



## BODY WORN CAMERAS PRP-OP-005

Effective Date: 2021/01 /29

### Policy Statement / History

The Regional Municipality of Peel Police Services Board (PPSB or “The Board”) is committed to ensuring that equitable, transparent, respectful and accountable policing services are provided to all citizens who reside or visit Peel Region. These key tenets of policing services are also in accordance with the fundamental rights guaranteed by the Charter of Rights and Freedoms and the Ontario Human Rights Code.

The Board recognizes the existence of systemic racism across all systems, including policing and the need to eliminate these barriers to ensure fair and equitable policing services in our communities.

The Board recognizes that by recording interactions with members of the public, body-worn cameras (BWC) provide an opportunity to demonstrate the professionalism of PRP Officers while also enhancing transparency and accountability. The body worn camera program will also provide for improvements in law enforcement practices by identifying training opportunities, utilization of the technology to provide enhanced services (alternate approaches to mental health responses) and supervision or discipline. Body worn cameras also enable the timely and fair investigation of any allegations of misconduct against Service Members and a more timely resolution of complaints.

In addition, the body worn cameras and the related digital evidence management solution (DEMS) are an effective tool for gathering, storing and disclosing evidence to the criminal justice system if required.

The Board believes that significant and purposeful consultations with our diverse community will help guide the acceleration of this impactful technology to ensure that the implementation will be fulsome, community oriented, evidence based and fiscally responsible.

It is the purpose of this Policy to authorize the Service to deploy and use BWC / DEMS and to ensure that their use by the Service occurs in such a way as to ensure the following public interests are served:

- Enhance public and officer safety;
- Enhance public trust, confidence, and police transparency and accountability;
- Enhance commitment to bias-free service delivery by police;
- Provide a tool to facilitate early resolution of complaints; and,
- Provide improved evidence for investigative, judicial, and oversight purposes.

It is therefore the policy of the Board that the Chief of Police shall establish procedures and processes relating to the use of Body Worn Cameras and the related Digital Evidence Management Solution.

## 1. Policy Requirements

It is the policy of the Board with respect to the use of Body Worn Cameras that the Chief of Police shall:

1. Ensure that all policies and directives governing the use of body worn cameras are drafted in line with the Office of the Privacy Commissioner of Canada's *Guidance for the Use of Body-Worn Cameras by Law Enforcement Authorities* (2015). In addition, that meaningful consultation occurs with the IPC and best practices continue to be monitored and implemented as they are identified by the relevant Provincial and Federal authorities.
2. Ensure that the collection of personal information captured by the cameras aligns with current and relevant legislation that addresses data, information or records storage, access, use and/or disclosure.
3. Ensure that all use of body-worn cameras and their recordings is consistent with the *Ontario Human Rights Code*.

### ***When and How to Use Body-Worn Cameras***

4. Ensure clear direction in the policies and procedures of who shall be equipped with body worn cameras and when the cameras shall be activated.
5. Provide guidance to officers on when a body-worn camera must be activated, unless an unexpected and immediate threat to the life or safety of the Service Member or of a member of the public makes it impossible or dangerous to activate the body-worn camera prior to that interaction.
6. Establish within the policies and procedures that body-worn cameras will not be used for general surveillance of members of the public.
7. Ensure that clear direction is established within the policies and procedures regarding when an officer can and cannot deactivate the body worn camera.
8. Ensure that clear guidelines are established within the policies and procedures governing officers from intentionally preventing the body-worn camera from capturing video or audio during an interaction with a member of the public, with the sole exception of temporarily covering the lens to protect the dignity of an individual during situations of a sensitive nature.
9. Establish that Officers must inform members of the public that they are being recorded at the earliest opportunity during an interaction.
10. Ensure that clear guidelines are established within the policies and procedures addressing privacy considerations in situations where there is a heightened reasonable expectation of privacy.

### ***Controls***

11. Ensure that the policies and procedures address that if an officer has not recorded in full or in part an interaction with a member of the public, the officer must document the specific reason to why a recording was not made.
12. Establish training requirements for officers to fulfill prior to being issued a body-worn camera, and subsequent on-going training requirements.

13. Establish a comprehensive auditing schedule to govern and ensure compliance with policies and procedures.
14. Establish the framework for discipline of officers who fail to comply with the policies and procedures governing body worn cameras.

### **Transparency**

15. Ensure clear instructions are posted externally providing direction for the public on how to obtain policies and procedures governing body worn cameras and create a reference site where the public can read information on body worn cameras.

### **Secure Retention and Disposal of Recordings**

16. In consultation with the IPC, and in accordance with all applicable legislation, establish and ensure that recordings from body-worn cameras, including any meta-data produced by the body-worn cameras or the technology supporting the Service's body-worn cameras, will be:
  - a. Stored on a secure Canadian storage server in accordance with all applicable provincial and federal legislation and security best practices, so as to prevent any editing, tampering and unauthorized access to recordings and meta-data; and
  - b. Encrypted within the camera, during transit to the storage server, and while in storage; and
  - c. Destroyed at the end of their retention period in a secure manner which prevents recovery and unauthorized access to the recordings and meta-data.
17. Ensure that the retention periods for data captured by body worn cameras are established in accordance with all applicable legislation and current policies and procedures governing retention periods.
18. Establish actions to be taken by the Service in the case of a potential or actual access breach of the Service's data storage services, including breach mitigation and control steps and the steps to notify the public, impacted individuals of the potential breach;

### **Limited Access to Body-Worn Camera Recordings**

19. Establish the conditions under which specified individuals may view or receive copies of recordings from body-worn cameras.
20. Establish that an audit trail will be created and maintained by the Service, that will identify with respect to every recording the time of access, whether a copy was provided to the requestor, and any information gathered in accordance with section 21.
21. Establish that the Chief of Police may initiate the release to the public of recordings from body-worn cameras, taking into consideration relevant factors, including what is consistent with the law and the public interest, and what is reasonable in the circumstances of the case.

22. Establish that whenever the Service releases to the public any recordings from body-worn cameras that include images or voice recordings of members of the public:
  - a. the identities of all members of the public captured in the recordings are concealed through measures such as image blurring and voice distortion, unless the Service is required by law to release the recordings in another form; and
  - b. the Chief of Police will include with the release a justification of the public interest in releasing the recording.
23. Establish that the Service may only use recordings from body-worn cameras for the purposes of training after the identities of all members of the public captured in the recordings are concealed through appropriate redacting measures.
24. Ensure that recordings from body-worn cameras may not be used in combination with facial-recognition technology, video analytics software, voice recognition software, or to generate a searchable database of images of individuals who have interacted with Service Members, with the exception of comparing images that are directly related to an investigation to a “mug shot” database in a manner approved by the Board.

### **Auditing**

It is also the Policy of the Board that the Chief of Police will:

25. Ensure that the Service conducts an annual audit of:
  - a. all incidents concerning which a complaint under the *Police Services Act* was filed during the reporting period; and
  - b. a sample of incidents for which a Use of Force form was completed during the reporting period; and
  - c. a sample of incidents during the reporting period that were not initiated by a call for service; and
  - d. all incidents wherein a body-worn camera was disabled for the purpose of protecting law enforcement strategies in accordance with section 10.b above; and
  - e. a sample of incidents whose retention period has expired during the reporting period.

Ensure that the audit includes a review of body-worn camera recordings for these incidents to ensure that:

- a. The recording begins prior to the beginning of the interaction with the member of the public, and if not, that a satisfactory explanation for the failure to activate the body-worn camera before the interaction began was provided in accordance with the Service’s Procedure.
- b. The subject of the recording is informed at the earliest opportunity in the interaction that the interaction is being recorded for video and audio.
- c. Any obstruction of the lens or gaps in the recording are justified and of reasonable duration.

- d. The recording ends:
    - i. After conditions for an exception in accordance with section 7 above have been established; or
    - ii. After the interaction has ended and the Service Member has left the scene.
  - e. All access to the recordings was justified and necessary.
  - f. The Service is in compliance with required retention and destruction practices.
- 26.** The Board shall review this Policy one year after full deployment of the body-worn cameras by the Service, and thereafter at least once every three years, and make any amendments it determines are appropriate, having regard to the Policy's purposes, insights gained through the Service's deployment and experience with body-worn cameras, and academic or expert research findings concerning the use of body-worn cameras by police services.

## **2. Reporting**

- 27.** The Chief of Police will report the following on an annual basis:
- a. A summary of any changes to the relevant Procedures made in accordance with this Policy over the reporting period.
  - b. The findings of the annual audit.
  - c. The number of requests made by members of the public to view recordings from body-worn cameras, and the number and reasons for any refusals to such requests.
  - d. The number of requests made by members of the public to release to the public recordings from body-worn cameras, and the number of reasons for any refusals to such requests.
  - e. The number of recordings released to the public by the Service not based on a request from a member of the public, broken down by the reason for the release.
  - f. The number of complaints received by the Service with regards to use or failure to use of body-worn cameras, a summary of the complaints, and a summary of the dispositions of the complaints during the reporting period.
  - g. The total number of recordings currently stored by the Service beyond the default retention period, broken down by the reason for the extended retention period.
  - h. The number of reports submitted in accordance with section 11, above, documenting the reason for a failure to activate the body-worn camera prior to the beginning of an interaction with a member of the public, and the number of these incidents, if any, which were found to not be in compliance with the Procedure.
  - i. The number of Service Members disciplined for lack of compliance and a summary of the disciplinary measures used.
  - j. The costs and/or savings associated with deployment and use of body-worn cameras in the previous year.

- k. A review of whether the deployment of body-worn cameras is achieving the purposes set by this Policy, and whether their use remains justified in light of these purposes, including, but not limited to:
    - i. Use of Force trends over the past five years; and
    - ii. Complaints trends over the past five years; and
    - iii. Findings from a survey of public trust in the Service at a timeframe to be determined after a satisfactory implementation period; and
    - iv. Findings from a consultation with impacted and marginalized communities.
- 28.** The Chief of Police will also report to the Board on an exception basis.
- 29.** The Chief of Police will also advise the Board Office and file with it a new copy of the Service's Procedure governing body-worn camera use whenever a change is made to the Procedure.

### **3. Authority/Legislative Reference**

*Municipal Freedom of Information and the Protection of the Privacy Act*, R.S.O. 1990, c. M.56  
*Police Services Act*, R.S.O. 1990, c. P.15  
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