

## 1. INTRODUCTION

- a. This document is intended to provide guidance to professional investigators regarding the use of overt body-worn video and audio devices, ensuring both their safety and the integrity of their work.
- b. The guidance has been established by The Association of British Investigators Ltd (ABI) for the use of UK based professional investigators. It serves as a reference for clients, recipients of legal processes, and subjects of enquiries or other litigation support scenarios where the use of overt body-worn video and audio devices may be advantageous.
- c. Professional investigators are often tasked with the personal service of legal documents and conducting routine enquiries that necessitate interaction with the recipient, their associates, family, and the general public. They may perform or subcontract the roles of process server or enquiry agent in these situations. They act as messengers delivering legal processes or as field operatives making legitimate enquiries on behalf of a litigating party.
- d. Process servers and enquiry agents should be able to perform their duties without fear of violence, abuse, or harassment from recipients, their associates, family members, or the public.
- e. Generally, process serving and enquiries are conducted professionally and are completed without incident.
- f. However, there are instances where issues may arise, such as:
  - A recipient reacts negatively to being served or questioned.
  - The method of service or enquiry is challenged.
- g. The ABI maintains a zero-tolerance policy toward violence and abuse against professional investigators. In cases of such criminal behaviour, professional investigators are prepared to pursue civil and/or criminal legal action against the perpetrators.

## 2. THE LEGAL POSITION

- a. Professional investigators (whether as process servers or enquiry agents) perform a vital role often within the judicial system, which empowers them to expect support from the police and the courts.
- b. They have the right to health and safety protections under the Health and Safety at Work etc. Act 1974 for themselves, their employees, and subcontractors.

## 3. VIDEO AND AUDIO RECORDING

- a. Professional investigators may choose to utilise video and audio recording technology to document the proper execution of process serving or enquiries, as well as to record incidents of assault, abuse, or confrontation when necessary.
- b. The purposes of recording include:
  - Providing an accurate account of events, including instances of assault, abuse, or harassment.
  - Ensuring the recorded footage meets evidentiary standards for use in legal proceedings.
  - Supporting the zero-tolerance policy by enabling professional investigators to request law enforcement and judicial action against individuals displaying violence or harassment toward them.

## 4. RECORDING PROCEDURES

- a. Recording will commence when the process server or enquiry agent arrives at or is about to arrive at the location of service or enquiry.
- b. Recording will cease once the process server or enquiry agent leaves the location and is deemed to be in a safe environment.
- c. In the event of an assault, abuse, or harassment, the process server or enquiry agent must take immediate steps to secure the recorded evidence, which must remain unedited.

- d. If no incidents or requests arise during the service or enquiry, the process server or enquiry agent will delete the footage or allow it to be overwritten within a reasonable timeframe.
  - e. Any preserved footage may be exempt from Sections 2 (1) (a) and (b) of the Data Protection Act 2018, as it is collected for crime prevention and detection purposes and will be used for the apprehension or prosecution of offenders.
  - f. When not in use, recording equipment and any media storage devices must be securely stored.
  - g. Data subject rights under the Data Protection Act 2018, including Subject Access Request, are upheld in accordance with the professional investigators' data protection policy.
-