

Body Worn Video Advice to PSNI

Ref: 18/CJS/KY/85

3 October 2018

Dear Sergeant Jackson

Re: Body Worn Video Service Instruction

The Commissioner for Children and Young People (NICCY) was created in accordance with 'The Commissioner for Children and Young People (Northern Ireland) Order' (2003) to safeguard and promote the rights and best interests of children and young people in Northern Ireland. Under Articles 7(2) and (3) of this legislation, NICCY has a mandate to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children and young people by relevant authorities. Under Article 7(4), NICCY has a statutory duty to advise any relevant authority on matters concerning the rights or best interests of children and young persons. My remit includes children and young people from birth up to 18 years, or 21 years, if the young person is disabled or in the care of social services. In carrying out my functions, NICCY's paramount consideration is the rights of the child or young person, having particular regard to their wishes and feelings and I am required to have regard to all relevant provisions of the United Nations Convention on the Rights of the Child (UNCRC).

I welcome the opportunity to comment on Service Instruction SI9999 in relation to Body Worn Video (BWV). This is a matter which I have discussed at length with ACC Gray during a number of meetings.

Broadly, I am satisfied with the service instruction regarding the introduction of the use of BWV however I retain certain concerns regarding its use and I seek various reassurances from you as outlined below.

In relation to the use of BWV generally, NICCY is of the firm view that where BWV is available, it should be used in all situations where an Officer is interacting or engaging with a child or young person (or someone who the Officer perceives to be a minor), regardless of the operational context. I would therefore recommend that **Sections 2 (Principle 5) and 6** of the SI are amended to reflect this.

Specifically in relation to the SI, I note that reference is made to the Data Protection Act 1998 at Section 2 and 10, clearly this will need to be updated given the introduction of the General Data Protection Regulations.

I am in agreement with the key principles set out in Section 2 but wish to seek clarification with regards to the intention behind **Principle 7** which indicates that the Police will “consult” locally with their communities on the use of BWV. I should be obliged if you would confirm whether the intention here is to engage in awareness raising with local communities regarding the operational use of BWV rather than consultation, as the word consultation carries different connotations. If the intention is to engage in awareness raising, then I would be grateful if you could furnish my office with further information with regards to how you will be engaging directly with children and young people as a key stakeholder group and that child friendly and accessible engagement occurs.

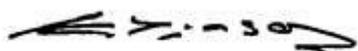
Section 10 requires Officers to make an announcement at the commencement of filming (or as soon as possible thereafter). Clearly where children and young people are being filmed the announcement will need to be accessible to them. I assume that a standardised form of words will be agreed for use and I seek your confirmation that the wording will be appropriate.

I note that material which is deemed to be non-evidential in nature will be automatically deleted after 31 days. Given that the timeframe for making a complaint to the Police Ombudsman is outwith that, I would question the reasons behind this approach. It is conceivable that footage would be non-evidential in nature for the purposes of prevention or detection of crime but may be useful the determination of a complaint. I would therefore ask that this aspect of the SI be reviewed.

In relation to the sharing of information with other agencies, clearly safeguards are required for all members of the public to ensure their privacy. However, in relation to children and young people I seek assurances from you that information will only be shared with partner agencies for the purposes of child protection and/or safeguarding and in accordance with the best interests of the child.

I hope that this is of assistance and look forward to hearing from you with the assurances requested.

Yours sincerely



Koulla Yiasouma
Commissioner