



Body Worn & Vehicle Mounted Camera Policy

1. POLICY STATEMENT

The purpose of Body Worn & Vehicle Mounted Cameras (BWVMC) is to protect staff and the public, discourage aggressive and abusive behaviour and provide evidence where required to investigate complaints.

The policy will set out the purpose of using BWVMC, what information will be recorded, who will have access to this information and how this information will be stored and disposed of.

2. PRINCIPLES

Authorised Officers who, as part of their normal duties, are responsible for engaging with individuals or entities for the purpose of compliance and enforcement activities may utilise BWVMC's. The use of these devices is intended to:

- Assist in the lawful collection of evidence for actual or suspected breaches of legislation, including Council Local Laws;
- Maintain and improve community safety;
- Mitigate identified risks to the health, safety and welfare of Council Officers in the execution of their duties;
- Provide a record of the interaction between an Officer and a potential complainant in situations that may result in an allegation of inappropriate behaviour or other complain; and
- Assist in the investigation of allegations of inappropriate conduct by Officers.

3. SCOPE

This policy applies to all personnel employed or otherwise engaged by Council who may use BWVMC devices and the subsequent management of any images obtained.

The purpose of this policy is to provide guidelines and information to effectively deploy body worn and vehicle video cameras (BWVMC's) to be utilised by Balonne Shire Council (BSC) staff engaged in investigation of customer requests and other incidents as required under various Acts' and Council Local Laws.

4. RESPONSIBILITY

Training:

All operators will receive training in the use of the BWVMC's, including:

- Practical use of the equipment;
- Operational guidance, e.g. when to commence and cease recording; and
- Legal implications of using such equipment.

Introduction:

1. This Policy provides for the minimum standard of use for BWVMC's.



Body Worn & Vehicle Mounted Camera Policy

2. BWVMC's must complement other evidence gathering, including the use of other digital recording media, voice recorders, & cameras, and the use of legal notebooks.
3. All recordings remain the property of the Balonne Shire Council and are recorded and retained for the purposes of gathering evidence and are not to be disseminated to unauthorised persons other than in accordance with specific exemptions e.g. the production of evidence in legal proceedings.

Objectives:

1. BWVMC's are an overt method used by BSC staff to obtain and secure evidence and this policy is intended to enable officers to comply with legislation when gathering evidence.
2. The effective use of BWVMC's provides public reassurance, captures best evidence, modifies behaviours, reduces and deters persons from engaging in anti-social behaviour.
3. Recordings provide independent evidence of an improved quality; and reduce the reliance on an individual's account.
4. Recordings positively impact on the professionalism & service delivery of Council by allowing footage to be reviewed, thereby providing supervisors and trainers with an opportunity to review data and implement process improvements.
5. The review of data will not be undertaken as a means of routinely identifying misdemeanours or minor offences committed by officers engaged in the use of the BWVMC's, i.e. BWVMC's are not routinely used in performance management. However, on receipt of a complaint this evidence may be used as part of an appropriate line of enquiry, which may include a review of officer behaviour in instances where allegations are made on BSC officer behaviours.

Equipment:

1. BWVMC's are a body mounted or vehicle mounted camera with a built-in video camera and microphone. The cameras store digital files that once recorded cannot be deleted or amended by the operator. Each file carries a unique identifier and is time and date stamped.
2. BWVMC's are supported by stand-alone computers with camera specific software used for downloading and storing of digital video files. This Digital Evidence Management Software (DEMS) provides evidential continuity and data integrity. (– check with IT department)
3. When not in use, the BWVMC;'s are to be securely stored by the officer that has been assigned the BWVMC.
4. Individual cameras will be assigned to officers and users will use their individual network logins and BWVMC's on the DEMS. It is the user's responsibility to ensure that the camera is working correctly prior to commencing any investigations. Checks are to include:
 - i. Is the battery fully charged?
 - ii. Is the date and time stamp, correct?
 - iii. Are associated accessories available and in good working order?

Recording:

1. BWVMC's may be worn by BSC officers when engaged in operational duties, i.e. investigations.



Body Worn & Vehicle Mounted Camera Policy

2. BWVMC's are not to continually record in instances where an investigation is not being undertaken. It is permissible for BWVMC's to be in "standby" mode.
3. The decision to record or not to record remains the discretion of the BSC officer.
4. It is recommended that the BWVMC's be used to support professional observations and accounts, or when validation of what is written in a legal notebook may be required.
5. Users should be mindful that where an incident is not recorded, an evidential value may require explanation in Court, i.e., reliance on other evidence.
6. It is evidentially important that as much of the incident as possible should be recorded. Recording should commence at the earliest possible time post the commencement of an incident. Reveal body cameras have the capability to record the previous 30 seconds if camera was in "standby" mode.
7. Recording must be incident specific, not indiscriminate, i.e. recording must only be undertaken in instances that would normally be subject to professional observation, evidence gathering, and legal notebook entry.
8. Wherever possible and practicable, at the commencement of a recording the user should make a verbal announcement to indicate why the recording has been activated. This should include:
 - i. Date, time and location
 - ii. Name of investigating officer and name of person/s being interviewed
 - iii. Nature of the investigation, i.e. the offence details
9. Wherever possible, users of BWVMC's should restrict recordings to areas and persons necessary to obtain required evidence that is relevant to the incident.
10. In circumstances where persons on private property object to being recorded, recording should continue and the reason for this should be explained. These reasons include:
 - i. That an incident has occurred which has required BSC staff to attend;
 - ii. That recording is required to secure the best evidence of any offence that may have occurred, with recorded evidence being more accurate and of a higher quality than a written account;
 - iii. Recorded evidence provides a safeguard for both parties with a true and accurate account being gained of any significant statements that have been made;
 - iv. Continued recording will safeguard the officer against any potential allegations from either party.
11. Unless specific circumstances dictate otherwise, once recording commences it must continue uninterrupted from the commencement of the recording until the conclusion of the incident. This generally means once the BSC officer has left the property or scene of the investigation.
12. It is recommended that recording only be terminated on commencement of general duties. This demonstrates to subsequent viewers that the incident investigation has concluded.
13. On conclusion of the incident investigation, BSC officers must conclude the recording by stating the date, time & location of the investigation and the reason for concluding the investigation, e.g. At (time of conclusion), on (date of conclusion), interview of (name of person being interviewed), of (address) has been concluded.
14. Once recordings have been completed, they become the property of the Balonne Shire Council and are to be handled and retained in accordance with:



Body Worn & Vehicle Mounted Camera Policy

- Local Government sector retention & disposal schedule QDAN 480 v.4 - Qld State Archives
- General retention and disposal schedule for administration records QDAN 249 v.7 - Qld State Archives
- Public Records Act 2002
- Information Management Policy - Council Policy

These recordings must not be deleted by the user and must be downloaded to the DEMS and in accordance with the General retention and disposal schedule for administration records.

15. The opportunity for selective capture is available to BSC Officers at their discretion when:
- i. A routine investigation that is initially not being recorded and later becomes more complex, and the user deems it important and necessary to commence recording.
 - ii. A recording is stopped in specific circumstances, e.g. where minors are involved.
 - iii. A recording is not required if the user arrives after the conclusion of the incident, e.g. incident was investigated and recorded by another BSC officer and the second officer has arrived to provide assistance. Note: In circumstances deemed necessary by BSC officers, the use of the BWVMC by the second Officer is permitted, e.g. interviewing two persons separately.
 - iv. BWVMC's can be used to record victim or witness statements, however formal written statements will still be required. Recordings can be used as supporting evidence for these written statements.
Note:
 - a) Minors should never be interviewed without the express consent of a parent or guardian and should always be undertaken in the presence of the parent or guardian);
 - b) In instances where a recording is interrupted or ceases at an ongoing incident, the reason for ceasing and/or interrupting the recording must be noted in the officer's legal notebook.
16. Data is to be routinely downloaded to the DEMS. While this frequency is not defined by this policy, users are encouraged to exercise due diligence in ensuring that the recordings captured, in particular those that are likely to result in an internal review process, are downloaded to the DEMS in a timely manner. It is recommended that downloads should occur at least weekly or more frequently where required.
17. Evidence downloaded to the DEMS is to be registered in Council's data management system, ECM. Recordings that are required for ongoing investigation and enforcement should be retained for five (5) years. Those recordings not required for ongoing investigations should be retained for two (2) years. Registration of DEMS data to ECM is to be undertaken by competent persons, e.g. administration officer or other persons that have been appropriately trained.

5. DEFINITIONS

Authorised Person: an employee of Balonne Shire Council who has completed the relevant training and been issued with an authorised person's identity card, e.g. a Local Law Officer.

Supervisor: a person in control of a workplace (e.g. Person in Charge, ganger, leading hand, team leader, or officer)



Body Worn & Vehicle Mounted Camera Policy

6. ASSOCIATED DOCUMENTS

- *Local Government Act 2009*
- *Public Records Act 2002*
- *Right to Information Act 2009*
- *Information Privacy Act 2009*
- *Balonne Shire Council Local Laws*