

POLICY Body Worn Cameras



Policy C8000

Adopted by Council:	2016.11.28	Administrative Responsibility:	Bylaw Services
Council Resolution #:	COU16-301	Last Review Date:	2016
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Replaces:	New		

1.0 POLICY

- 1.1 The Town of Banff Bylaw Services Department will use Body Worn Cameras (BWCs) in an overt capacity in support of their enforcement duties and to enhance Officer safety. The Town of Banff will take reasonable steps to balance the privacy rights of individuals with the anticipated enforcement benefits of using the technology.
- 1.2 The purpose for using BWCs is to:
 - (a) reduce safety risks to Officers working alone;
 - (b) provide additional evidence;
 - (c) augment current note taking practices and improve evidence documentation;
 - (d) determine the accuracy of claims made by the public against Officers;
 - (e) help de-escalate and reduce potential conflicts; and
 - (f) provide greater insight into service delivery and identifying good practice.

2.0 PURPOSE

The intent of this Policy is to guide employees in the use of **BWCs** in a way that balances the maximum benefits of this technology, without compromising the privacy rights of the public and employees.

3.0 DEFINITIONS

- 3.1 **BWC** means the Body Worn Camera equipment owned and operated by the Town
- 3.2 **FOIP Act** means the *Freedom of Information and Protection of Privacy Act*, S.A. 2000, C.F-25.
- 3.3 **Officer** means any Town of Banff Peace Officer appointed by the Town.

4.0 SCOPE

- 4.1 **BWCs** will be solely for the use of Town of Banff Peace Officers.
- 4.2 The provisions of this policy apply to all Officers appointed by the Town and anyone identified herein as having access to recorded information.

5.0 RESPONSIBILITIES

- 5.1 The Town Manager is responsible for:
 - a) Overseeing the implementation of this policy;
 - b) Ensuring all municipal staff are aware of and understand this policy;
 - c) Reviewing any complaints received from the public relating to this policy; and
 - d) Reviewing and recommending policy changes where necessary.

- 5.2 The Bylaw Services Supervisor will be responsible for:
- a) The administration and enforcement of this policy;
 - b) Managing BWC recordings;
 - c) The training, maintenance, and use of the BWC system;
 - d) Managing the access and security to BWC recordings;
 - e) Managing requests for BWC that are submitted by other law enforcement agencies;
 - f) Allocating, issuing, replacing, tracking the BWC devices, docking stations and software;
 - g) Assisting the FOIP Coordinator with FOIP requests;
 - h) The record keeping associated with the BWC; and
 - i) Reviewing and recommending policy changes where necessary.

- 5.3 Officers are responsible for:
- a) Ensuring the BWCs policies and procedures are understood prior to equipment use;
 - b) Following this policy in the course of their duties;
 - c) The operation, maintenance and safekeeping of the BWC equipment;
 - d) The record keeping associated with the BWC; and
 - e) Reviewing and recommending policy changes where necessary.

- 5.4 Employees are responsible for the storage, protection and use of recorded information as dictated by this policy, *Freedom of Information and Protection of Privacy Act*, and any other polices and bylaws of the Town.

6.0 USE OF BODY WORN CAMERAS

- 6.1 The BWC is only permitted to be used by the Officer in the course of regular duties.
- 6.2 A BWC issued to an Officer is considered part of the uniform and Personal Protection Equipment for the Officer and should be worn as per this policy.
- 6.3 At the start of each shift, the Officer shall ensure that the BWC is working correctly, check that the battery is charged and that the date and time stamp are accurate.
- 6.4 Any malfunction of the equipment must be reported immediately to the Bylaw Services Supervisor.

7.0 RECORDING

- 7.1 When working outside of the office, an Officer's BWC should be powered on and ready for activation.
- 7.2 The following guiding principles should be followed when determining when to record:
- a) When conducting moving traffic enforcement, the Officer will activate the BWC and continue to record for the duration of the operation.
 - b) When responding to an action request, the Officer will activate the BWC and continue to record until he leaves the location of the incident.
 - c) If an Officer enters any situation where conflict of any type is possible, the Officer should activate his BWC and continue to record until the event has completely finished.
 - d) Should an Officer unforeseeably become involved in, or witness any event or situation of significance to his duties, if safe and practicable to do so, the Officer will activate the BWC and continue to record until the event is completely over.

- e) Using their discretion, an Officer may choose to activate the BWC at any time; however, the Officer must be able and prepared to articulate their reasons for doing so.

7.3 As far as practicable, every effort should be made to minimize the recording of bystanders and persons not involved in an incident.

8.0 EXCEPTIONS TO RECORDING

8.1 The decision to stop recording an incident is ultimately at the discretion of the Officer, however in all cases where recording is stopped early, the Officer must be able and prepared to articulate the reasons for doing so. Extra consideration should be given in the following circumstances:

- a) Where an individual requests that the recording be stopped:
Individuals may object to being recorded. In these cases the Officer should explain the reasons that the recording is being made (i.e. to safeguard both the Officer and the members of the public). While in most cases the Officer should continue recording, they may choose to cease recording if the situation warrants it. This includes, but is not limited to:
 - i) Respecting the wishes of persons expressing sensitivities connected with culture or faith that would prohibit recording.
- b) Where entering a private dwelling:
Additional privacy concerns exist when entering a private dwelling. Therefore, it is important that an Officer should not record inside a private dwelling without the consent of the resident.
- c) When dealing with vulnerable victims of a crime:
It is not anticipated that the Officer will encounter or interview victims of a crime during the course of regular duties, however, in the event that it does take place the explicit consent of the victim must be obtained prior to recording.

9.0 NOTIFYING THE PUBLIC

9.1 Where practical and safe to do so, the Officer will make efforts to inform the public if/when they are being recorded.

10.0 STORAGE OF MEDIA

10.1 The recorded information will be stored on a secure file server managed by the Town of Banff Information Technology Department until the files are automatically or manually disposed as dictated by this policy.

10.2 All recorded information will be uploaded by the Officer from their BWC onto a secure file server and filed under the appropriate category in the data base.

10.3 The database will consist of categories relating to common enforcement duties of the department. Examples of categories will include but are not limited to; “Parking”, “Moving Traffic”, “Animal Control”, “Community Standards”, “Camping”, “Streets”, “Immaterial” and “Officer Conduct”.

10.4 Any recorded information that is related to a complaint regarding officer conduct, will be filed under the category “Officer Conduct”.

- 10.5 Any recorded information collected when responding to an action request or during a pro-active investigation that contains no personal information or no evidence to the investigation will be filed under the category “Immaterial”.

11.0 RETENTION

- 11.1 Recorded information will be retained in accordance with this policy and then disposed of in a secure manner in accordance with the Town’s records management policies.
- 11.2 Recorded information that has been saved under any category other than “Officer Conduct” or “Immaterial” will be retained for 1095 days (3 years) in accordance with the Town of Banff Records Retention Bylaw.
- 11.3 Recorded information stored under the category “Officer Conduct” will be retained for 1825 days (5 years), in accordance with the Alberta Peace Officer Regulation Files stored under the category “Immaterial” will be retained for 21 days.
- 11.4 Any recorded information to be used in legal proceedings or disclosed for any other reason in accordance with the FOIP Act will be designated as “Protected” by the Bylaw Services Supervisor and retained for a minimum of 365 days from the date of the disclosure, even if the original retention period has expired.
- 11.5 The Bylaw Services Supervisor will periodically review “Protected” files for which the retention period has expired. If there is no reason for continued retention, the recorded information will be manually disposed of from the database.
- 11.6 Only the Town Manager and Bylaw Services Supervisor are authorized to manually dispose of recorded information from the database.

12.0 ACCESS TO RECORDED INFORMATION

Access by Municipal Staff

- 12.1 Read-only access to BWC recorded information is strictly limited to Officers and the Town Manager, unless permitted by another provision within this policy.
- 12.2 The Town Manager, Manager of Protective Services or the Manager of Human Resources may use recorded footage as an appropriate line of inquiry in response to formal complaints received by the public.
- 12.3 Recorded information will not be used for the purpose of evaluating employee performance, except in the case that it is relevant to a public complaint against an officer.
- 12.4 The FOIP Coordinator may review files when responding to an access to information request.

Access by the Public

- 12.5 If a member of the public wishes to access a recording, they can do so by following the procedures of the FOIP Act.
- 12.6 BWC recorded information may be disclosed in order to comply with an enactment of Alberta or Canada.
- 12.7 In all cases, recordings must be viewed at Town Hall during regular business hours. Copies will not be produced for any person unless a court directs otherwise.

Access by Other Government or Law Enforcement Agencies

- 12.8 If a law enforcement agency wishes to access a recording, they can do so by following the procedures of the FOIP Act.
- 12.9 At the discretion of the Bylaw Services Supervisor or the Town Manager, BWC recorded information may be disclosed to other law enforcement agencies for the purpose of assisting in an investigation :
- (a) undertaken with a view to a law enforcement proceeding, or
 - (b) from which a law enforcement proceeding is likely to result.
- 12.10 Personal information will not be disclosed to a law enforcement agency when the agency cannot provide definite and focused information as to why the disclosure is needed.

13.0 RELATED DOCUMENTS

- 13.1 [FOIP Request to Access Information Request Form](#)
- 13.2 [FOIP Law Enforcement Disclosure Form](#)

This policy shall be in effect on the date it is approved by resolution of Council.

Karen Sorensen
Mayor

Robert Earl
Town Manager