



City of Grand Forks
7217 4th Street
Grand Forks, BC V0H 1H0
250.442.8266
www.grandforks.ca

Council Policy

Personal Recording Devices

Approval Date: September 20, 2022

Resolution No.: R231/22/09/20

Rescinded: N/A

Contact Department: Corporate Services

Purpose

The purpose of this policy is to set guidelines for the implementation of Body Worn and Dash Cameras by City of Grand Forks (the 'City') employees in a way that balances the maximum benefits of these technologies without compromising the privacy rights of the public and employees, and to set the rules for governing access to, and disclosure of, stored video footage and images.

Intent

The City is committed to the ongoing protection of the health and safety of our employees, volunteer fire fighters, other volunteers, customers and visitors as well as the protection of property, both physical and intellectual. In pursuit of this commitment, City of Grand Forks Bylaw and Emergency Services Staff may use Body Worn and Dash Cameras in support of their duties and to enhance employee safety. The City of Grand Forks will take reasonable steps to balance the privacy rights of individuals with the anticipated enforcement benefits of using the technology. The purpose for using *Camera Equipment* is to:

- reduce safety risks to Officers working alone;
- provide additional evidence;
- augment current note taking practices and improve evidence documentation;
- determine the accuracy of claims made by the public against Officers;
- help de-escalate and reduce potential conflicts; and
- provide greater insight into service delivery and identifying good practice.

Definitions

In this policy,

“**BWC**” means Body Worn Camera equipment owned and operated by the City.

“**Camera Equipment**” means *BWC* and *DBC*.

“**DBC**” means Dash Board Camera equipment owned and operated by the City.

“**FOIPPA**” means the Freedom of Information and Protection of Privacy Act, as amended or replaced from time to time.

“**Officer**” means City of Grand Forks Bylaw Officers and City of Grand Forks Fire Chief Officers employed by the City.

“**Video Recordings**” means recordings performed using a video or still picture camera designed to monitor and/or record activity; includes *Camera Equipment* recordings.

Scope

Camera Equipment will be solely for the use of *Officers*. The provisions of this policy apply to all *Officers* appointed by the City and anyone identified herein as having access to recorded information.

Policy Statements

Video Recordings

The City has a legal right and obligation to protect individuals and its assets, and the right to use *Video Recordings* and *Camera Equipment* for this purpose. *Camera Equipment* can be useful in deterring crime and

increasing safety for *Officers* in unsupervised areas where full time live surveillance is an unreasonable expectation or where costs are prohibitive. It is acknowledged that *Camera Equipment* can be construed as an unreasonable invasion of personal privacy and the installation of *Camera Equipment* should only be considered once a Privacy Impact Assessment (PIA) has been complete. It should also be acknowledged that the deployment of *Camera Equipment* by the City is not intended to infringe on the guaranteed rights and freedoms of individuals in any way by monitoring personal activity in public spaces.

General Camera Equipment Guidelines

1. The Chief Administrative Officer (CAO) will develop any specific policies and procedures required that exceed this policy.
2. All *Camera Equipment* must be compatible with the City's overall *Video Recordings* platform in use for video surveillance as per the Video Surveillance Policy No. 1001.
3. Only *Camera Equipment* issued by the City is permitted to be used for *Video Recordings*. The *Camera Equipment* utilized by the City must not allow *Officers* to view and edit/delete the *Video Recordings* on the *Camera Equipment*.
4. Before *Camera Equipment* is issued, the *Officer* will receive an orientation and training on the use and operation of the *Camera Equipment* as well as on the City's associated policies and procedures.
5. *Camera Equipment* is only permitted to be used by the *Officer* in the course of regular duties. A *DBC* mounted in a Fire Department *Officers* vehicle, may be activated during an emergency response event by a volunteer fire department member acting as the driver, but only if the volunteer has read and understood this Policy.
6. 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.
7. A *DBC* is considered part of the *Officers* vehicle and should be mounted in the vehicle at all times.
8. At the start of each shift, the *Officer* shall ensure that the *Camera Equipment* is working correctly, check that the battery is charged, or that the power source is connected.
9. Any stolen, misplaced, or malfunctioning *Camera Equipment* must be reported immediately to the department head and subsequently to the Information Technology department.

Notifying the Public

10. Where practical and safe to do so, the *Officer* will make efforts to inform the public if/when they are being recorded.
11. *BWC*'s must be equipped with indicator lights that shows the *BWC* is recording.
12. If practicable, *DBC* should be utilized that support indicator lights for when recording is active.

Recording

13. When working outside of the office, an *Officer's Camera Equipment* should be attached to the upper part of the uniform, be clearly visible, powered on, and ready for activation. For *DBC* use, the *Camera Equipment* should be mounted in the vehicle, be powered on, and only activated when responding and attending to an event.

14. The following guiding principles should be followed when determining when to record:
 - a. When responding to an action request, the *Officer* will activate the *Camera Equipment* and continue to record until the *Officer* leaves the location of the incident.
 - b. If an *Officer* enters any situation where conflict of any type is possible, the *Officer* should activate the *Camera Equipment* and continue to record until the event has completely finished.
 - c. 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 *Camera Equipment* and continue to record until the event is completely over.
 - d. Using their discretion, an *Officer* may choose to activate the *Camera Equipment* at any time; however, the *Officer* must be able and prepared to articulate their reasons for doing so.
15. As far as practicable, every effort should be made to minimize the recording of bystanders and persons not involved in an incident.

Exceptions to Recording:

16. 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.

Storage and Retention

17. All *Video Recordings* shall be stored securely in an access-controlled area.
18. The City shall retain all *Video Recordings* for approximately 7-21 days. The retention period is directly related to the available storage space and recording quality. As such, the system is designed to fill the storage and then recycle the space through degradation and deletion to ensure that at a minimum approximately 7 days of recordings are available if required.
19. Footage will be retained more than the normal retention period of 7-21 days where the footage is required as part of an investigation, or for the purposes of evidence.
20. Any recorded information that is related to a complaint regarding officer conduct, will be retained for 2 years if the complaint was received in time before the retention period of 7-21 days expired.

21. All *Video Recordings* created by means of *Camera Equipment* shall be the sole property of the City, and may not be taken, reproduced, or destroyed for any reason without prior express written permission.
22. All recorded information will be uploaded by the *Camera Equipment* onto the secure video servers.
23. Recorded information will be retained in accordance with this policy and then disposed of in a secure manner in accordance with the *City Video Surveillance Policy No. 1001*, as amended or replaced from time to time, and if longer retention is required, follow the City's *Records and Information Management Program (RIMP)* Policies as amended or replaced from time to time.

Access to view Camera Equipment Recordings

24. *Video Recordings* will only be reviewed if an event has taken place that requires the recordings to be reviewed.
25. Recorded information will not be used for the purpose of evaluating employee performance, except in the case that it is relevant to an investigation of a public complaint against an *Officer*.
26. To ensure the ongoing privacy of City staff and the public at large, the City will ensure that only authorized personnel shall be allowed to operate *Video Recording* equipment, and review recordings.
27. Reasons to access recordings include such instances as:
 - a. The need to identify individuals that have been involved with, or incidents that have resulted from:
 - i. Mischief
 - ii. Criminal behavior
 - iii. Vandalism
 - iv. Harm to another individual
 - v. Theft, including theft from vehicles
 - vi. Other such nuisances that the City finds necessary to investigate
 - vii. Other instances that may arise, but access to the data must first be approved by the CAO - unless life or safety is at risk, at which point it would be considered an emergency and emergency personnel (Fire, Police, Ambulance, or other) may request access.
 - viii. A personal injury accident
 - b. The need to review *Video Recordings* to document an event in more detail, for example initial conditions when arriving at a fire response event.
 - c. The need to review *Video Recordings* to create training materials for City departments, such as the fire department. In such training videos all personal identifiable information (including that of *Officers*), unless written consent was given, must be removed first, can not be part of an active proceeding (e.g. any criminal or disciplinary procedures), and the final video must be approved by the CAO before being utilized. Approved training videos may be retained for as long as required.
28. Except for requests by law enforcement agencies, individuals must submit a formal request to view recordings, and the request will be subject to approval by the CAO.
29. If any law enforcement agency requests access to the City *Video Recordings*, the City will act in accordance with the law, and provide the materials as necessary.
30. Requests for access to recordings shall be undertaken in compliance with the *Freedom of Information and Protection of Privacy Act (FOIPPA)* as amended or replaced from time to time.

31. All activities regarding access to recordings from outside of the organization and the disposal of recordings shall be documented. Only authorized personnel shall have access to the surveillance activities documentation.
32. Authorized personnel shall be the only parties eligible to delete recordings, and then only in accordance with this policy, and following the expiration of the approximately 7-21 day retention period, notwithstanding the requirements for retention in the event of an investigation or for the purposes of evidence.
33. Where recordings are disposed of, they must be deleted or destroyed in such a manner as to ensure that they cannot be viewed or accessed by anyone.

Unauthorized Access and/or Disclosure (Privacy Breach)

34. Any City employee who witnesses the unauthorized disclosure of any *Video Recordings* that are in violation of this policy, and/or a potential privacy breach must report the incident to City management immediately.
35. The City will investigate all reported breaches of privacy, unauthorized viewings or disclosures. Any breaches of this policy may result in disciplinary action up to and including termination of employment.

Exclusions

This policy is not applicable to any requirements imposed by another level of government on the RCMP (Royal Canadian Mounted Police) or other police services.

Related Bylaws and Policies

- City of Grand Forks Video Surveillance Policy No. 1001
- City of Grand Forks Records and Information Management Program (RIMP)

Resolutions and Amendments

- R231/22/09/20 – Council Policy No. 1002 Established