

**Body Worn Video Device
Policy 2020
POL080**



Policy No:	POL080
Policy Title:	Body Worn Video Device Policy
Section Responsible:	Development & Environment
Minute No:	20/273
Doc ID:	516117

1. INTENT

Body-worn video devices (BWVD) is an overt method by which staff may obtain and secure audio and visual evidence at the scene of an incident or an offence or during the course of investigating an incident or an offence.

Recordings are made and retained for operational purposes and for potential use in Court proceedings. They are restricted and should not be shown or given to unauthorised persons.

The use of BWVD can defuse potentially volatile situations by promoting public assurance and reducing antisocial behaviour. Recordings may provide irrefutable evidence that may assist in the prosecution of cases and reduce the reliance on victim statements as evidence, particularly those who may be vulnerable or reluctant to attend Court.

2. SCOPE

The policy applies to Narrandera Shire Council Rangers, Manager Development & Environment, Information Technology staff, Deputy General Manager – Infrastructure and General Manager.

3. OBJECTIVE

The objectives of this Procedure are to:

1. Provide awareness about the aspects which must be considered and the requirements for the use of BWD in the performance of Council's regulatory functions.
2. Facilitate provision of video evidence for use in potential Court proceedings.
3. Ensure the use of BWD does not result in adverse impact to Councils IT network.
4. Protect the privacy of individuals and ensure that individuals who may be recorded are aware that recording is taking place.
5. Assist in the defusing of conflicting or contentious situations involving individuals.

4. PROVISIONS

4.1 PRIOR TO USE

1. Prior to the use of BWVD the Authorised Officers must have completed training in its use and operation.
2. The equipment is to be checked by the user prior to departure to ensure that it is ready for operation. The device must have adequate storage and the correct date/time setting.
3. The device must be affixed to the user's top left chest area in stand-by mode with the power switch on top.

4.2 RECORDING

1. Use of the body worn video device is mandatory and is to be used in all compliance enforcement situations for the protection of the authorised officer and for the capture of admissible evidence.
2. Recording must be incident-specific and not indiscriminately record entire duties or patrols.
3. Recordings are to include video and audio at incidents that would normally be the subject of an official notebook entry or penalty infringement notice. All such situations are to be treated as potentially evidential.
4. It is evidentially important to record as much of an incident as possible. Recording should begin at the earliest opportunity at the start of an incident, so users should commence recording immediately the user becomes aware of a potential incident.
5. Incidents include the following:
 - o Any situation subject to an official notebook entry.
 - o Any enforcement actions.
 - o Any PINS situation.
 - o Any situation where evidence may be gained.
 - o Staff actions that may require investigation.
6. At the commencement of any recording, the user should make a verbal announcement to indicate why the recording has been activated including stating the date, time and location and the nature of the incident.
7. Immediately the officer meets a person(s) the following statement (or similar) is to be made;
My name is and I am a ranger for Narrandera Shire Council. I am video recording this conversation/ incident. You are not obliged to say or do anything, you may move away from the camera.
8. Recording must continue uninterrupted from the beginning to the conclusion of the incident or the resumption of normal duties.

4.3 MANAGEMENT OF RECORDINGS

1. Recordings must be transferred and uploaded by the user of the BWVD to the approved computer file immediately on return to the Council Administration Centre, via an automatic docking process.
2. The BWVD wearer is not to view or delete or edit the recordings at any time.
3. All recordings will be stored in accordance with the Surveillance Devices Act 2007.
4. Recordings will not be deleted unless the Deputy General Manager – Infrastructure has so authorised and where the matter has been finalised and no further risk to Council presents.
5. Recordings are to be stored in a secure manner and access to them will be restricted to the General Manager, Deputy General Manager – Infrastructure and IT Manager in accordance with Narrandera Shire Council Records Management Policy HRR008.
6. Public access to recordings will be managed in accordance with Narrandera Shire Council Access to Council Information Policy CS310.

4.4 MONITORING

4.4.1 Audit and Review

1. Regular audits shall be made of recorded incidents for quality assurance purposes.
2. Should reviews identify areas of potential misconduct an assessment and appropriate action is to be taken.
3. Potential misconduct includes deliberate obstruction of the camera lens, failing to record an obvious incident and interrupting a recording without good reason.

4.4.2 Complaints

1. All complaints received from the public about the conduct of an authorised officer must be recorded through MagiQ.
2. The complainant should be made aware when the BWVD exists.
3. The General Manager or Deputy General Manager – Infrastructure may show the footage to the complainant and provide a commentary of the facts shown in the footage together with an explanation of any procedures disclosed.
4. Where BWVD recordings are made available this should be reviewed by the appropriate officer and a sealed master copy made.
5. If the complaint is withdrawn, a record should be made and signed by the complainant.

4.5 MAINTENANCE OF EQUIPMENT

1. Equipment must be kept maintained to a standard so it is in good working order.
2. Equipment must be charged prior to use.
3. Time and date settings must be synchronised with a central clock.
4. The camera lens should be clean and the picture clarity of suitable quality.
5. In the event of a fault or problem, the device should be repaired or replaced.

5. DEFINITIONS

- Body-worn video devices (BWVD)

6. ROLES AND RESPONSIBILITIES

- Compliance Officer
- Deputy General Manager – Infrastructure
- Development & Environment Manager
- General Manager
- IT Manager

7. RELATED LEGISLATION

- Crimes Act 1900
- Evidence (Audio- and Audio-Visual Links) Act 1998
- Evidence Act 1995
- Government information (public access) Act 2009
- Interpretation Act 1987
- Surveillance Devices Act 2007 Sect 7
- Telecommunications (Interception and Access) Act 1979
- The Companion Animals Act 1998
- The Local Government Act 1993
- The Privacy and Personal Information Protection Act 1998
- The Workplace Video Surveillance Act 1998

8. RELATED POLICIES AND DOCUMENTS

- HRR008 Narrandera Shire Council Records Management Policy
- CS310 Narrandera Shire Council Access to Council Information Policy

9. VARIATION

Council reserves the right to review, vary or revoke this policy in accordance with legislation, regulation and award changes, where applicable. Council may also make changes to this policy and the relevant procedures from time-to-time to improve the effectiveness of its operation.

10. PREVIOUS VERSIONS

Reference to a superseded policy number and/or name is also considered a reference to the new policy number. This policy was previously named:

- N/A

POLICY HISTORY

Responsible Officer	Position Title		
Approved by	General Manager		
Approval Date	4 December 2020		
GM Signature <i>(Authorised staff to insert signature)</i>			
Next Review	1 December 2022		
Version Number	Endorsed by ELT	Endorsed by Council	Date signed by GM
1 Adopted	25/08/2020	20/10/2020	4/12/2020
2 Reviewed			

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11. Acknowledgement of Training Received

I hereby acknowledge that I have received, read and understood a copy of Council's Body Worn Video Policy.	
Employee Name	
Position Title	
Signature	
Date	