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**Canadian Policing and Body-worn Cameras:  
A Proposed Body-worn Camera Policy Framework**

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## Framework Purpose and Preparation

Body-worn cameras (BWCs) are increasingly being used by police in Canada and internationally. Promoting consistency in police practice is an important feature of Canadian policing. Research is still needed to identify specific evidence-based policy recommendations regarding BWCs, but a national BWC policy framework for services to reflect on when crafting their own BWC policy is a useful resource for Canadian police services.

Policy guidance for police services adopting BWCs in Canada have been sparse. The Office of the Privacy Commissioner of Canada (2015) produced a national framework for BWC implementation and practice – which prioritizes privacy-oriented concerns – and, more recently, the Government of British Columbia updated the Provincial Policing Standards (2019) to include a guideline for police services adopting BWCs. The framework presented here draws from and builds on these guidelines (as well as existing Canadian police BWC directives) to produce a more comprehensive policy framework for services considering BWCs. In doing so, the framework assists the Canadian police community in important ways. First, the framework encourages the proliferation of BWC directives that consistently address the same core topics and offers recommendations to encourage further consistency in practice while giving individual police services the freedom to develop BWC directives that are contextually appropriate and flexible to change (allowing for the incorporation of forthcoming evidence regarding optimal BWC protocols). Second, the framework diminishes the resources required by individual police services as they engage in their own fact-finding missions on extant BWC policy and develop their BWC directive. Third, the use of more standardized BWC directives reduces the risk that an individual police service’s directive will be challenged.

This framework (see Appendix B) and the accompanying examples from Canadian BWC policies (see Appendix C) were produced following a review of all available Canadian police BWC directives. Appendix B provides an overview of the general content that services are recommended to broach in their directives (and, when appropriate, prescriptive recommendations) along with numeric superscripts; these superscripts direct the reader to specific examples of policy statements developed by other Canadian services in Appendix C. To create the framework, effort was made to contact all municipal, provincial, and national police services across Canada. In total, 143 police services were contacted between December 2018 and August 2019, and 127 (89%) responded to the request for information (see Appendix A). Of the responsive services, 13 (10%) indicated that they had developed a BWC directive and were willing to share that directive to assist with this project.<sup>i</sup> This framework was formed based on a content analysis of these directives, the existing Canadian BWC guidelines noted above, and the working group’s knowledge of ongoing and emerging areas of importance in BWC research and policy development.

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<sup>i</sup> These services are: Amherstburg Police Service (ON), Bathurst Police Service (NB), Calgary Police Service (AB), Durham Regional Police Service (ON), Edmonton Police Service (AB), Fredericton Police Force (NB), Kennebecasis Regional Police Force (NB), Kentville Police Service (NS), Medicine Hat Police Service (AB), Saint John Police Force (NB), Thunder Bay Police Service (ON), Toronto Police Service (ON), and Victoria Police Department (BC).

## Appendix A: Police Services Contacted

### **National**

Royal Canadian Mounted Police

### **Provincial**

Ontario Provincial Police

Royal Newfoundland Constabulary

Sûreté du Québec

### **Municipal**

#### **Alberta**

Calgary Police Service

Camrose Police Service

Edmonton Police Service

Lacombe Police Service

Lethbridge Police Service

Medicine Hat Police Service

Taber Police Service

#### **British Columbia**

Abbotsford Police Department

Central Saanich Police Service

Delta Police Department

Nelson Police Department

New Westminster Police

Department

Oak Bay Police Department

Port Moody Police Department

Saanich Police Department

Vancouver Police Department

Victoria Police Department

West Vancouver Police Department

#### **Manitoba**

Altona Police Service

Brandon Police Service

Morden Police Service

Rivers Police Service

Sainte-Anne Police Department

Springfield Police Service

Winkler Police Service

Winnipeg Police Service

Victoria Beach Police Service

#### **New Brunswick**

Bathurst Police Force

BNPP Regional Police Service

Edmundston Police Department

Fredericton Police Force

Kennebecasis Regional Police Force

Miramichi Police Force

Saint John Police Force

Woodstock Police Service

#### **Nova Scotia**

Amherst Police Department

Annapolis Royal Police Department

Bridgewater Police Service

Cape Breton Regional Police Service

Halifax Regional Police Service

Kentville Police Service

New Glasgow Regional Police Service

Stellarton Police Department

Truro Police Service

Westville Police Department

### **Ontario**

Amherstburg Police Service

Aylmer Police Service

Barrie Police Service

Belleville Police Service

Brantford Police Service

Chatham-Kent Police Service

Cobourg Police Service

Cornwall Community Police Service

Deep River Police Service

Dryden Police Service

Durham Regional Police Service

Gananoque Police Service

Greater Sudbury Police

Guelph Police Service

Halton Regional Police Service

Hamilton Police Service

Hanover Police Service

Kawartha Lakes Police Service

Kingston Police Service

LaSalle Police Service

London Police Service

Niagara Regional Police Service

North Bay Police

Orangeville Police Service

Ottawa Police Service

Owen Sound Police Service

Peel Regional Police Service

Peterborough Police Service

Port Hope Police Service

Sarnia Police Service

Sault Ste. Marie Police Service

Saugeen Shores Police Service

Shelburne Police Service

Smith Falls Police Service

South Simcoe Police Service

St. Thomas Police Service

Stratford Police Service

Strathroy-Caradoc Police Service

Thunder Bay Police Service

Timmins Police Service

Toronto Police Service

Waterloo Regional Police Service

West Grey Police Service

West Nipissing Police Service

Windsor Police Service

Woodstock Police Service

York Regional Police Service

### **Prince Edward Island**

Charlottetown Police Service

Kensington Police Department

Summerside Police Service

### **Québec**

Blainville Police Service

Bromont Police Service

Châteauguay Police Service

Collines-de-L'Outaouais Police Service

Gatineau Police Service

Granby Police Service

Joliette Regional Police Service

L'Agglomération de Longueuil Police

L'Assomption Police Service

Lac des Deux-Montagnes Police

Laval Police Service

Lévis Police Service

Mascouche Police Service

Memphrémagog Police Service

Mercier Police Service

Mirabel Police Service

Mont-Tremblant Police Service

Montréal Police Service

Québec City Police Service

Repentigny Police Service

Richelieu Saint-Laurent Police

Service

Roussillon Police Service

Saguenay Police Service

Saint-Eustache Police Service

Saint-Jean-sur-Richelieu Police

Service

Saint-Jérôme Police Service

Sherbrooke Police Service

Terrebonne Police Service

Thérèse-De Blainville Police Service

Thetford Mines Police Service

Trois-Rivières Police Service

### **Saskatchewan**

Caronport Police Service

Corman Park Police Service

Dalmeny Police Service

Estevan Police Service

Luseland Police Service

Moose Jaw Police Service

Prince Albert Police Service

Regina Police Service

Saskatchewan Highway Patrol

Saskatoon Police Service

Vanscoy Police Service

Weyburn Police Service

## Appendix B: Body-worn Camera Policy Framework

*Police services drawing on this resource are encouraged to incorporate the spirit of its contents into their BWC policies and/or procedures, but police services in Canada vary in their resource capacity, approach to policy and/or procedure organization, and existing policies and/or procedures relevant to BWCs. These factors will influence the nuances of a specific service's BWC policy and/or procedure.*

### Section (1) Privacy Impact Assessment

The Office of the Privacy Commissioner of Canada recommends that all police services considering BWCs conduct a Privacy Impact Assessment (PIA) specific to the use of BWCs.<sup>ii</sup> The PIA should consist of a local examination of four criteria:

1. Whether BWCs are beneficial to the agency and not simply adopted as a popular trend.
2. Whether BWCs will prove effective in producing the desired benefits.
3. Whether benefits of BWC adoption are proportionally justifiable given losses of privacy.
4. Whether there are alternatives to BWCs that might achieve the desired outcomes while infringing less on rights to privacy.

### Section (2) Definitions of Special Terms

Provide an alphabetized list of special terms that are used in the directive.<sup>1</sup>

Special terms are those that are unique to the use of BWCs but may also include those that are familiar to the policing community but not persons outside of that community.

### Section (3) BWC Program Purpose

State the purpose or rationale underlying the service's adoption of BWCs.<sup>2</sup> These rationales are expected to be reasonably consistent with the examples provided but should be developed in consultation with community representatives.

### Section (4) Relevant Legislation, By-Laws, and Service Directives

Provide a list of existing governance documents that are relevant to the service's use of BWCs.<sup>3</sup>

Relevant governance documents may include federal legislation, provincial legislation, and municipal by-laws that have informed the creation of the BWC directive, as well as other service directives (e.g., note-taking, data retention) mentioned in the BWC directive.

### Section (5) Training Requirements for BWC Users

State that BWC users are required to complete training prior to BWC use and that BWC training<sup>iii</sup> will be embedded in annual recertification training.<sup>4</sup>

Consider outlining details of the training such as time requirements or re-qualification training.

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<sup>ii</sup> Activities related to, but unique from, the use of BWCs (e.g., the use of facial recognition software) should be accompanied by a distinct PIA.

<sup>iii</sup> Including muscle memory development as well as technology, legal, and policy updates.

## Section (6) BWC Users: Guidelines and Responsibilities

Specify who will be required to wear and use a BWC (e.g., only frontline, uniformed sworn members).

Summarize guidelines that will assist the BWC user in their responsible use of the BWC. Key guidelines drawn from existing Canadian BWC directives are presented below.

### s.(6(1)) Equipment Assignment and Sign-Out.

State the protocols governing equipment assignment.

This statement may include, but is not limited to, details such as: prohibitions on BWCs that are not service-issued,<sup>5A</sup> descriptions of how BWCs will be assigned, statements of how BWCs will be signed-out/in,<sup>5B</sup> and protocols to be followed if a BWC is lost or stolen.<sup>5C</sup>

### s.(6(2)) Wearing during Special Duties.

State whether users are expected to wear the BWC while performing special duties (e.g., special events staffing, paid duties).<sup>6</sup>

### s.(6(3)) Activation, Use Expectations, and Deactivation.

State that BWC users are not expected to record continuously and should only activate the recording function of the BWC when circumstances dictate the BWC's use.<sup>7A</sup>

Specify, as clearly and concisely as possible, the circumstances under which the user is expected to activate the BWC.<sup>7B</sup> In general, it is recommended that BWC users be advised to activate the BWC as soon as reasonably possible, prior to arriving to a call for service, for all prescribed investigative and enforcement contacts.

State if any practices are expected to accompany activation.<sup>7C</sup>

Specify key expectations associated with using<sup>7D</sup> the BWC including protocol(s) to be followed if the user fails to activate the BWC or if the BWC malfunctions.<sup>7E</sup>

Specify the circumstances under which the user is expected to deactivate the BWC and any practices that are expected to accompany deactivation.<sup>7F</sup> It is recommended that if the user chooses to deactivate the BWC before the conclusion of an investigative or law enforcement contact (e.g., for reasons outlined in 6(4)), that the user state aloud the reason for BWC deactivation prior to deactivating the BWC.

When not recording an event, if possible,<sup>iv</sup> the BWC should be placed in a buffering mode that allows the BWC to continuously record in short time loops (e.g., 30 seconds) but not save the content captured to permanent memory until the BWC is activated. State whether the buffering mode will be used and specify details associated with this mode. These details may include, but are not limited to, topics such as: buffering length (e.g., 30 seconds) and whether only video or also audio content from the buffering mode will be transferred to permanent memory once the BWC is activated.

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<sup>iv</sup> Not all BWC technology may have this capability. There may be a need to set ideal minimum standards regarding capabilities of BWCs that are to be used by police services.

### **s.(6(4)) Content to Avoid Recording and Content of a Sensitive Nature.**

Specify any persons, situations, locations, and/or content that users are expected to avoid recording with the BWC<sup>8A</sup> and state that user discretion<sup>v</sup> related to recording activation or deactivation should be minimal.<sup>8B</sup>

While discretionary (de)activation of the BWC should be minimal, provide examples that assist users in reflecting on when recording may undermine human dignity, and discretion is therefore appropriate.<sup>8C</sup> Examples may include, but are not necessarily limited to, situations involving: undressed persons, sexual assault survivors, or next of kin notifications.<sup>8D</sup>

### **s.(6(5)) Alternative Recording Options: Muting and Lens Repositioning.**

State that the user is permitted to use alternative recording options (e.g., muting<sup>9A</sup> and/or lens repositioning<sup>9B</sup>) to assist in managing challenges presented by circumstances outlined in s.(6(4)). It is recommended that if the user chooses to engage an alternative recording option, prior to doing so, the user should state aloud the reason for using the alternative recording option.

### **s.(6(6)) Notification of Recording.**

State that the user is expected to verbally notify others (both subjects and colleagues) when the BWC is recording as soon as reasonably possible.<sup>10A</sup> In addition, it is recommended that a decal be placed on the BWC to draw attention to the BWC as a recording device.

Consider including a clear statement that BWCs are not to be used for covert recording.<sup>10B</sup>

### **s.(6(7)) Community Consent Considerations.**

Whenever a user is lawfully engaged in investigative or law enforcement actions, they are not required to receive consent from subjects to use a BWC to record an interaction.<sup>11A</sup> Consider suggesting explanations for continued recording that the user can offer to a subject disgruntled by a BWC.<sup>11B</sup>

State contexts in which subjects have a heightened expectation of privacy that require the user to receive subject consent or deactivate the BWC (e.g., in a private dwelling house where lawful officer presence is dependent upon owner/occupant consent, or in a health care facility when the officer is not actively engaged in an investigative or law enforcement function).<sup>11C</sup> Specify if there are any other contexts in which consent will be required (e.g., particular types of subjects, such as victims).

### **s.(6(8)) Video Viewing and Facilitation of Subject Video Viewing.**

State that the user is permitted to view their BWC recordings.<sup>12A</sup>

State whether the user is permitted to facilitate subjects viewing BWC video segments that feature them.<sup>12B</sup>

### **s.(6(9)) Notes and Report Writing.**

Specify when the user is allowed to view their BWC video in relation to note-taking (i.e., whether officers are permitted to review BWC video prior to taking notes or if notes must be written prior to viewing the video with the opportunity to write supplementary notes after viewing the video).<sup>13A</sup> The order of video viewing and

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<sup>v</sup> This refers only to discretion related to BWC use. Officers should not feel compelled to minimize the use of discretion that they are otherwise authorized to use in the fulfillment of their duties.

note-taking is a contentious topic about which there is not yet a clear best practice. At this point, individual services need to carefully consider the best course of action for their community and members.

State that the user is required to indicate that BWC footage exists for an incident in their duty notes and/or report.<sup>13B</sup>

State that BWC video is not permitted to serve as a substitute for officer duty notes and/or reports,<sup>13C</sup> or the need for formal written statements by victims or witnesses, but that BWC video can be used as supporting evidence.<sup>13D</sup>

#### **s.(6(10)) Video Cataloging and Uploading.**

State whether it is the user's responsibility to upload<sup>14A</sup> and catalogue<sup>14B</sup> (e.g., preparing a BWC log and/or synopsis) BWC video.

#### **s.(6(11)) Video Modification, Duplication, or Deletion.**

State that the user is not permitted to modify, duplicate, or delete their BWC recordings.<sup>15</sup>

### **Section (7) Supervisors of BWC Users: Guidelines and Responsibilities**

Summarize the responsibilities of supervisors of BWC users.

Drawing from existing Canadian BWC directives, this summary may include, but is not limited to, details such as: video access and modification privileges,<sup>16A</sup> responsibilities related to video review (including whether and how BWC video might be reviewed for performance management or disciplinary purposes),<sup>16B</sup> and responsibilities in special circumstances such as incidents where the Special Investigation Unit's mandate may be invoked.<sup>16C</sup>

### **Section (8) BWC Management Unit Responsibilities**

Some services may choose to develop a BWC Management Unit. If a BWC Management Unit is being created, summarize the responsibilities of the person(s) or unit tasked with BWC management.<sup>17</sup>

This summary may include, but is not limited to, topics such as: program implementation, user training, device administration, device storage and maintenance, data management, video redaction, and video disclosure. Key tasks that may fall under the purview of this Unit but should be addressed in a BWC policy regardless of such a Unit's existence are presented below.

#### **s.(8(1)) BWC Evidence Storage and Retention.**

State the protocols governing the storage and retention of BWC video.<sup>18A</sup>

Drawing from existing Canadian BWC directives, this statement may include, but is not limited to, details such as: procedures for uploading data and details regarding how data will be stored,<sup>18B</sup> security precautions associated with the stored video,<sup>18C</sup> audit trail requirements,<sup>18D</sup> video retention<sup>vi</sup> and destruction timelines,<sup>18E</sup> and a clear statement on personnel authorized to modify or delete video.<sup>18F</sup>

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<sup>vi</sup> Data should always be held for as limited a time as possible (pursuant to relevant jurisdictional by-laws and legislation regarding retention timelines) in the interest of data protection and privacy.

### **s.(8(2)) BWC Directive and Video Disclosure.**

Summarize guidelines related to the access and release of the BWC directive and BWC video. Key guidelines drawn from existing Canadian BWC directives are presented below.

#### **s.(8(2(i))) External Requests: Media or Public<sup>vii</sup>.**

The service's BWC policy should be publicly accessible.<sup>19A</sup>

State the process by which media and/or public can request access to BWC videos and any requirements necessary to permit the release of video pursuant to applicable provincial and federal legislation.<sup>19B</sup>

#### **s.(8(2(ii))) Internal or Oversight Body Requests.**

In general, the rules governing the use, review, and dissemination of BWC recordings are contained in privacy legislation (e.g., MFIPPA in Ontario).

State the anticipated types of internal requests for access to BWC video and specify the protocols governing: (1) acquiring access to the video, (2) any requirements necessary to permit the release of the video, and (3) any caveats associated with the use of the released video.

Drawing from existing Canadian BWC directives, anticipated requests may include, but are not limited to: detectives conducting ongoing investigations,<sup>20A</sup> training,<sup>20B</sup> supervisory review, standard investigations following officer involvement in a serious injury or death,<sup>20C</sup> or investigative reviews by Professional Standards, Special Investigations Unit, or external oversight bodies.<sup>20D</sup>

#### **s.(8(2(iii))) Court Disclosure of BWC Video.**

State whether the service will redact BWC video for court disclosure.

If the service will redact BWC video for court disclosure, specify the protocols governing the redaction process, the general content that is to be redacted, and the person(s) or unit that will be responsible for redaction.

Specify the timelines governing the disclosure of BWC video to court partners.<sup>21</sup>

### **Section (9) Internal Audits of Adherence to BWC Directive**

State how frequently an internal audit concerning adherence to the BWC directive will be conducted. While subject to resource constraints, such internal audits should be conducted on a regular basis, particularly during early periods of BWC adoption.

If a regular internal audit is to be conducted, specify the purpose of the audit and protocols governing the audit.<sup>22</sup>

### **Section (10) Consequences for Violating the BWC Directive**

State the consequences for violating the BWC directive.

Specify the range of those consequences.<sup>23</sup>

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<sup>vii</sup> Including persons connected to an incident (e.g., family of a subject, victims).



### **Section (11) Additional Considerations Relevant to BWC Directives**

As an emerging police technology, there are additional considerations related to BWC use that have been rarely, or not yet, included in Canadian BWC directives. It is important for police services to prepare BWC directives that consider and comment on the future capabilities of this technology prior to adoption.

Examples may include, but are not limited to, commenting on: transcription expectations and procedures, live streaming,<sup>24</sup> video enhancement or augmentation possibilities (e.g., clarity of image or sound), or exposure of data collected to immediate or subsequent analysis by human analysts or artificial intelligence algorithms.

In all cases, consideration of such practices should be transparently available for public consumption and debate.

### **Section (12) BWC Directive Evaluation**

State that the BWC directive will be subject to cyclical review.

Specify the purpose and protocols of the cyclical review.<sup>25</sup>

## Appendix C: Examples from Canadian Police Services

### Section (2) Definitions of Special Terms

1

Body Worn Camera (BWC) – a wearable video and audio recording system.

Exigent circumstances – circumstances where a delay in taking action would result in danger to human life or safety or where action is necessary to prevent the continuation of an offence which threatens human life or safety.

*(British Columbia Provincial Policing Standards)*

### Section (3) BWC Program Purpose

2

The goals of equipping front-line officers with BWCs are to assist the Service to:

- Enhance public trust, confidence in the police, and police accountability;
- Capture an accurate record of police officer interactions with the public;
- Enhance public and police officer safety;
- Strengthen the commitment to bias free service delivery by officers to the public;
- Provide improved evidence for investigative, judicial, and oversight purposes;
- Ensure fair and timely resolution of complains and reduce unwarranted accusations of misconduct;
- Provide additional supervisory and leadership tools; and,
- Provide information as to the effectiveness of Service procedures and training.

*(Toronto Police Service)*

The purpose of using BWCs is to:

- Provide additional evidence for prosecutions;
- Augment current note taking practices and improve evidence documentation;
- Increase public trust and confidence;
- Increase police accountability;
- Reduce use of force incidences by and against the police by affecting the behaviour of individuals who are aware of the recording in-progress;
- Increase transparency;
- Reduce frivolous complaints about alleged police misconduct;
- Increase the efficiency of resolution of complaints against police;
- Provide early-case resolution in prosecutions; and,
- Provide real-life training examples.

*(Calgary Police Service)*

The purpose of the BWC Project is to determine if the deployment of BWC to frontline members of the Thunder Bay Police Service provides value to our internal colleagues, partner agencies, and the community, specifically with respect to:

- Accuracy and quality of evidence collection and the related judicial and oversight processes.
- Transparency, to maintain trust between our community, internal colleagues, and partner agencies.
- Enhancing accountability for both TBPS Members and the Members of the Community served by the TBPS.
- Provide information as to the effectiveness of service procedures and training.

*(Thunder Bay Police Service)*

### Section (4) Relevant Legislation, By-Laws, and Service Directives

3

The following Federal legislation is relevant to this directive:

- Constitution Act, Part I;
- Canadian Charter of Rights and Freedoms;
- The Criminal Code; and,
- The Privacy Act.

The following Provincial legislation is relevant to this directive:

- Police Services Act and Regulations; and,
- Municipal Freedom of Information and Protection of Privacy Act, Reg. 823.

The following Municipal legislation is relevant to this directive:

- Thunder Bay Police Services Records Retention By-Law.

*(Thunder Bay Police Service)*

Governing authorities:

Federal:

- Constitution Act;
- Canadian Charter of Rights and Freedoms;
- Criminal Code; and,
- Privacy Act

Provincial:

- Police Services Act; and,
- Municipal Freedom of Information and Protection of Privacy Act.

Associated Service Governance:

- LE 015 - Informants and Agents LE 022 - Note taking
- LE 033 - Prisoner transport
- Policy - Freedom of Information
- Policy - Special Investigations Unit

*(Amherstburg Police Service)*

### Section (5) Training Requirements for BWC Users

4

Ensure that officers receive an orientation and training on the use and operation of the BWC equipment as well as the police force's associated policies and procedures prior to being assigned a BWC.

*(British Columbia Provincial Policing Standards)*

#### Officer Responsibilities

- ...Complete the operator training course, available on Training Partner, before using the BWC system...  
(Calgary Police Service)

No police officer shall operate a BWC without having completed the BWC pilot project training.  
(Toronto Police Service)

Participating Members shall...complete the required training when assigned to the BWC Project.  
(Thunder Bay Police Service)

### Section (6) BWC Users: Guidelines and Responsibilities

#### s.(6(1)) Equipment Assignment and Sign-Out.

[5A](#)

Only BWCs which are issued by the police force are permitted to be used.  
(British Columbia Provincial Policing Standards)

[5B](#)

At the end of shift, officers shall place the BWC into the designated charging system.  
(Fredericton Police Force)

[5C](#)

The officer shall report any lost or damaged BWC equipment to the BWC Coordinator.  
(Fredericton Police Force)

Report any lost or damaged BWC equipment to the Supervisor, BWC Unit.  
(Calgary Police Service)

The officer shall report any lost or damaged BWC equipment to the shift NCO or BWC coordinator.  
(Kentville Police Service)

#### s.(6(2)) Wearing during Special Duties.

[6](#)

A member on special event policing duty is conducting that duty according to EPS policies and standards regardless of the location of the duty. Members using BWC should, therefore, wear the device during special event policing duties.  
(Edmonton Police Service)

#### s.(6(3)) Activation, Use Expectations, and Deactivation.

[7A](#)

The BWC is an overt recording device to assist officers in the lawful execution of their duties, BWCs are not intended for 24-hour recording.  
(Amherstburg Police Service)

[7B](#)

When equipped with a BWC, [officers] shall:

- Activate the BWC, as soon as reasonably possible, prior to arriving at a call for service, or at the decision to initiate an investigative contact.  
(Toronto Police Service)

When equipped with a BWC, all members shall activate the BWC, as soon as reasonably possible, prior to arriving at a call for service or at the decision to initiate any investigative contact.  
(Thunder Bay Police Service)

The BWC shall be activated to record when it is appropriate in the official performance of his/or her duties.  
(Kennebecasis Regional Police Service)

When equipped with a BWC an officer shall activate the BWC as soon as reasonably possible prior to arriving at a call for service or the decision to initiate any investigative contact.

Officers shall activate BWCs when they operate their patrol vehicle with the emergency equipment activated.  
(Amherstburg Police Service)

[7C](#)

As soon as reasonably possible when the BWC is activated, members shall:

- Record a brief audible statement indicating why the BWC is being activated;
- Advise the person(s) being investigated that they are being recorded through the use of a BWC; and,
- Advise other persons, including Service members and other emergency personnel, on scene that a BWC is in use and they may be recorded.  
(Thunder Bay Police Service)

When practicable, officers will verbally state the following when activating a BWC:

- Date;
- Time;
- Location; and,
- Nature of the incident.  
(Fredericton Police Force)  
(Kentville Police Service)

When practicable, verbally state the following when activating a BWC:

- Date;
- Time;
- Location; and,
- Nature of the incident.  
(Calgary Police Service)

7D

Officers assigned BWC equipment shall wear it on the outermost part of their uniform [in the chest area] and make best efforts to ensure that the camera lens is not obstructed or misaimed.

*(Kennebecasis Regional Police Force)*

While the recording is activated, members should, whenever possible, continue to state for the recording elements of the situation that may not be readily visible (such as activity on the peripheral of the incident; smells such as alcohol or drugs).

*(Edmonton Police Service)*

It is prohibited to:

- Make audio or video recordings of BWC audio or video for any purpose not permitted under this policy;
- Disseminate BWC images to any person or entity unless authorized by law;
- Use a BWC to record any activities that are not required for a valid law enforcement purpose;
- Use a BWC in a covert capacity;
- Use a non-CPS issued BWC or similar device;
- Modify, obscure, willfully interfere with, damage, or otherwise limit or prevent the BWC equipment from recording audio / video as designed [unless you choose to cover the lens in order to protect the person's privacy rights];
- Make audio or video recordings when conducting a strip search;
- Make audio or video recordings during a situation that would reveal confidential police investigative or tactical techniques; or,
- Knowingly record interactions with a confidential informant.

*(Calgary Police Service)*

Officers must be prepared to articulate the reason for the use or non-use of a BWC.

*(Fredericton Police Force)*

7E

Where a Member fails to activate their BWC at an investigative contact, or where intentional or accidental deactivation occurs or the BWC's recording function is limited, Members shall make a record of the details around why the BWC was not used to record, deactivated, or limited in their duty notes and reports. Where relevant to the investigative contact the Member should summarize what transpired during the time the BWC was not recording.

*(Thunder Bay Police Service)*

If the BWC malfunctions or fails to activate, note that fact and return the BWC for service before the end of shift if practicable.

*(Calgary Police Service)*

If the BWC malfunctions, fails to activate, or is accidentally deactivated, note in your notebook that fact and return the BWC for service before the end of shift.

*(Kentville Police Service)*

7F

Once activated, BWC will not be deactivated until the enforcement action/investigation is completed or if the officer reasonably believes that continued recording would serve no further evidentiary value (i.e., simply waiting for a tow truck or a family member to arrive or other similar situations).

*(Victoria Police Department)*

When making a decision to deactivate or limit the recording of a BWC the member or supervisor shall take into account the following factors:

- Necessity:
  - Is it necessary to limit or stop recording?
  - Why now?
  - What has changed?
  - Consistent with directive?
  - Consistent with law?
- Risk:
  - What are the risks to recording (i.e. privacy, privileged information, trust and accountability)?
  - What are the risks to not recording (i.e. not capturing evidence)?
  - What are the potential outcomes?
- Acceptable:
  - Is the decision acceptable?
  - Is it lawful?
  - Is it appropriate?

*(Thunder Bay Police Service)*

*(Durham Regional Police Service)*

Do not deactivate the BWC before the completion of a contact with the public or during an investigation unless approved or directed by a supervisor, or in certain circumstances which include, but are not limited to:

- When an undercover officer will be put at risk;
- When the investigation or arrestee has moved inside a police facility;
- When you are inside any police facility, unless dealing with a member of the public at the front counter;
- At a traffic point that is being held for a lengthy investigation (for example, a homicide scene, a fatal collision); or,
- In situations where there are privacy considerations as outlined in s. 7(3).

If you turn off the BWC during an investigation or incident:

- If practical, record a brief audible statement with the reason for the deactivation into the BWC microphone;
- Document the reason for the decision in your notebook;

- Note the reasons in Investigative Details of the report if conducting a criminal investigation; and,
- Note the reasons in Disclosure Concerns of the report, if applicable.

*(Calgary Police Service)*

#### **s.(6(4)) Content to Avoid Recording and Content of a Sensitive Nature.**

[8A](#)

Ensure that the BWC is not activated to record (or is deactivated or sufficiently re-positioned so as not to record):

- Formal statements normally taken at a police service facility including KGB statements;
- Investigative discussions or enquiries between police personnel;
- Situations that reveal police investigative techniques;
- Administrative duties;
- Images of an individual in circumstances of a sensitive nature;
- Attendance at a courthouse, place of worship, hospital, or other healthcare facility;
- Incidents or places that are protected by legal privilege;
- Interactions which could potentially identify a confidential informant(s) or police officer in an undercover capacity;
- Booking/handling a prisoner within a service facility where the officer reasonably believes that audio and visual recording equipment is in use and it would not benefit the investigation and/or officer safety to have the two systems recording simultaneously; or,
- Directed to do so by a supervisor.

*(Toronto Police Service)*

When weighing the law enforcement purpose against privacy concerns, officers will recognize the heightened privacy interests in a dwelling house, schools, a place of religious worship, a medical facility, and a law office. ...

Do not activate a [ ] BWC:

- To record uninvolved, children and youth, bystanders, or benign interactions with the public to the extent reasonably possible;
- During a situation that would reveal confidential police investigative or tactical techniques;
- When conducting a strip search; or,
- While a detainee is speaking with a lawyer for the purpose of obtaining legal advice.

*(Medicine Hat Police Service)*

[8B](#)

[Officers may deactivate their BWC when] the officer reasonably believes that deactivating the recording for a portion of the incident would benefit the investigation and/or prevent capturing video and/or audio of things not to be recorded as identified [elsewhere in the directive].

*(Toronto Police Service)*

The decision to deactivate BWC recording must necessarily retain an element of discretion related to each context and all such decisions are to be justifiable. This can be done by stating the reason for deactivation prior to ending the recording and/or by entering the reason into the member's notebook. Reasons for deactivation should also be included in any related reports.

*(Edmonton Police Service)*

While it is not suggested or expected that the "record" mode will be enabled for the front line officers' entire shift, it must be recognized by each individual member that there is an expectation that appropriate and professional discretion will be exercised as to what is or is not recorded. There is no expectation that daily interactions with the public that have nothing to do with calls for service or incidents being investigated will be recorded. ... Ultimately, it will be the individual officer that will be called upon to justify their decision with respect to the recording or failure to record a relevant incident.

*(Kennebecasis Regional Police Force)*

Officers using BWC during the pilot will use their own discretion in activating the camera, but decision-to-activate will be an assessed element of the pilot. In the event a recording is stopped, officers must demonstrate reasoning.

*(Saint John Police Force)*

[8C](#)

Without limiting the definition, incidents or situations of a sensitive nature, may include nudity, medical episodes, medical treatment and extreme emotional distress. In such circumstances, an officer may temporarily turn a BWC away from the vulnerable individual, obstruct the lens or deactivate the BWC recording function while an officer takes immediate steps to address the situation.

*(Thunder Bay Police Service)*

*(Durham Regional Police Service)*

[8D](#)

Officers should avoid recording exposed areas of a citizen's body as well as recording people who are unrelated to the police purpose.

*(Bathurst Police Force)*

The identities of children need to be protected. If safe to do so, and possible in the circumstances, cameras should be directed away from children.

Sexual Assault: While BWC recordings may be a potential aid in recording important evidence, sensitivity must be employed by a first responder to a sexual assault incident, and the BWC is to be used accordingly.

*(Edmonton Police Service)*

### s.(6(5)) Alternative Recording Options: Muting and Lens Repositioning.

[9A](#)

Officers may utilize the Mute function on their camera to continue video recording, where appropriate and authorized, while obtaining private contact information or other potentially privileged information.

*(Durham Regional Police Service)*  
*(Thunder Bay Police Service)*

[9B](#)

Officers equipped with a BWC must be cognizant of the impact the recording may have on victims, witnesses, or suspects involved in incidents of a sensitive nature. In such circumstances, an officer may temporarily turn a BWC away from the vulnerable individual or deactivate the BWC video recording function while an officer takes immediate steps to address the situation. However, any deactivation of the BWC video recording function effected out of a reasonable concern for the dignity of a vulnerable victim, witness, or suspect, must be in accordance with this Procedure.

*(Amherstburg Police Service)*  
*(Toronto Police Service)*

Officers equipped with a BWC must be cognizant of the impact the recording may have on victims, witnesses, or suspects involved in incidents or situations of a sensitive nature.

In such circumstances, an officer may temporarily turn a BWC away from the vulnerable individual, obstruct the lens or deactivate the BWC recording function while an officer takes immediate steps to address the situation.

Any deactivation of the BWC recording function effected out of a reasonable concern for the dignity of a vulnerable victim, witness, or suspect, must be in accordance with this directive. The priority must be given to the collection of evidence.

*(Thunder Bay Police Service)*

Children may ... be present as witnesses or victims ... The identities of children need to be protected. If safe to do so, and possible in the circumstances, cameras should be directed away from children.

*(Edmonton Police Service)*

### s.(6(6)) Notification of Recording.

[10A](#)

When a BWC is activated the officer shall as soon as reasonably possible advise the involved individual(s) and on scene officers that they are being recorded unless the officer feels that doing so would undermine their dealing with the individual.

*(Amherstburg Police Service)*

All officers participating in this Pilot Project will:

- When practicable and safe to do so, advise members of the public when they are being recorded that they are being audio and video recorded.

*(Medicine Hat Police Service)*

Officers will not use in-car video or BWC to make recordings of other officers or staff without verbal notice.

*(Victoria Police Department)*

As soon as reasonable possible, when the BWC is activated members shall:

- Advise the persons being investigated that they are being recorded through the use of a BWC; and,
- Advise other persons, including service members and other emergency personnel, on scene that a BWC is in use and that they may be recorded.

*(Durham Regional Police Service)*

[10B](#)

The Supreme Court of Canada decision of *Regina v. Duarte* (SCC 1990), emphasises that interactions between the police and public are not to be secretly recorded without judicial authorization. Covert recording by a uniform police officer using the BWC is prohibited by law.

**NOTE:** The above discipline will take effect after an officer is trained and equipped with a BWC for 60 calendar days. 60 calendar days was deemed by the Service to be a fair amount of time to allow officers to learn to properly use this new technology and apply the rules appropriately.

*(Toronto Police Service)*

Covert recordings or personal-use recordings made using the BWC are prohibited...No member shall use a BWC to intercept communications to which they are not a party.

*(Thunder Bay Police Service)*

It is prohibited to:

- ... use a BWC in a covert capacity; ...

*(Calgary Police Service)*

It is prohibited and may be considered a privacy breach to:

- ... use a BWC in a covert capacity ...

*(Fredericton Police Force)*

*(Kentville Police Service)*

### s.(6(7)) Community Consent Considerations.

[11A](#)

In locations where individuals have a reasonable expectation of privacy, such as a residence, they may decline to be recorded unless the recording is being made pursuant to an arrest or search of the residence or individuals.

*(Bathurst Police Force)*

Consent of the owner/occupant [O/O]: If at any time during the attendance, the [O/O] requests that the interaction not be recorded, the officer shall deactivate the BWC or leave the private place. In this situation, an officer's lawful presence in the private place is conditional on the [O/O's] consent, once the [O/O] requests that the interaction not be recorded that consent is conditional upon the camera being deactivated. Therefore, the camera must be deactivated in order for the officer's presence at the location to remain lawful.

*(Durham Regional Police Service)*  
*(Thunder Bay Police Service)*  
*(Toronto Police Service)*

When equipped with a BWC, you shall not record ... attendance at a healthcare facility except:

- Under exigent circumstance;
- Under the authority of prior judicial authorization;
- Where the officer has custody of a person who is being treated or is waiting for health care treatment and the officer is alone with that person;
- Where the officer has custody of a person who is being treated or is waiting for health care treatment and the officer reasonably believes that the interaction between the officer and the person in his or her custody requires or might soon require the use of force; or,
- With the express consent of all people who might reasonably be expected to be captured in the recording.  
*(Toronto Police Service)*

#### 11B

Public Place: Where an officer encounters situations where individuals object to being recorded in a public place, officers shall continue to record in accordance with this policy.

*(Amherstburg Police Service)*  
*(Toronto Police Service)*

The use of a BWC in any circumstance can have significant privacy implications. When using a BWC, officers will weigh the law enforcement objective against privacy concerns and take reasonable steps to mitigate the impact on the individual's privacy.

Mitigation may include vetting of the BWC recording, or the BWC audio recording only. Deactivation of the BWC is not recommended given the important purposes served by the use of BWCs.

*(Calgary Police Service)*

#### 11C

In some circumstances, officers may find that one party objects to the recording taking place, for example when there are allegations of domestic abuse. It is recommended that officers continue to record when incidents are occurring or allegations of a criminal or investigative nature have been made. In such circumstances, the member should continue to

record while explaining the reasons for doing so. These reasons might include:

- That an incident has occurred requiring police to attend;
- That the officer's continued presence might be required to prevent a breach of the peace or injury to any person;
- The requirement to secure best evidence of any offences that have occurred, whether this is in writing or on video, and that the video evidence will be more accurate and of a higher quality and therefore in the interests of all parties;
- That continuing to record would safeguard all parties, with a true and accurate recording of any significant statement made by either party and of the scene;
- That the incident may reoccur in the immediate future; and/or,
- That continuing to record will safeguard the officer against any potential allegations from either party.

*(Edmonton Police Service)*

### **s.(6(8)) Video Viewing and Facilitation of Subject Video Viewing.**

#### 12A

Frontline Officers will have access and permissions to upload, view and search BWC video/audio records that they have created.

*(Durham Regional Police Service)*  
*(Thunder Bay Police Service)*

#### 12B

Witnesses may be permitted to review their recorded account prior to the making and signing of any written statement. Care must be taken to ensure that witnesses are not permitted to review any aspect of the recording other than their own initial account. Their statement should also refer to the viewing of the recording of their first account.

*(Edmonton Police Service)*

### **s.(6(9)) Notes and Report Writing.**

#### 13A

All supplementary notes made after reviewing [ ] BWC video must indicate the date and time of review and all additional relevant observations you have identified in your notebook.

*(Medicine Hat Police Service)*

In addition to field notes made at the time, officers may make notes regarding any relevant observations or changes to your field notes. Ensure that:

- The "supplemental notes" are identified as such and include the date and time; and,
- Document any additional relevant observations in the notebook. For example, use wording such as: "Upon reviewing the video recording I have made the following additions or changes to my notes..."

*(Fredericton Police Force)*

BWC recordings may be viewed (when available) by...the individual authorized to use that specific BWC unit to:

- Make sure the BWC unit is working;
- Assist in the writing of notes or any formal report;
- Replay the incident to a subject involved in that incident; or,
- Assist with further investigations.

*(Edmonton Police Service)*

[13B](#)

Must require that officers note the existence of a BWC recording in the police report.

*(British Columbia Provincial Policing Standards)*

[13C](#)

BWCs shall not be used to replace detailed memorandum notes and applicable report.

*(Amherstburg Police Service)*

BWC recordings are not a replacement for proper note taking.  
*(Calgary Police Service)*  
*(Kentville Police Service)*

When a BWC is utilized, recordings are considered as supporting the members' observations and shall supplement, not replace, memo book notes and detailed Versadex RMS reports...

*(Durham Regional Police Service)*

[13D](#)

Such recordings do not replace the need for formal written statements from victims or witnesses, but they can be used as supporting evidence for the statements.

*(Edmonton Police Service)*

**s.(6(10)) Video Cataloging and Uploading.**

[14A](#)

Members equipped with a BWC shall...upload all BWC video to Evidence.com© during and/or immediately following each and every shift.

*(Durham Regional Police Service)*

At the end of shift, officers shall...place the BWC into the designated charging system to upload recordings and charge the BWC.

*(Kentville Police Service)*

At the end of shift...ensure that all recordings from the ICCIBWC are uploaded and assigned the necessary Meta data where applicable.

*(Medicine Hat Police Service)*

[14B](#)

Members equipped with a BWC shall:

- Categorize each video record within Evidence.com© as described in [ ] Retention Schedule & Purging of BWC Video / Audio Records...;
- Complete a synopsis for all statements taken with BWC video...;
- Complete a video log for any report, street check, or e-ticket filed...; and,
- Identify items to be redacted contained within the BWC video.

*(Durham Regional Police Service)*

If you have disclosure concerns regarding video content (for example, personal address, informant information or undercover officers), note them in the Disclosure Concerns section of the Occurrence Report.

*(Calgary Police Service)*

Members equipped with a BWC shall:

- Categorize each video record within Evidence.com© as described in section [ ] Retention Schedule & Purging of BWC Video 1 Audio Records;
- Complete the ID field within Evidence.com© for each and every video record:
  - The ID field shall be the prime incident number in the following format: YY—NNNNNN (only use the required number of places).
  - For traffic investigations where the prime incident number is not relevant to the case the ID field shall be the Provincial Offence Notice or Summons number.
- Update the Title field within Evidence.com© for each and every video record:
  - The Title field shall be the officers 3- or 4-digit badge number followed by the Axon generated file title: ### or ##### — AXON Flex Video YYYY—MM—DD HHHH.

*(Thunder Bay Police Service)*

**s.(6(11)) Video Modification, Duplication, or Deletion.**

[15](#)

Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings.

*(Bathurst Police Force)*

At the end of shift, officers...shall not erase, alter, modify or tamper with BWC recordings.

*(Kentville Police Service)*

No officer shall disable BWC equipment or delete, alter, duplicate or destroy BWC recordings except with permission from authorized personnel (copies of recordings for court purposes are permitted).

*(Amherstburg Police Service)*



## Section (7) Supervisors of BWC Users: Guidelines and Responsibilities

### 16A

Frontline Supervisors will have access and permissions to upload, view, and search BWC video/audio records that they have created or that have been created by the Frontline Officers within their unit. Frontline Supervisors will not be able to alter or delete BWC video/audio records.

*(Thunder Bay Police Service)*

### 16B

Supervisors with officers equipped with BWCs shall conduct a regular review of recordings to:

- Ensure the BWCs and systems are being used and operated in accordance with this policy;
- Determine additional needs as appropriate; and,
- Identify material that may be appropriate for training.

The supervisor will note the date and time the videos were viewed as well as the identity of the videos viewed.

*(Amherstburg Police Service)*

Supervisors of members equipped with BWCs shall review recordings of:

- Incidents involving use of force;
- Incidents involving Suspect Apprehension Pursuits;
- Regulated Street Check incidents; and,
- Incidents related to public complaints.

Supervisors of members equipped with BWCs may review recordings to:

- Ensure the BWCs and systems are being used and operated in accordance with this directive and BWC project training.
- Determine additional training needs.
- Identify material that may be appropriate for training.

Supervisors of members equipped with BWCs may utilize BWC recordings in incident debriefings.

Supervisors of members equipped with BWCs may utilize BWC recordings for member commendations and performance management.

*(Thunder Bay Police Service)*

Supervisors with officers equipped with BWCs shall:

- Conduct a regular review of recordings to:
  - Ensure the BWCs and systems are being used and operated in accordance with this Procedure and BWC pilot project training;
  - Determine additional training needs, as appropriate; and,
  - Identify material that may be appropriate for training.
- Review recordings, where applicable, to assist in the resolution of a public complaint

*(Toronto Police Service)*

During the beta test, the project co-ordinator and project managers will conduct weekly reviews of the [ ] BWC recordings to assess whether the [ ] BWC is being fully and properly used.

*(Victoria Police Department)*

### 16C

When attending or involved in an incident where the mandate of the Special Investigations Unit (SIU) has been or may likely be invoked, [the supervisor] shall ensure the BWC is secured and the recorded media is protected and [will] follow the directions of the Chief's SIU designate.

*(Amherstburg Police Service)*

## Section (8) BWC Management Unit Responsibilities

### 17

The BWC Project Team is responsible for: delivering and evaluating the BWC Project (including planning, communications, training, video management and frontline support); administering the DRP Evidence.com system and the BWC devices; and, reporting to the BWC Steering Committee.

*(Durham Regional Police Service)*

BWC Coordinator (Chief of Police or Designate):

- Manages BWC recordings;
- Is the primary contact for the training, maintenance, and use of the BWC system;
- Administers and manages access to and security of BWC recordings;
- Allocates, issues, replaces, tracks, and troubleshoots the BWC devices, docking stations, and software;
- Maintains a log of BWC assignments;
- Assists with RTIPPA and FOIPOP requests;
- Maintains a scheduled audit process; and,
- Discloses BWC videos in the e-disclosure format as required that are marked by officers for disclosure.

*(Kentville Police Service)*

## s.(8(1)) BWC Evidence Storage and Retention.

### 18A

All BWC data is to be treated in principle as if it is evidence. In practice, analysis of the BWC data will determine status of data as evidence.

*(Saint John Police Force)*

### 18B

BWC recordings will be uploaded automatically from the docking station to a secure, centralized server maintained by Axon.

*(Kentville Police Service)*

[18C](#)

Video/audio records created using the BWC are edit—proof and encrypted. Video/audio records created using the BWC shall be stored securely on Evidence.com©.

*(Thunder Bay Police Service)*

[18D](#)

Must require that an audit trail, which is automated and immutable, is maintained of all persons, dates and times when BWC video was accessed, and what action the user took.

*(British Columbia Provincial Policing Standards)*

Access to a BWC video / image is automatically captured and tracked in the audit log, which includes the officer's regimental number / name, time, and date.

*(Fredericton Police Force)*

*(Kentville Police Service)*

All access to BWC recordings is tracked through the audit trail feature within Evidence.com©.

*(Durham Regional Police Service)*

[18E](#)

The retention period of records is managed according to the City of Toronto By-Law No. 689-2000. All BWC records shall be retained for a minimum of two (2) years plus one (1) day (which ensures the records are retained for the duration of the general limitation period established by the Limitations Act, 2002, S.O. 2002, c.24, Sched. B) and then securely destroyed, absent a circumstance that triggers a longer retention period.

*(Toronto Police Service)*

Must ensure that any BWC video retained as evidence in relation to an offence or complaint is kept for the relevant retention periods in accordance with applicable provincial and federal legislation.

*(British Columbia Provincial Policing Standards)*

Recordings that have not been flagged as relevant to an investigation or possible legal action will be automatically deleted from the server after six (6) months.

*(Kentville Police Service)*

All video captured will be retained based on current retention schedules if the event(s) captured is such that an Incidence Report (CRIMES) is recorded, or a formal or informal complaint is received. Otherwise the video will be retained for thirty (30) days or such longer period reasonably necessary to analyze for purposes of the pilot and will then be deleted.

*(Saint John Police Force)*

BWC recordings will be automatically deleted after 13 months unless required as evidence. This is consistent with Solicitor

General Alberta Policing Standards for the use and storage of police holding room and Arrest Processing Section video.

If a recording becomes part of a case file, it will be retained according to the CPS Records Retention Schedule, depending on the type of case.

*(Calgary Police Service)*

[18F](#)

Altering, duplicating, deleting or destroying BWC recordings is prohibited, except by authorized personnel.

*(Toronto Police Service)*

### **s.(8(2)) BWC Directive and Video Disclosure.**

#### **s.(8(2(i))) External Requests: Media or Public.**

[19A](#)

Must ensure that information about the police force's use of BWC is available to the public on the police force's website, including at minimum:

- The purpose of the BWC program, including when the BWC will be turned on and off;
- For how long BWC video will be retained; and,
- How someone can request access to BWC video.

*(British Columbia Provincial Policing Standards)*

[19B](#)

Any and all release of BWC recordings must be authorized by and completed through the Freedom of Information Coordinator.

BWC recordings relating to SIU, OIPRD or Professional Standards investigations shall not be released until the investigation and any resultant legal proceeding has concluded.

*(Durham Regional Police Service)*

*(Thunder Bay Police Service)*

All requests concerning BWC recordings will be submitted to the Chief of Police. All BWC recordings will be treated in the same manner as all other departmental videos (i.e., interview room and cell block).

*(Kentville Police Service)*

Other than operational disclosure to Crown, or for an internal investigation, any disclosure of recorded material obtained through IVV or BWV, shall comply with the provisions of Victoria Police Department Policy "AF 70- Security and Confidentiality" and the BC Freedom of Information and Protection of Privacy Act.

*(Victoria Police Department)*

#### **s.(8(2(ii))) Internal or Oversight Body Requests.**

[20A](#)

Investigators will have access and permissions to view and search BWC video/audio records relevant to investigations

assigned to them. Investigators will not be able to alter or delete BWC video/audio records.

*(Thunder Bay Police Service)*

#### 20B

May [ ] permit BWC video to be retained and used for training purposes provided that all proceedings regarding the incident are complete (e.g. any criminal or disciplinary procedures). If BWC video is retained for training purposes...all persons in the BWC video, including officers, have been anonymized or have provided written consent that the BWC video be retained and viewed for training purposes.

*(British Columbia Provincial Policing Standards)*

#### 20C

If an officer is involved in a serious injury or death incident, the NCO will seize the officer's BWC.

*(Fredericton Police Force)*

#### 20D

BWC recordings are disclosable under existing policies, practices and agreements governing the release of records to the SIU and OIPRD. BWC recordings and records will be considered as Officer Duty Notes for disclosure or release to SIU or OIPRD.

- Witness Officer BWC recordings and records may be disclosed or released upon the direction of the designated SIU Liaison or designated Professional Standards investigator.
- Subject Officer BWC recordings and records may not be disclosed or released without the prior written authorization of the subject officer or their legal counsel; any such authorized release must be upon the direction of the designated SIU Liaison or Professional Standards investigator.

*(Thunder Bay Police Service)*

### **s.(8(2(iii))) Court Disclosure of BWC Video.**

#### 21

For evidentiary disclosure where criminal charges laid: All BWC video/audio evidence where charges have been laid will be vetted, redacted and electronically disclosed to the Crown Attorney's office forthwith and not later than fourteen (14) days from the date of arrest/charge.

*(Durham Regional Police Service)*

For evidentiary disclosure where provincial offence charges laid: All BWC video/audio evidence where provincial offence charges have been laid will be vetted, redacted and electronically disclosed to the POA Prosecutions Office forthwith upon notification that the matter is being set for trial and not later than fourteen (14) days from the date of that notification.

*(Thunder Bay Police Service)*

If you have disclosure concerns regarding video content (for example, personal address, informant information or undercover officers), note them in the Disclosure Concerns section of the Occurrence Report.

*(Medicine Hat Police Service)*

### **Section (9) Internal Audits of Adherence to BWC Directive**

#### 22

Must ensure that an internal audit of a random sample of BWC video is conducted and reported on each year to assess compliance with policy and procedures, in particular:

- Whether the BWC recording was in compliance with Standards [ ];
- Whether BWC video is securely stored;
- Whether any unauthorized viewing has occurred; and,
- Whether BWC video has been deleted as required by Standard [ ].

*(British Columbia Provincial Policing Standards)*

### **Section (10) Consequences for Violating the BWC Directive**

#### 23

Any police officer found not in compliance with this Procedure 15-20, and/or associated Service Governance (rules), will receive a minimum penalty of 8 hours. This penalty increases to a minimum of 16 hours for a supervisor.

*(Toronto Police Service)*

Any officer who intentionally disables or damages any part of the video recording or transmitting equipment or who fails to activate or deactivate BWC as required by this policy without reasonable excuse will be held accountable and subject to criminal and/or internal disciplinary action.

*(Victoria Police Department)*

### **Section (11) Additional Considerations Relevant to BWC Directives**

#### 24

Live Streaming Video 1:

- The Staff Sergeant will:
  - Authorize any use of live streaming video to monitor an incident in progress; and,
  - Only authorize the use of live streaming video in emergency situations.
- If live streaming of video is required for testing or training purposes, the affected car crew will be asked by radio for their approval before any monitoring takes place.
- If an officer or civilian employee monitors an event on live streaming video that results in a charge, they may be required to complete a witness statement pertaining to the investigation.

*(Medicine Hat Police Service)*

**Section (12) BWC Directive Evaluation**[25](#)

This policy will be reviewed within one year of the last review date and updated as necessary.

*(Durham Regional Police Service)*

*(Thunder Bay Police Service)*

The BWC policy will be evaluated on an ongoing basis:

- To ensure an appropriate balance is achieved between the needs of law enforcement and the privacy rights of individuals; and,
- To ensure compliance with the Canadian Charter of Rights and Freedoms, the Criminal Code, and provincial legislation.

*(Calgary Police Service)*

*(Fredericton Police Force)*