

POLICY:

Wearable Video Camera Policy

Adopted by Management 28 October 2015

Purpose

This policy establishes instructions for the implementation, carriage and use of wearable video cameras by some Grey District Council employees while they are on duty. The wearing of video cameras by staff is intended to:

- Minimise the risk of personal harm to staff; and
- Provide additional evidence to investigate complaints.

Background

The Council must ensure it meets its obligation under the Health and Safety in Employment Act 1992 in respect of minimising the risk to our staff.

Animal Control Officers, Parking Wardens and Compliance staff have, in New Zealand, increasingly become the target of verbal abuse, threatening behaviour and physical assaults.

For example, Animal Control Officers are regularly required to enter onto land and premises to execute their powers under the Dog Control Act 1996. Often this means interacting with people present on the land or in premises and can involve officers coming into contact with dangerous people or situations.

In these compliance focussed situations, it is not always possible to isolate or eliminate the risk of personal harm during the course of normal work activities. Despite the best of intentions, the volatile response of customers can turn a routine interaction into a potential threatening situation for staff.

The Council is legally obliged to minimise the risk to its employees.

The experience of other regulatory agencies indicates that wearing video cameras has a direct effect on the attitude and demeanour of those members of the public engaging with an on-duty officer. The introduction of wearable video cameras will be an effective way of minimising personal harm to regulatory staff and will avoid the need to move to other means of self-defence for officers, such as physical contact, or the carriage and use of other personal protection equipment.

The implementation of wearable video cameras is:

- A progressive step to improve officer safety in the current environment; and
- Complements the existing radio telephone and Global Positioning Systems (GPS) already deployed in vehicles used by officers.

The implementation of wearable video cameras provides three key opportunities to improve safety for staff. They will:

- Provide vital information about the incidence, nature and severity of verbal abuse, threatening behaviour and physical assaults towards officers which in turn will provide statistical information on which training in techniques that can be deployed to de-escalate situations can be based;

- Encourage members of the public to modify their behaviour toward regulatory staff because they will be aware that their poor and inappropriate behaviour is being recorded; and
- Provide a record of events where such behaviour needs to be referred to the Police because a prosecution is being undertaken as a result of the abuse, intimidation, threatening behaviour and/or assault that has occurred to further ensure the future safety of officers.

Policy Statements

The following statements have been developed to ensure the Council meets the principles of the Privacy Act 1993 regarding the implementation, carriage and use of wearable video cameras by Council employees.

Advising the community

The Council will advise the community of the introduction of wearable video cameras in a number of ways:

- Via the Monthly report to Council.
- Verbal advice by the officer wearing the device. At any time when the device is operated, the officer must advise the individual being videotaped. In cases where this is immediately impracticable, the individual must be advised as soon as it is practicable to do so.

Privacy

Maintaining the privacy of individuals is of primary importance. The use and storage of electronic recordings will be rigorously managed to ensure the information is secure and may not be used for any purpose that may infringe any privacy principles as outlined in the Privacy Act 1993 Part 2 (Information Privacy Principles) and in particular the following principles:

- Principle 5 - Storage and security of personal information;
- Principle 6 - Access to personal information;
- Principle 9 - Agency not to keep personal information for longer than necessary;
- Principle 10 - Limits on use of personal information; and
- Principle 11 - Limits on disclosure of personal information.

Conditions of use

The conditions of use are:

- The wearable video cameras (device) will only be carried and operated by Council staff who have been trained in their use;
- The device must be worn on the uniform at all times when on duty;
- The device must not be used for any purpose other than personal harm reduction and, where appropriate, training;
- The device must remain in the off position at all times unless the officer believes on reasonable grounds that an event of abuse and/or assault may take place;
- At any time when the device is operated, the officer must advise the individual being videotaped. In cases where this is immediately impracticable, the individual must be advised as soon as it is practicable to do so;
- The device may not be activated for any other purpose that is not related to the officers role except where circumstances present, in the course of normal duties as outlined herein; and
- The device may continue to record on private property provided the recording was initiated in a public place and the officer has involuntarily entered on to private property. (This covers the officer in the event an assault continues e.g. the officer is pushed onto private property).

Storage of images

The information recorded will be:

- Camera images will only be used for intended purposes;
- Recorded footage will only be viewed by authorised personnel;
- The storage of images will be on systems which have access limited to those with appropriate delegation. Unauthorised personnel will not be able to obtain access to images;
- Each time footage is accessed, it will be recorded in a log;
- Some recordings and images may be retained for the purposes of resolving incidents and/or to assist in any legal proceedings and/or for training;
- Footage will only be used for training purposes where a complaint has been received about the actions/conduct of an officer; or where individuals cannot be identified either by an image of the individual or by an image of information that could lead to the identification of the individual, unless the individual has given consent;
- Images of people not connected to the event will be blurred to avoid possible identification of that individual. This will be the responsibility of those personnel authorised to view the recorded footage; and
- Images will be held for no longer than necessary depending on how the information will be used – namely dispute resolution, enforcement and training. Decisions regarding the retention of material will be made within seven (7) days of the information being collected. Retention may be up to two (2) months unless being used for data analysis and programme planning, in which case it may be necessary to keep for 5-10 years. Council will meet its obligations for retention and disposal of images under the ALGIM Retention and Disposal Schedule. Formal approval for disposal of records will be based on the direction of the Chief Archivist, Archives NZ; and
- Recordings may, under no circumstances, be deleted other than by the Corporate Services Manager in line with Archive principles and approvals.

Release of images

- Any material obtained and stored must be directly relevant to the purpose for which it has been stored in the event it is used as evidence in any court proceeding or training.
- Agencies or individuals wishing to view footage must formally make a written request for consideration. This will be treated as an Official Information Request and access will be determined based on all relevant legislation.
- The Council's legal advisers/Management will view all footage prior to releasing it to any agency and or individual who makes any request for the release of images.
- For any video evidence to be admissible in respect of a prosecution, it must be deemed relevant by the court.

Disciplinary considerations

Breaching the rights of individuals in respect of privacy is a serious matter.

Council officers who are authorised to operate wearable video cameras and access video footage are accountable for their actions. The manner in which Council officers use wearable video cameras will be audited to ensure they are not using it for any other purpose other than to minimise the risk of personal harm to staff and/or minimise the chance of harm to a member of the public.

The Council will investigate any suspected breach of conditions of use of a wearable video camera by a Council officer.

Any confirmed breach of the conditions of use, storage of images and release of images of this policy may be a breach of the Privacy Act 1993 and will be treated as non-compliance with the Council's Employee Code of Conduct and subject to disciplinary action.

Review of the use of wearable video cameras

The use of wearable video cameras will be reviewed every three years to ensure that the operation of the initiative remains fit for purpose meets its objectives and is operationally robust.