



**OD19**

**Body Worn Cameras**

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**POLICY**

1. Members may be issued Body Worn Cameras (BWCs) to record their interactions with the public in an overt capacity in support of their statutory and common law duties (law enforcement duties).
2. The purposes of using BWCs are to seek to:
  - a) increase public trust and confidence;
  - b) increase police accountability and transparency;
  - c) reduce use of force incidences by and against the police, by affecting the behaviour of individuals who are aware of the recording in-progress;
  - d) improve evidence documentation;
  - e) assist in resolving complaints about alleged police misconduct; and
  - f) when used for training, to provide enhanced training resources.

(Provincial Policing Standard (PPS) 2a & 7)
3. The following use of BWCs by members of the Delta Police Department (Department) is authorized:



- a) use at a protest, demonstration or other organized or spontaneous event that is unlawful or characterized by unlawful activity;
- b) use for training, involving the recording only of members or persons who have provided their informed consent;
- c) use in Interdiction Team policing activities directed at gang violence prevention;
- d) use by Traffic Section members, in the course of stopping vehicles and engaging with persons therein; and
- e) use by members assigned to Patrol Services.

(PPS 7)

4. A member equipped with a BWC must activate it, as soon as it is safe and practicable to do so, when attending a call or responding to an incident where the member has a reasonable belief that there will be use of force, or where violent or aggressive behaviour is anticipated or displayed (for clarity, in exigent circumstances, where a delay in acting would result in danger to human life or safety, activation may be delayed).

(PPS 6)

5. In addition to when it is activation is required, members may also activate their BWC when:

- a) having made an assessment that recording may assist in de-escalating a situation;
- b) the officer anticipates detaining or arresting a person or in fact does so;
- c) providing a Charter and Caution;
- d) issuing a legal demand such as a breath demand;
- e) investigating a potential offence;
- f) conducting, with consent, a formal witness or suspect interview, and use of interview facilities is not practical or favourable; or
- g) the officer believes capturing video and/or audio evidence would support the lawful execution of their duties.

6. Members are to be mindful that use of a BWC can have significant privacy implications and, when deciding whether to active their BWC, are to weigh the law enforcement objective against possible privacy concerns, giving particular consideration to the following situations:

- a) being in a dwelling house;
- b) involving exposure to private health information and / or treatment being received;
- c) being in a law office;
- d) being in a place of worship;



- e) individuals being nude or have exposed private body areas;
  - f) children or youth being present / victims / or the subject of a criminal investigation; or
  - g) a victim or witness being reluctant to cooperate when the BWC is activated, or requesting that officers do not record in a sensitive situation (consider the importance of obtaining their evidence by use of a BWC versus other means in those particular circumstances).  
(PPS 3b)
7. Members wearing a BWC must ensure it is readily visible to a person(s) engaging with the officer, and the member must, unless determined unsafe to do so, verbally advise the person(s) that they are being recorded.  
(PPS 11)
8. Except as authorized in Procedures, members shall not deliberately stop recording, re-position or cover their camera lens to interfere with effective audio and video capture, until the member reasonably believes continued recording is no longer required to support the purpose for which the recording was being made and recording must then be stopped.  
(PPS 5 & 8)
9. Members are prohibited from making audio or video recordings using a BWC for any purpose or in circumstances, except as permitted in this and related Policy, and in the following Procedure.  
(PPS 3b)
10. The Chief Constable shall cause members' BWC use to be evaluated on an ongoing basis:
- a) to ensure an appropriate balance is achieved between the needs of law enforcement and the privacy rights of individuals; and
  - b) to ensure compliance with statutory and common law, the *Provincial Policing Standards* and the Procedures to this Policy.  
(PPS 25)

## **REASON FOR POLICY**

11. To regulate when and how members may use BWCs, as well as the management of BWC recordings.



## RELATED POLICIES

- OE33 - *Crown Disclosure*
- OE41 - *Notebooks*
- OE42 - *Digital Images, Video & Audio Recordings*

## RELATED PROVINCIAL POLICING STANDARDS

Section/Subject 4.2.1 – *Body Worn Cameras*

## DEFINITIONS

12. For the purposes of this Policy, the following definitions will apply:

**Body Worn Camera (“BWC”):** a wearable video and audio recording system approved and issued by the DPD and includes the camera unit and supporting software.

**Body Worn Camera Recording:** any digital audio, video, or still image captured by a BWC, including the file’s associated metadata.

## PROCEDURES

### Authorized Equipment and Training

- 13. Members may only use DPD-issued BWCs.
- 14. Members may not use a BWC unless they have successfully completed DPD approved BWC operator training.
- 15. In addition to initial training, members may be required to complete refresher training at periodic intervals to ensure continued effective use of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions to operating procedures or equipment.

### Prohibitions on Recording, Use and Deletion



16. Members may not use their BWC for continuous or indiscriminate recording and are to avoid, to the extent reasonably practicable, recording uninvolved bystanders or benign interactions with the public.
17. Members may not:
  - a) use a BWC to replace officer notes or reports;
  - b) use a BWC in a covert capacity;
  - c) make audio or video recordings during a situation that would reveal confidential police investigative or tactical techniques; and
  - d) disseminate BWC images to any person or entity unless required by their duties and authorized by law.
18. Members may not delete a recording, except in accordance with retention period deletion procedures.
19. A member who discovers having unintentionally made a BWC recording must:
  - a) if not already stopped, then immediately stop recording; and
  - b) advise their supervisor as soon as practicable.
20. A supervisor who has been advised of an unintentional recording must advise the BWC Coordinator, in order that the shortest retention period can be applied to the recording.

#### **Decision not to Activate and Authority to Deactivate**

21. If a member decides not to record an incident that is required to be recorded or deactivates a recording prior to the conclusion of an incident, the member must articulate their reasons in the report of the incident, or in their notes if no report was required, by the end of their shift or within 12 hours thereafter.
22. In addition to the requirement to deactivate the BWC when the incident being recorded or purpose for recording has been concluded, a member may deactivate their BWC if:
  - a) becoming aware that a recording is in violation of a prohibition listed in this Policy;
  - b) reasonably believing that continued recording is likely to compromise public safety or inhibit their ability to gather critical information (e.g., a victim or witness is reluctant to cooperate while a BWC is recording);



- c) reasonably believing that the law enforcement objectives served by using a BWC do not outweigh the intrusion on an individual's privacy rights; or
- d) so directed by a supervisor on the basis of factors set out above.

### **Critical Incidents**

23. If a member wearing a BWC is involved in a critical incident, the member's supervisor is required to seize the BWC as evidence.

### **Start/End of Shift**

24. At the start of a shift or if obtained during a shift, a member who will be carrying a BWC is required to:

- a) record in their notes that they are deploying a BWC;
- b) attach the BWC to their person and positioned it in accordance with training in order to ensure most effective recording; and
- c) ensure the BWC is functioning properly.

25. At the conclusion of a shift, a member carrying a BWC is required to:

- a) confirm the BWC is not recording;
- b) inspect the BWC for any visible defects that may impair its operation;
- c) ensure the BWC is properly seated in the DPD-issued docking system for charging and the secure upload of BWC recordings; and
- d) record the above steps in their notes.

### **Activation and Malfunctioning**

26. When activating a BWC, a members must:

- a) reconfirm the BWC is correctly positioned, if practicable; and
- b) clearly state the following and confirm recording, unless impracticable:
  - i. date,
  - ii. time,
  - iii. location, and
  - iv. the nature of the incident that is being recorded.

27. If the BWC malfunctions or fails to activate, a member must note that fact in their notebook, stop using that BWC, and contact the BWC Coordinator for repair or camera replacement.



### **Loss or Theft of BWC**

28. A member must notify their supervisor and the supervisor must notify the BWC Coordinator, as soon as practicable, if a member loses or suspects the theft of their BWC, and if lost or suspected stolen in another jurisdiction, the member must also notify the police of jurisdiction to have a General Occurrence report of the incident produced.

### **Notation of Recording Made and Note Taking**

29. A member who has made a BWC recording in an incident that is documented in a General Occurrence report or cleared as “No Report” in the Mobile Data Terminal, must note the existence of their recording in the report or the concluding notes.
30. BWC recordings are not a replacement for note taking (refer to Department Policy OE41 *Notebooks*) and members are required to take contemporaneous notes of all incidents, regardless of whether a BWC is activated (a BWC may not be used to take electronic notes as these are defined in the Notebooks Policy).
31. Members must complete their notes before viewing a BWC recording of the same incident, but may add an addendum to their notes after viewing a BWC recording, using wording such as: “*Upon reviewing the BWC recording, I have made the following supplemental notes...*”.

### **Violation Tickets**

32. Members must write “BWC VIDEO” on the back of a violation ticket or in the electronic notes to an electronic ticket, when a BWC recording was made during issuance of the ticket.

### **BWC Coordinator / Unit Responsibilities**

33. The BCW Coordinator is responsible for training, maintenance, and use of the BWC system, including:
- a) the proper care and maintenance of BWCs and associated equipment;
  - b) managing BWC recordings;
  - c) administering and managing access to and security of BWC recordings;
  - d) allocating, issuing, replacing, tracking and trouble-shooting the BWC devices, associated equipment and software;
  - e) maintaining a log of BWC assignments;



- f) obtaining the written approval of the Superintendent, Community Policing Bureau to release any video not required as part of disclosure;
- g) assisting the Information & Privacy Coordinator with FOIP requests, including performing any required editing or recordings, redactions and image blurring;
- h) maintaining a scheduled audit process.

### **BWC Recording Management**

- 34. BWC recordings are the property of the Department and members are required to handle them as evidentiary exhibits and as “records” that are subject to the *Freedom of Information and Protection of Privacy Act* (“FOIPPA”) and Department Policy OE42 *Digital Images, Video & Audio Recordings*.
- 35. The original of a BWC recording will be automatically uploaded from the docking station to a protected server at the end of a member’s shift, saved in its native format, and once uploaded, recordings are automatically deleted from the BWC.
- 36. Members may not alter the original of a BWC recording at any time, however, a copy of a BWC recording may be altered for the purposes of disclosure (e.g., vetting/redaction).

### **Access to BWC Recordings**

- 37. The BWC data management system automatically logs access to a BWC recording by any system user, including the date and time accessed, an employee identifier, the recording accessed and whether a copy of the recording was made.
- 38. Department employees may not access a BWC recording except:
  - a) for an offence related investigative purpose, by an employee authorized to investigate the incident;
  - b) in relation to a *Police Act* complaint investigation, by an employee assigned to investigate the complaint;
  - c) by a supervising member for the purpose of reviewing an event;
  - d) for training purposes by a specifically authorized employees;
  - e) for internal audit/quality control purposes, by an employee assigned to carry out those functions; and
  - f) by Technology Section employees, as required to perform systems management or maintenance functions.





### **Reporting Recorded Suspected Misconduct**

39. Any employee viewing a BWC recording and having reason to suspect that the recording shows inappropriate behavior, possible misconduct or excessive use of force, is required to report the matter to the Inspector i/c Professional Standards and the Inspector is required to report the same to the Executive Management Team.

### **Reports / Statements**

40. Members may view a BWC recording prior to filing a report (e.g., use of force report) or making a statement about an incident in which they were involved.
41. A member involved in or who is witness to a critical incident may review a BWC recording prior to being interviewed by the appropriate investigative unit and receiving supervisor approval to access and review the recording, and after viewing a BWC recording the member will be given an opportunity to provide additional information to supplement an initial statement and may be asked additional questions as a result.
42. Access to a BWC recording may be restricted in certain circumstances (e.g., following a critical incident), and in the event that access is restricted, where normally it would be allowed, the officer will be provided an explanation in writing.

### **Exhibits**

43. If a BWC recording is required to be provided as an element of prosecution disclosure, members will (as applicable):
- a) access and review a copy of the video;
  - b) request the Transcription Unit to prepare a transcript of the recording, in accordance with the requirements of Crown counsel;
  - c) document any disclosure concerns;
  - d) if necessary, add an addendum to their notes of the incident;
  - e) if vetting is required, in accordance with authorized Crown vetting codes or as otherwise recommended or requested by Crown counsel, contact the BWC Coordinator and instruct the Coordinator to perform such vetting; and
  - f) ensure the Report to Crown Counsel clearly indicates BWC recordings have been included.

### **Supervisory Review of BWC Recordings**



44. Supervisors are required to review a sample of BWC recordings made by their members at least monthly, but may do so more frequently at their discretion, to assess compliance with this policy, but not to evaluate a member's general performance.
45. Supervisors may also access a BWC recording for the purpose of investigating a complaint or other matter deemed to be of significance by a member of the senior management team, but not for regular performance reviews or to search for violations of Department policy without cause.

### **Internal Audits**

46. The BWC Coordinator will ensure that an internal audit of a random sample of BWC recordings is conducted and reported on annually, to assess compliance with this Policy, related requirements and in particular:
  - a) whether the sampled BWC recordings are in compliance with *BC Provincial Policing Standards* 4.2.1 Body Worn Cameras Equipment Standards (5) to (9), and (11) to (14);
  - b) whether BWC video is securely stored;
  - c) whether any unauthorized viewing has occurred; and
  - d) whether BWC video has been deleted as required by *BC Provincial Policing Standards* 4.2.1 Body Work Camera Equipment Standard (21).
47. The BWC Coordinator will submit a summary of their findings specific to the year in review, to the Chief Constable no later than the end of January of the following year.

### **Review of BWC Recordings for Training Purposes**

48. A BWC recording not specifically made for training purposes may nonetheless be used for training purposes provided:
  - a) the BWC recording is no longer required for an investigation or proceeding;
  - b) prior authorization has been obtained from the BWC Coordinator;
  - c) all persons in the BWC recording have been anonymized or have provided written consent that the BWC recording may be used for training purposes; and
  - d) the use is approved by the Staff Sergeant, Operational Skills Unit.



49. When seeking consent in accordance with the above, the purpose for which the BWC recording will be used must be explained in writing.

### **Release of BWC Recording**

50. Members may not release a BWC recording outside the Department, unless required by law (e.g., disclosure to Crown Counsel, FOIPPA request) or prior written approval has been obtained from the Chief Constable or designate, or BWC Coordinator.

### **Public and Media Access Requests**

51. BWC recordings may not be released to the Media unless authorized by the Chief Constable or designate, or to comply with a FOIPPA request.
52. Any person, including persons who appear or believe they may appear in a BWC recording, may request a copy of the recording in accordance with the FOIPPA.

### **Requests from other Law Enforcement Agencies**

53. Requests for BWC recordings from other law enforcement agencies must be referred to the BWC Coordinator and may be disclosed by the Coordinator based on written documentation provided by the other agencies establishing their investigative need for access to the recording, and following consultation by the BWC Coordinator with the primary investigator of the incident associated to the recordings.

### **Offences**

54. It is an offence to disclose personal information recorded using a BWC, for a purpose not permitted by this policy, except as authorized in accordance with the B.C. *Freedom of Information and Protection of Privacy Act* (FOIPPA).

### **Recording Storage and Retention**

55. Members are prohibited from deleting BWC recordings, other than to facilitate deletion in accordance with the retention periods set out below.
56. BWC recordings will be uploaded at the end of each shift to the designated secure storage location.
57. BWC recordings will be automatically deleted after 13 months, unless required as evidence or for training purposes.



58. If required for an evidentiary purpose, the BWC recording will be retained for the incident specific PRIME retention period and deleted thereafter, and if retained for a training purpose, a recording may be retained for the duration that it remains relevant as a training aid.

### **Downloads**

59. Only the BWC Coordinator (for prosecution disclosure) or a member of the rank of Inspector or above may authorize the download of a recording for editing (e.g., redaction) and disclosure.
60. Members are prohibited from making any alterations to BWC original recordings, except for redactions to a copy of the original recording for prosecution disclosure or other authorized releases.