

5.5. BODY WORN CAMERA GENERAL POLICY

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DEPARTMENT	Environment and Planning

RECOMMENDATION

That Council adopt the Body Worn Camera Policy.

EXECUTIVE SUMMARY

Council's Authorised Persons use body worn cameras while exercising their powers under local laws and delegated State legislation. The policy intends to provide those staff who have been issued body worn cameras as part of their role, clear guidelines for the use of the cameras and the storage of recordings.

BACKGROUND

Council's local laws officers have been using body worn cameras since 2016. There has been a general acceptance and acknowledgement across a number of industries, including local government, of the benefits of their use, for both the officer using the camera and the customers they are interacting with.

The *Information Privacy Act 2009* (the Act) contains a number of privacy principles which set out the rules for how agencies are to collect, manage, use and disclose personal information, including video footage.

The Act also contains a number of provisions specific to law enforcement functions carried out by agencies and acknowledges an agency's use of personal information for investigation and enforcement purposes, including:

- Prevention, detection, investigation, prosecution or punishment of breaches of the law which impose penalties or sanctions.
- Preparation for, or conduct of, proceedings before any court or tribunal.

As the use of body worn cameras has become more popular within local government, councils have adopted a best practice approach of introducing a policy to their organisation to inform staff of their responsibilities and to provide transparency to their customers.

COMMENTS

The Local Government Association of Queensland is currently lobbying the State Government to consider amending the *Local Government Act 2009* to specifically address the use of body worn cameras in Councils. If the amendments are forthcoming, the proposed policy may be able to be rescinded or may require some modification to address any State changes.

PROPOSAL

That Council adopt the Body Worn Camera Policy.

FINANCIAL/RESOURCE IMPLICATIONS

There are no immediate financial or resource implications. The cameras assist with swiftly resolving complaints regarding officer conduct and other similar matters, reducing resources required to investigate and resolve complaints, proving to be an additional positive outcome of their function.

However, Council must consider that by adopting the policy they are committing to the use of body worn cameras, which will require replacement from time to time, continued training of staff, and the ongoing management and storage of the recordings.

This may include investment in on-site data storage or ongoing annual license fees for evidence management software, with initial costs already being budgeted for in the current financial year.

RISK MANAGEMENT IMPLICATIONS

Body worn cameras have been proven to de-escalate the behaviors of some individuals and provide additional safety to officers. They have also proven invaluable during court proceedings undertaken by both Council and QLD Police. Having a policy ensures the ongoing use of the cameras to support Council staff and reduce the risk of any confusion regarding their responsibilities, providing greater protection to the public.

SUSTAINABILITY IMPLICATIONS

Economic: Nil

Environmental: Nil

Social: The use of body worn cameras is not popular with all the customers Council's authorised persons interact with. However, the benefits derived from the use of the cameras outweigh any discomfort felt by certain individuals.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2019-2024 Initiatives:

Theme 5 - Robust Governance and Efficient Service Delivery

Strong governance and financial management are the foundations of the way in which Council will conduct its business and implement the initiatives of the Corporate Plan.

Goal 1 - We will conduct Council business in an open and transparent manner with strong oversight and open reporting.

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:

Regulator Council has a number of statutory obligations detailed in numerous regulations and legislative Acts. Council also makes local laws to ensure that the Shire is well governed. In fulfilling its role as regulator, Council will utilise an outcomes based approach that balances the needs of the community with social and natural justice.

CONSULTATION

Internal: Local Laws Officers, Management Team

External: Nil

ATTACHMENTS

1. Body Worn Cameras Policy [5.5.1 - 3 pages]

86. BODY WORN CAMERAS POLICY

Purpose

This policy provides guidance to staff and contractors, and the general public, on the ethical, lawful and efficient use of body worn cameras (BWC) and recorded data. It aims to ensure that any audio/video data collected through the use of these devices will only be used, or provided to any third party, in accordance with Council policies, procedures and legislative requirements.

Body camera technology will be used by Douglas Shire Council to promote and maintain a safe work environment (for example, by discouraging and documenting occupational violence), and provide evidence where required to investigate complaints.

Scope

This policy applies to all staff who are required to wear and use body worn cameras (BWC) in the course of performing their duties for Douglas Shire Council.

This policy also applies to Management, Records and Information and Communication Team (ICT) personnel and contractors insofar as they have supervisory and technical responsibilities in relation to body worn cameras.

This policy does not apply to the administration and operation of fixed CCTV systems.

Principles

Authorised persons who, as part of their normal duties, are responsible for engaging with individuals or entities for the purpose of compliance and enforcement activities, should utilise a BWC in the exercise of their powers. The use of these devices is intended to:

- Assist in the lawful collection of evidence for actual or suspected breaches of legislation, including delegated State legislation and 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 complaint.
- Assist in the investigation of allegations of inappropriate conduct by officers

Training

All staff required to use a BWC will receive training including:

- a. Practical use of equipment; and
- b. Operational guidance, e.g., when to commence and cease recording; and

- c. Legal implications of using such equipment.

Use and Security

BWC will be stored in a secure location when not in use. They will be issued to individual officers, who will be responsible for the correct operation of the device, including ensuring they are fully charged before each shift.

The loss or theft of any BWC is to be immediately reported to the relevant supervisor.

BWC will be used at all times when the Authorised Person is exercising their powers and will be worn on a prominent location of the officer’s body, uniform or clothing.

Where practicable, officers will inform the individual (or group) that the BWC is recording. However, it is acknowledged that this is not a legal requirements in the State of Queensland and as such, there may be occasions when to do so would escalate the incident or put the officer in danger if such a warning was given.

Data Management

Recordings must be downloaded from the BWC for storage on Council’s evidence management software or other secure file location, as determined by the officers relevant supervisor or manager, in consultation with ICT, and in line with any of Council’s policies regarding information security or data compliance.

All recordings are a record of Council and must not be accessed or distributed, unless authorised.

Recordings will, upon request, be made accessible as soon as practicable to the Queensland Police Service and other law enforcement agencies, if it is deemed “reasonably necessary” for a law enforcement activity.

Members of the public who have been identified as being recorded by a BWC may request access to the footage, as per the *Right to Information Act 2009* and Chapter 3 of the *Information Privacy Act 2009*.

Related Legislation

- Information Privacy Act 2009 (QLD)*
- Right to Information Act 2009 (QLD)*
- Public Records Act 2002 (QLD)*

Related Documents

Douglas Shire Council Code of Conduct

Policy Review

This policy is to be reviewed whenever legislation changes, or every 4 years if no changes have been required to be enacted, at the direction of the Chief Executive Officer.

Policy Details

Policy Name	Body Worn Cameras Policy
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Policy Number	86
Policy Version	1
Document Number	
Endorsed by	Chief Executive Officer
Policy Type	Council
Approval Authority	Council
Date Adopted	
Time Period	4 years
Review Date	
Policy Department	Environment & Planning
Link to Corporate Plan	Robust Governance and Efficient Service Delivery
Revoked/Superseded	

This policy is to remain in force until otherwise determined by Council.