strategy to manage the download and restrictions of access to any footage related to the incident in question. This is particularly important when ‘protected identity’ has been implemented for KPW’s. See section relating to Restriction of BWV footage.

**Compliance record**

EqHRIA completion/review date: 03/03/2025

Information Management Compliant: Yes

Health and Safety Compliant: Yes

**Version control table**

| **Version** | **History of amendments** | **Approval date** |
| --- | --- | --- |
| 1.00 | Initial Approved Version | 12/03/2025 |
| 2.00 | LAGs included, SAR form & method updated | 24/03/2025 |
|  |  |  |

**Feedback**

All Police Scotland service delivery Policies, Standard Operating Procedures (SOPs) and National Guidance are subject to regular reviews. It is important that user feedback is considered when documents are reviewed.

If any officer / staff member wishes to provide comment or make suggestions for improvements to this or any associated document, a Service Delivery Policy, and Procedure Feedback Form (Form 066-014) should be used.