



# **POLICY STATEMENT**

## **THE USE OF OVERT BODYWORN VIDEO AND AUDIO CAMERAS PROCESS SERVING & ENQUIRIES**

### **1. INTRODUCTION:**

- a. This policy has been adopted by The Association of British Investigators Ltd for the exclusive use of its current members and as a reference point for members' clients and recipients of legal process or subjects of enquiries and/or other litigation support scenarios where the use of an overt bodyworn video and audio camera may be preferred.
- b. Members of The Association of British Investigators Ltd are for example regularly instructed to effect personal service of legal documents and/or undertake routine enquiries, which requires interaction with the recipient or subject, their associates, family and other members of the public. The Association of British Investigators Ltd members may perform or subcontract the role of Process Server or Enquiry Agent for this purpose. They are in effect the messengers delivering the legal process or the field operative making legitimate enquiries on behalf of the Court and/or a litigating party.
- c. A Process Server or Enquiry Agent should be able to go to work without fear of violence, abuse or harassment from the subjects being served or enquired about, their associates, members of their family and other members of the public.
- d. Process serving and enquiries are conducted in a professional manner, in the interests of all parties and in the majority of cases are completed



without incident.

- e. However, occasionally an issue may arise where the manner or circumstances surrounding the service or enquiry occurs or the potential for a confrontational situation arises, for example where;
  - i. A recipient party takes umbrage to being served with the process or enquiries being made; or
  - ii. The method of service or enquiry itself is challenged.
- f. The Association of British Investigators Ltd policy for its members is to adopt a zero-tolerance attitude towards violence and abuse against Process Servers or Enquiry Agents and where such criminal behavior occurs the Association of British Investigators Ltd members will take civil and/or criminal legal action against any party partaking in such activity.

## **2. THE LEGAL POSITION:**

- a. Process Servers and Enquiry Agents carry out an important function often as part of the Judicial System. As such, they can expect to have the support of the Police and the Courts.
- b. Additionally, the Association of British Investigators Ltd members have the right for themselves or their employees and subcontractors to the health and safety protection under the Health and Safety at Work etc. Act 1974.



### 3. VIDEO AND AUDIO RECORDING:

The Association of British Investigators Ltd members may opt to make use of video and audio recording technology to ensure that evidence of a process serve or enquiry was properly carried out, or assaults, abuse and confrontation are available to be handed to the Police and to the Courts, when an incident or issue occurs.

- a. This is so that:
  - i. An accurate record of the event including any assault, abuse, harassment or otherwise can be provided;
  - ii. That the footage is of a standard that can be used in evidence;
  - iii. That as part of the zero tolerance policy the Association of British Investigators Ltd member may ask the Police and the Courts to bring to account any persons who exhibit violence, abuse or harassment against the Process Server or Enquiry Agent.
  
- b. For this purpose:
  - i. Footage will start to be recorded when the Process Server or Enquiry Agent arrives or is about to arrive at the place of service or enquiry.
  - ii. Footage will cease recording when the Process Server or Enquiry Agent is safely away from the place of service or enquiry and is deemed to be in a safe environment.



- iii. Where assaults, abuse, harassment, or an otherwise harmful act occurs, the Process Server or Enquiry Agent shall immediately take steps to secure the evidence, which shall always be presented in an unedited format.
- iv. Where no incident occurs, request made or any issue is likely to arise appertaining to the serve or enquiry, the Process Server or Enquiry Agent shall, as soon as reasonably practical, delete the footage, and / or allow a loop recording to take place to overwrite the footage within a reasonable period of time.
- v. Any footage preserved as above explained is excluded under Section 2 (1) (a) and (b) of the Data Protection Act 2018, in that the footage is being collected for the prevention and detection of crime, and that it will be used for the apprehension or prosecution of offenders.
- vi. When not in use, the equipment and any media storage devices shall be securely stored.
- vii. The data subjects' rights under the Data Protection Act 2018 are preserved, including Subject Access Request rights, in accordance with the Association of British Investigators Ltd members' Data Protection Policy.