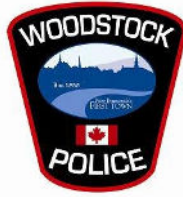


Woodstock Police Force

Standing Order

Date: February 23 rd , 2024	Standing Order: 2024-003
Subject: Body Worn Camera Policy & Procedure (updated)	
Link to Supporting Documentation:	
Good day. The following Body Worn Camera Policy has been updated. Reason for Policy: This policy provides directions as to when, why, and how Body Worn Cameras (BWCs) are to be used as an investigative tool and in support of our ongoing commitment to build public trust by demonstrating police transparency and accountability. A PDF version has been saved to WPF "TrueNAS U" drive /wpfshare /WPF POLICIES. With thanks,	
Approval – M. Bennett, D/Chief of Police	Date: 23 February, 2024
Signature: 	

Woodstock Police Force
822 Main Street
Woodstock, NB
E7M 2E8



Phone: (506) 325-4601
E-mail: wpfadmin@nbpolice.ca

Subject: Body Worn Camera Policy & Procedure

Policy Number: 2024-003

Effective Date: February 23rd, 2024

Next Review Date: February 23rd, 2027

Area(s) This Policy Applies to:

Office Responsible for Review of this Policy:

All Staff

Deputy Chief of Police or Designated Agent

Related Instruments:

Policy Sponsors:

Standing Order 2020-009

D/Chief of Police

Document Pages (including Title Page):

This document consists of 16 pages

Revision History:

Publication Date: October 28, 2020 (Standing Order 2020-009)

Review Date: February 23, 2024

Woodstock Police Force

Date of Passage of Current Framework:

February 23rd, 2024

**I certify that this Policy was adopted by Woodstock Police
Force as indicated above.**

Date of Revision:

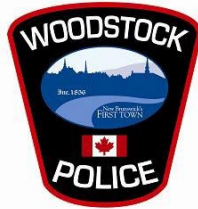
February 23, 2024

**Woodstock Police Force
Approval Date:**

February 23, 2024

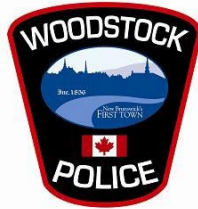
Contact:

Mark Bennett, D/Chief of Police



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1. POLICY STATEMENT:

This policy provides directions as to when, why, and how Body Worn Cameras (BWCs) are to be used as an investigative tool and in support of our ongoing commitment to build public trust by demonstrating police transparency and accountability.

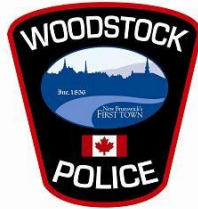
BWC use may reasonably promote the accuracy of documentation and increase understanding of police-public contacts, arrests, and critical incidents. BWCs may also serve to enhance the transparency and precision of officer reports and testimony in court.

Audio and video recordings enhance the department's ability to review probable cause for arrest, officer & client interaction, evidence for investigation & prosecutorial purposes, and to provide additional information for officer evaluation and training.

BWCs may also be useful in documenting crime and accident scenes and/or other events that include the lawful seizure and documentation of evidence and contraband.

2. DEFINITIONS:

- **BWCs:** Refers to "Body Worn Cameras"
- **Complaint Contact:** Any incident or report indicating a conduct or service complaint against a member of the Woodstock Police Force.
- **Evidence Library:** Refers to the secure storage hard drive (memory) and back-up hard drive where the BWC data is captured.
- **Investigative Contact:** Any direct contact between a police officer and a member of the public, where that contact is for the purpose of a police investigation.
- **On View:** Any incident that occurs where an officer has utilized a BWC to record an investigative or complaint contact.
- **Record-After-the-Fact (RATF):** Refers to the feature on the BWC that allows you to capture and save video you can use to generate a RATF event.
- **RTIPPA:** Refers to the *Right to Information and Protection of Privacy Act*.
- **WatchGuard:** Refers to the make and model of the BWCs utilized by the WPF.
- **WPF:** Refers to "Woodstock Police Force".



3. PURPOSE:

The purpose of BWC use may proactively assist with, or contribute to;

- Record of public interaction in the course of, and in accordance with, an officer's lawful duties;
- Provision of additional evidence for prosecution(s);
- Augmentation of note taking practices and evidence documentation;
- Reinforcing public trust and confidence through increased police transparency and accountability;
- A reduction in "use of force" incidences (by and against police) as impacted when individuals are, or become, aware that their behaviour is being recorded;
- Reasonable reduction in frivolous, malicious, or vexatious complaints against police;
- Increased efficiency toward resolution of complaints made possible through the availability of a video/audio record;
- Provision of early-case resolution in prosecutions; and
- Provision of real-life training examples.

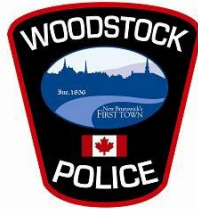
4. STATEMENT OF PRINCIPAL:

This policy establishes direction/guidelines for Woodstock Police Force officers and the use of BWCs.

BWCs shall be deployed in support of police officers' statutory and common law duties (law enforcement duties). Officers shall take reasonable steps to balance the privacy rights of individuals with the anticipated benefits of using BWCs for law enforcement purposes.

WPF BWC policy shall 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.



5. PRIVACY CONSIDERATIONS:

The use of a BWC in any circumstance can have significant privacy implications.

When considering whether to use a BWC, officers shall consider the law enforcement objective against privacy concerns, to ensure an appropriate balance between policing needs and privacy rights.

6. PROHIBITION AND PRIVACY BREACH:

A BWC records personal information which is subject to the *Right to Information and Protection Privacy Act*.

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

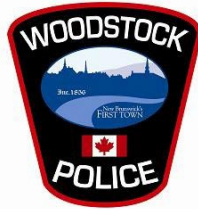
- Make audio or visual recordings of BWC audio or video for any purpose not permitted under or in contravention of this policy;
- Distribute BWC recordings to any person or entity unless authorized by law;
- Use a BWC to record any activities that are not required for a valid law enforcement purpose;
- Use a BWC in a covert capacity;
- Use a non-Woodstock Police Force issued BWC or similar device;
- Knowingly record interactions with a confidential informant when privileged information is provided or may be received; and
- View or permit the viewing of BWC recordings for reasons other than those listed in Section 3.

Under no circumstances should any officer activate a BWC;

- When conducting an “exposed” area search;
- To record uninvolved bystanders or benign interactions with the public, to the extent reasonably possible; or
- During a situation that would reveal confidential police investigative or tactical techniques.

7. INTENDED USE OF BWCs:

Officers may make BWC recordings where they are lawfully placed pursuant to their statutory and common law duties, or for a purpose consistent with these duties.



Accordingly, officers shall;

- Use the BWC immediately upon activating police emergency equipment.
 - Consider using a BWC whenever information gathered may support the purposes outlined in Section 3, and specifically:
 - In circumstances where an arrest or detention is likely to result as follows;
 - During an arrest and detention;
 - When providing a Charter and Caution;
 - When issuing a legal demand such as a breath demand;
 - Where tensions escalate and the use of force is possible in all the circumstances and when force is used;
 - Where a charge is being laid;
 - Where the BWC may assist in de-escalating a situation by affecting the behaviour of individuals who are aware of the recording in-progress;
- OR
- Upon being dispatched to a priority 1 or priority 2 call.

Officers shall handle BWC recordings / images;

- As evidentiary exhibits in the custody of the WPF as per WPF policy and procedures and evidentiary best practices;
- As records of the WPF as per the *Right to Information and Protection of Privacy Act* (RTIPPA) and the records and reports policy; and
- If an officer is involved in a serious injury or death incident, the NCO IC or designate shall seize the officer's BWC.

The use of a BWC in a dwelling house, medical setting, law office or place of worship raises heightened privacy concerns. Officers shall consider using a BWC in these settings only when;

- Initiating an investigative contact;
- There are exigent circumstances permitting a warrantless search of these places;
- The announced use of a BWC is likely to de-escalate a situation; or
- In all circumstances where its use would be appropriate and consistent with law enforcement purposes.



8. SUPERVISOR:

As equipment availability permits, Supervisors (or senior designate) shall issue a BWC to each WPF uniformed/operational officer at the commencement of their shift.

Supervisors (or senior designate) shall also ensure;

- That officers utilize the equipment in accordance with direction outlined in this policy during their respective shift(s);
- The download of BWC data by each officer under their command;
- The documented return of the BWC for charging and re-issue purposes; and
- Ensure a GO is filed for any lost, damaged, or malfunctioning equipment.

9. OFFICER:

Before using the BWC, officers must first complete the following training:

- BWC operator training and
- Privacy implication training

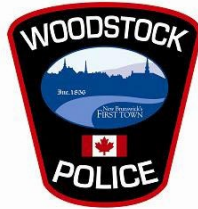
At the start of their shift, uniformed/operational officers shall;

- Retrieve, wear and utilize a BWC for the duration of their working shift unless a BWC is unavailable to do so;
- Ensure that the BWC equipment is functioning properly, and is properly placed on your uniform;
- Note in your notebook that a BWC will be in use during the shift; and
- Articulate the reason for the use of non-use of a BWC.

At the conclusion of shift, officers shall;

- Ensure that the BWC is not recording;
- AND
- Place the BWC into the designated charging system to upload recordings and charge the BWC.

Important: Under no circumstances shall officers erase, alter, modify or tamper with BWC recordings.



Please Note:

Officers shall continue to take notes at all incidents regardless of whether a BWC is, or was used.

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

Please ensure that;

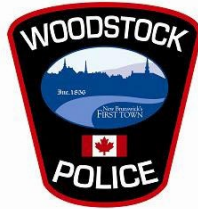
1. The “supplemental notes” are identified as such and include the date and time; and
2. Document any additional relevant observations identified in the notebook.

BWC recordings are not a replacement for proper note taking.

10. PROCEDURE: GENERAL – ACTIVATION & DEACTIVATION:

At the commencement of each shift;

1. Each operational officer shall log into his/her “WatchGuard” account and then select a body camera from the drop-down menu located at the upper right-hand corner marked “Vista Device”.
2. From there select your name from the “officer” drop down menu located at the top of the left column, then select “Checkout Camera” found on the upper right corner in a blue box.
3. At this time the camera can be removed from its docking station and worn.
4. The officer shall inspect and test the BWC prior to each shift and verify proper functioning. The BWC shall be charged, turned on and worn at all times by the operational front-line officer. The officer shall wear the BWC on the outer most portion of his/her uniform on the chest area.
5. The BWC shall be activated to record when it is appropriate in the official and lawful performance of his or her duties.
6. There are several BWC chargers available and if the assigned BWC is low on charge or has no or low disc space, patrol members shall take another available BWC.
7. It shall be the responsibility of each officer to know how each BWC is operated and to use it as directed. It is the officer’s responsibility that it will be used with reasonable care and to ensure proper functioning.
8. The Record-After-the-Fact (RATF) feature on the BWC allows you to continuously capture and save video you can use to generate an RATF event.
9. When RATF is enabled, the BWC overwrites the oldest unprotected (non-recorded event) area in storage with any newly captured video or recorded events.



10. This process can continue until the storage is filled with recorded events (protected recordings).
11. Officers must then upload recorded events to the WPF “Evidence Library” software to free up storage space before you can continue to use the BWC.
12. As a result of this, if you failed to record an event or realized you need to capture a RATF event, the camera must be shut off and turned over to the BWC Coordinator responsible for the BWC management. Failure to do so could result in this recorded event being lost.
13. As a result of this RATF feature, members will turn their BWC off when entering the police building and will therefore not be in violation of surreptitious recording of police personnel.
14. The BWC shall not be operated in the “covert mode” unless required and as a result an indicated green light will show as steady green. If noted to be in the green light “on” mode inside the police building, you will be asked to turn the BWC off.
15. The RATF feature causes the BWC to continuously use battery power and therefore will not be sufficient to last a 12-hour shift. Therefore, when an officer is in the building for an extended period of time, place the BWC back into its docking for a recharge.
16. REMEMBER, once this is done you will be required to sign it back out in your name as the recorded videos will be uploaded and the user will be deleted.
17. If more than one officer is involved in an occurrence, then all officers will have their BWC activated.
18. This will ensure the event has been recorded as well as recording it from a different angle and/or perspective.
19. Officers shall not record in areas where there is an expectation of privacy including: locker rooms, restrooms, briefing rooms, and break areas.
20. Officers shall avoid recording exposed areas of a client’s body as well as recording people who are unrelated to the investigative purpose.
21. **Whenever possible, officers should inform individuals that they are being recorded.**
22. 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 in pursuant to an arrest or search of the residence or individuals.
23. The **BWC shall remain activated until the event is completed** in order to ensure the integrity of the recording unless the contact moves into an area restricted by the policy.

**BWC ACTIVATION:**

Where and when practicable, officers shall verbally state the following when activating a BWC;

- Date;
 - Time;
 - Location; and
 - Nature of the incident.
1. When practicable and safe to do so, advise members of the public that they are being video and audio recorded.
 2. When practicable and safe to do so, advise other police members that a BWC is in use.
 3. Officers shall also take into consideration the need to minimize the recording of bystanders or an innocuous interaction with the public, to the extent possible.

BWC DEACTIVATION:

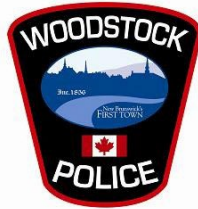
If an officer decides to deactivate a BWC during an event, the officer shall ensure that:

1. That a brief audible statement is recorded with the reason for the deactivation;
2. The reason for the decision is documented in your notebook, and;
3. If and when the BWC malfunctions, fails to activate, or is accidentally deactivated, officers shall document that fact, inform supervisor, and return the BWC for immediate service or to ascertain a replacement BWC.

11. BWC COORDINATOR:

The BWC Coordinator manages BWC recordings and shall serve as the primary contact for the training, maintenance, and use of the BWC system. In addition, the following responsibilities apply;

- Administers and manages access to and security of BWC recordings.
- Allocates, issues, replaces, tracks and trouble-shoots the BWC devices, docking stations and software.
- Maintains a log of BWC assignments.
- Assists the Administrative Support Manager with RTIPPA request.
- Maintains a scheduled audit process.
- Discloses BWC videos to the Crown Prosecutor or Town Solicitor that are marked by officers for disclosure.



12. ACCESS TO BWC RECORDINGS:

BWC videos shall/may be viewed as follows;

- The officer whose BWC captures images;
- Any other officer who was present when the video/images were recorded, but only with the permission of the officer whose BWC captured the video. The officer will only be given access to the portion of the video where they were present;
- An officer who completes performance evaluations or has a supervisory role over the officer that captured the video;
- An officer who is responsible for evaluating a video's potential benefit for training or to evaluate the effectiveness of approved use of force techniques;
- Officers in the chain of command senior to the officer whose BWC captured the video **only** when there is a legitimate investigative or administrative reason to view it;
- Any entity requested/required to conduct Professional Standards in response to a complaint related to the WPF where a BWC video/image is relevant; or
- Any officer who needs to view the video for law enforcement purposes.

Please note that access to a BWC video/image shall be automatically captured and tracked in the audit log, which includes the officer's regimental number, time and date.

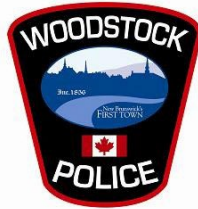
13. VIDEO STORAGE AND RETENTION:

BWC video recordings shall be uploaded automatically from the docking station to a secure WPF encrypted storage "library."

After upload is complete, videos shall automatically be deleted from the BWC.

Please note that recordings that have not been flagged as relevant to an investigation shall be automatically deleted from the service after **eighteen (18) months, unless otherwise directed by the Chief of Police through documented rationale.**

If a recording becomes part of a case file and is evidence, it will follow the normal retention schedule as identified in WPF records and reports policy.



14. EQUIPMENT STORAGE AND MAINTENANCE:

Officer shall retrieve, return, and safely secure BWCs in the provided and designated docking stations when not in use.

15. LOST, DAMAGED OR MALFUNCTIONING:

WPF officers shall report immediately any lost, damaged or malfunctioning BWC equipment to the BWC coordinator and their supervisor by completing;

1. A **GO occurrence** with associated details of the lost/damaged/malfunctioning equipment.
2. An **email** notification to BWC Coordinator including GO file number.

16. DISCLOSURE:

BWC video shall be disclosed with every investigative charge file to the Crown if and where the BWC associated video exists to do so.

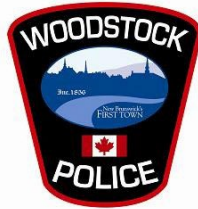
BWC video, if it exists to do so, shall be disclosed to the Crown upon receiving a written Crown Request or to the Town Solicitor's office upon receiving a written request.

Officers having BWC video shall proceed as directed related to and when dealing with;

- a. **Violation Tickets:** write 'VIDEO' on the bottom left of the officer's notes for each violation ticket issued.
- b. **Occurrence Report:** indicate the use of any known BWC in the Crown Summary and/or Initial Officer's text and the video's relevance to the file.
- c. **Charge Approval Sheet:** Please check "Yes" or "No" next to "Video" near the top right corner of the Charge Approval Sheet.
- d. If the officer has **disclosure concerns** regarding video content (i.e. personal address, informant information, witness identity, undercover officers, etc.) indicate such in the Crown Summary.

Officers shall complete the following steps to complete the disclosure process:

1. Add "video" indicator, if required, at pertinent locations;
2. Electronically mark the video to be disclosed by tagging the video heading "Disclose";
3. Add notes to indicate any special instructions. If none, indicate the video is to be disclosed as is; and



4. Email the BWC Coordinator to advise a video is marked and waiting to be disclosed.

17. EXHIBIT – BWC VIDEO:

If the officer required a BWC video recording for an exhibit, as soon as practicable he/she shall;

- Upload and review the video;
- Categorize the video;
- In addition to field notes made at the time, make notes regarding any relevant observations or changes to your field notes;
- An officer must also ensure that the supplemental notes are identified as such with the date and time; and
- Document any additional relevant observations in the notebook. For example, use wording such as: *“Upon reviewing the video record, I have made the following additions or changes to my field notes...”*

18. RIGHT TO INFORMATION & PROTECTION OF PRIVACY ACT REQUESTS:

Any and all requests concerning BWC recordings shall be submitted via the *Right to Information and Protection of Privacy Act* (RTIPPA) for release in accordance with RTIPPA release criteria.

RTIPPA Requests shall be handled by the WPF BWC Coordinator or Admin Staff designate.

Please note that all BWC recordings shall be treated in the same manner as all other departmental videos.

19. MISCONDUCT:

Breaches of this policy may be regarded as misconduct and may be subject to disciplinary action in accordance with the *New Brunswick Police Act*.

Under the *Right to Information and Protection of Privacy Act* it is an offence to;

- “Collect, use or disclose personal information in willful contravention of” the Act;
- “Attempt to gain or gain access to personal information in willful contravention of” the Act;
- “Destroy a record or erase information in a record that is subject to” the Act and “alter, falsify, conceal or destroy any record or part of any record” or;



- “Direct another person to do so, with an intent to evade a request for access to the record.”

Please note that unauthorized use of BWC video/images may also constitute an offence under the *Criminal Code*.

20. RELATED DOCUMENTATION:

- *Right to Information and Protection of Privacy Act*
- *New Brunswick Police Act*
- WPF Standing Order 2020-009 – Body Worn Camera Policy and Procedure
- WPF Notebook Policy
- Associated NB Policing Standards SOP
- FAQ’s on Body Worn Cameras (p. 20)

APPENDIX “A”

Frequently Asked BWC Questions from/by Public

What is the purpose of Body Worn Cameras (BWC)?

BWCs will be used for;

- The collection of evidence;
- To enhance transparency, public trust and confidence;
- To enhance officer accountability and professionalism;
- To provide the best evidence of police/public interactions;
- To de-escalate a situation.

Why are the cameras not recording all the time?

In consideration of the privacy rights of the public the ability to turn off the camera in sensitive situations is required. Cameras that can never be turned off would not allow police officers the ability to balance the privacy rights of individuals with the benefits of collecting evidence for law enforcement purposes.

We also have to be mindful of the privacy rights for members wearing the cameras. For example, officers must still be able to take washroom and lunch breaks, have a private conversation, or discuss confidential police tactics without being recorded. One of the main goals of the cameras is to assist the officers in collecting the best evidence possible during an investigation.

In addition to privacy concerns, the current technology (the life of the battery/potential data storage costs) may not easily provide the ability to record a full shift.

How will cameras be distributed to officers?

Equipment permitting, BWCs shall be worn by each uniformed/operational officer and utilized in accordance with WPF BWC policy.

What happens if and when a member of the public objects to being recorded?

Whenever it is safe and practical to do so, a police officer will advise members of the public that they are being recorded. Although a citizen may object to recording, officers shall continue to record whenever and while acting in the lawful execution of their duties.

How long is footage of my interaction retained for?

The Woodstock Police Force shall follow New Brunswick Policing Standards for retention of all videos. Retention is based on the type of offence and the nature of the investigation.

How will I know when an incident that I was involved in was captured on a body worn camera?

It is the expectation that should a member of the public have an interaction with a police officer that is investigative in nature, a BWC will be activated. Officers are encouraged to communicate to members of the public when a BWC is activated, if and when safe to do so.

If applicable, disclosure shall follow normal disclosure practices (i.e. statute charge procedure). Additionally, any member of the public may make application for video information via RTIPPA.

I was a bystander during an incident involving the Woodstock Police Force, how do I make sure my image is blurred out?

BWC footage provided through the Right to Information process shall be reviewed to ensure that images and audio of people not directly related to an incident are modified through face blurring and distortion of sound, where and when possible.

How do I request access to footage during an interaction I had with a police officer?

Access to footage can be requested by submitting a Right to Information request to the WPF BWC Coordinator (or designate) via wpfadmin@nbpolice.ca.

Will media have access to BWC footage?

Footage from BWCs will be shared with the public and media only when it is deemed necessary for investigative or public safety reasons. Should members of the media want access to BWC footage they will need to apply through the Right to Information process with the WPF to the BWC Coordinator (or designate) via wpfadmin@nbpolice.ca.

Is the BWCs policy subject to change overtime?

We anticipate that our policy will be adjusted over time as the use of BWCs become more prevalent and the judicial system adapts to the use of BWC footage as evidence.