

Use of Body Worn Cameras (BWC) Procedure

Keywords: *Surveillance; Body Camera*

<i>Classification:</i>	<i>Community Safety</i>
<i>First Issued/Approved:</i>	<i>Version 1.1</i>
<i>Review Frequency:</i>	<i>Every 2 years</i>
<i>Last Reviewed:</i>	<i>April 2023</i>
<i>Next Review Due:</i>	<i>April 2025</i>
<i>Responsible Officer(s):</i>	<i>Chief Executive Officer Manager Environment & Regulatory Services Manager Corporate Services</i>
<i>Council File Reference:</i>	<i>Council Policies (P)</i>
<i>Applicable Legislation:</i>	<i>Local Government Act 1999 Surveillance Devices Act 2016 Charter of Human Rights and Responsibilities Bill 2020 Freedom of Information Act 1991 State Records Act (1997) SA Evidence Act 1929 Evidence (Identification Evidence) Amendment Act 2013 Privacy Amendment Act (2012) Evidence Regulations 2022</i>
<i>Relevant Policies:</i>	<i>Berri Barmera Council - Privacy Policy</i>
<i>Related Procedures:</i>	<i>Public Consultation not required prior to adoption</i>
<i>Delegations:</i>	

Standard Operating Procedure – Body Worn Cameras

Purpose

To ensure that Berri Barmera Council's use of Body Worn Cameras (BWC) is in accordance with relevant legislation and provide guidance for users in respect to the compliant, safe and effective use of BWC devices and to enhance Occupational Health and Safety of officers in the field.

Objectives

The use of BWC devices is to complement existing safety standards and precautions, such as removing oneself from any perceived threat, to provide a maximum benefit to

officers in terms of protecting and enhancing their health and safety. The use of the devices and collection of the information recorded through proper use of the devices is consistent with the Berri Barmera Council's law enforcement functions and activities.

When used properly, BWC can promote public reassurance, modify behaviour, prevent harm and deter people from committing offences and anti- social behaviour. The use of recordings can also support professional development through training and review. The recordings will also assist with investigations involving allegations made against Council officers.

Background

BWCs are an overt method of surveillance by which officers can obtain and secure evidence at the scene of incidents involving conflict or potential risk to officers. They enable officers to immediately record any aggression whether it be physical or verbal by a member of the public and may assist in the evidence gathering process for use in potential law enforcement proceedings.

Relevant Legislation/References

Local Government Act 1999

Surveillance Devices Act 2016

Charter of Human Rights and Responsibilities Bill 2020

Freedom of Information Act 1991

State Records Act (1997) SA

Evidence Act 1929

Evidence (Identification Evidence) Amendment Act 2013

Evidence Regulations 2022

Privacy Amendment Act (2012)

Berri Barmera Council - Privacy Policy

Berri Barmera Council – Use of Body Worn Cameras Policy

Procedure

Equipment

The BWC device is generally a body mounted device with a built-in microphone, enabling both video and audio recording. Officers will use the "Reveal" brand BWC device supplied to them, including mounting options.

The audio-visual footage recorded by the BWC devices will be uploaded to the Digital Evidence Management Software (DEMS). DEMS is password protected and provides a secure platform for the storage of footage. DEMS is backed up by Council's server. Up to 6 devices fit into each docking station.

The device stores digital files which, once recorded, cannot be edited, altered, deleted, duplicated, copied, shared or otherwise distributed in any manner by unauthorised officers. Each file carries a unique identifier and is time and date stamped throughout.

Upkeep of BWC device

It will be the responsibility of the officer issued with the BWC device to maintain and keep the device in good operational order and to report any fault or defect to their respective Team Leader or Manager.

The relevant Manager will keep a register of all devices issued to officers, including the name of the officer and the serial number of the device. If repair is required, the respective Team Leader will arrange for the repair at the earliest opportunity.

BWC device use

- Only officers who have received the appropriate training will be permitted to use the device.
- Officers must wear the device on the 'pre-record mode' when on operational duty at all times.
- The device must be recording at all times before performing any High Risk Activities.

High Risk Activities/Areas:

- ☐ After-hours service;
- ☐ Private dwellings; and
- ☐ When directed by a Team Leader or Supervisor.
- Officers should begin recording with the device when they feel threatened or uncomfortable for their safety or deem the situation appropriate to record.
- Where safe to do so officers should advise other parties that the conversation is being recorded.

Protocol when starting shift

- The officer must ensure that the device is working correctly prior to leaving the office, checking the battery is fully charged and the date and time stamp is accurate and the camera lens is adjusted to point in the best direction.
- The BWC is to be worn overtly on the body with the aim of achieving both visibility and the optimum field of vision (ie. on the chest or central trunk of the body, facing forward using the device fittings to attach to the officer's uniform).

**When to record/cease recording
(Pre-record has the same meaning as 'stand-by')**

The device has a 'pre-record' mode which enables an officer to capture the lead up to an incident. The 'pre-record' mode stores 30 seconds of footage prior to record activation, operating as a constant buffer. This can be useful in situations where there may be an allegation or complaint made against an officer and the footage in the lead up to the event provides contrary evidence.

The device will be in the 'pre-record' mode throughout the operational part of the officer's entire shift (except as otherwise outlined under this policy) and should be placed in this mode at the commencement of the shift.

Simply press and hold the FUNCTION button to turn the device on and establish 'pre-record' mode.

The officer is to assess the manner of approach of a member of the public and activate the device to 'record' if there is any sense of threat. Officers should begin recording with the BWC when they feel threatened or uncomfortable for their safety and, in accordance with this policy and all applicable legislation, it is otherwise appropriate to record.

***Officers are reminded to disengage and physically remove themselves from any situation which presents a perceived threat or risk.**

* Officers should refer & conduct themselves in line with the standard operating procedures of their specific area at all times.

The device stores digital files which, once recorded, cannot be deleted or amended by the operator. Each file carries a unique identifier and is time and date stamped throughout.

DEMS manages the downloading and storage of digital video files. These provide a full audit trail ensuring evidential continuity is maintained.

Use of BWC



In any case where an officer approaches High Risk Activities/Areas, the officer is to activate record until such a time as the activity is completed in that area. Officers should begin recording with the BWC when they feel threatened or uncomfortable for their safety and, in accordance with this policy and all applicable legislation, it is otherwise appropriate to record.

Where the officer has had to commence recording due to an incident occurring, the officer should continue to record for a short period after the incident to clearly demonstrate to any subsequent viewer that the incident has concluded and the user has resumed other duties or activities.

Where practicable, **prior to commencing or concluding recording, the officer should make a verbal announcement** to indicate the beginning or ending the recording and this should state the date, time and location and the reason for commencing or concluding the recording. Recording must be kept on the operational loop and in stand-by mode ready for recording.

If asked by a member of the public “are you recording me”? The response an officer should give is simply: “Yes I am.”

End of shift procedures

At the end of each shift, officers who are allocated devices must inspect the devices and report any damage to the Team Leaders or Supervisors. An officer is required to switch off their device and place it into the designated docking station for charging and the downloading of data to DEMS. Officers must advise Team Leaders of any inadvertent device recordings.

When devices are not in use, they must be stored in a secure location in the Council office or as determined by Management.

Storage and Use of Data

This standard operating procedure will be consistent with the Berri Barmera Council-Privacy Policy.

Downloading

All footage recorded to the BWC device will be downloaded daily at the end of the officer's shift. Data will be downloaded via the docking station and DEMS.

Images must not be shown or given to unauthorised persons unless permission has been approved by the Team Leader or Manager.

Data that is not required for further investigation or in accordance with statutory requirements will be deleted after 90 days from date of being filmed.

Reviewing data

All staff must ensure that BWC data is only accessible by an authorised officer according to these procedures on a need-to-know basis. Access to BWC data will be monitored and periodically audited.

Upkeep of BWC device

It will be the responsibility of the relevant Manager to keep records of the serial numbers and location of the BWC's in their respective areas. Any malfunction of the device must be reported immediately to the appropriate Manager.

Training

All officers will be trained and have access to the BWC. Training in the use of the BWC device will be available via a training session conducted by an appropriately qualified person such as a Team Leader or Senior Officer.

In order to use BWC, officers should receive training in all necessary technical aspects of the specific equipment being used and its appropriate use.

Only officers who have received the appropriate training will be able to 'use' the device. Priority for training will be given to officers conducting patrols in identified high risk activities/areas.

Formal recording of interviews

BWC should not be used to record interviews of accused persons under caution which occur at Council Offices or a Police Station. Prior to the accused being cautioned, BWC can and should be used to capture verbal evidence.

Reporting incidents

Where an officer experiences an incident in which they felt threatened in any way or has disengaged due to a person objecting to being filmed and whether they have captured the incident on camera or not, the officer is still required to report the incident by completing an incident report form immediately and must notify the Team Leader or Manager.

Inappropriate use

Any officers misusing the BWC or associated data will be subject to Berri Barmera Council's Code of Conduct and Behavioural Standards.

Complaints

Any complaints regarding the express use of the BWC will be directed to the Manager Environment & Regulatory Services who, with the assistance of the relevant Governance staff, will investigate any allegations and take appropriate action.

Freedom of information

The data collected from the use of BWC may be subject to the Freedom of Information Act 1991 (SA) (FOI Act). Any data that is subject to a request under the FOI Act, provided it is still retained by Council at the time of the request, will be held for a further period pending the outcome of that request.

Review

Procedures to be reviewed on an annual basis.