



COBOURG POLICE SERVICE COMMAND DIRECTIVE

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Distribution: All Members	Title: Body Worn Camera (BWC)	
Related Procedures: AI-003 Respectful Workplace Procedure; AI-10 Police Uniforms, Equipment, Dress and Appearance; AI – 012 Use of Force; AI-016 SIU; AI-034 Auxiliary Police Members; CB-007 Media Relations; LE-020 Collection Preservation and Control of Evidence and Property; LE-022 Officer Note Taking; LE-025 Supervision;; CB-011 Crown Brief and Show Cause; Records Retention By-law.		Related Legislation: Canada’s Charter of Rights and Freedoms; Canadian Human Rights Act; Constitution Act; Criminal Code; Employment Standards Act; Occupational Health and Safety Act; Ontario Police Services Act; Municipal Freedom of Information and Protection of Privacy Act; Ontario Human Rights Code; Personal Information Protection and Electronic Documents Act (PIPEDA); Personal Health Information Protection Act; Privacy Act; Workplace Safety and Insurance Act; Cobourg Police Service Collective Agreement Uniform; Cobourg Police Service Collective Agreement Civilian, Cobourg Police Service Collection Agreement Senior Officers.
Associated Documents:		

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1.0 Purpose

- 1.1 The purpose of this directive is to provide and set out the policy and procedure for the use of BWCs, and the collection, management, storage, and retrieval of video/audio digital media recorded using the BWCs.
- 1.2 The Mission of the CPS BWC Program for frontline Members of the Cobourg Police Service provides value to our internal colleagues, Partner agencies, and the Community, specifically with respect to:
 1. Accuracy and quality of evidence collection and the related judicial and oversight processes.
 2. Transparency, to maintain trust between our Community, Internal colleagues, and Partner agencies.
 3. Enhancing accountability both CPS Members and the Members of the Community served by the CPS.
 4. Provide information as to the effectiveness of Service procedures and training.

2.0 Definitions

- 2.1 For the purposes of this directive, the following definitions will apply:
- 2.2 Activation - means any process which causes the Body-Worn Camera to record audio and/or video data.
- 2.3 Auxiliary Member - volunteer members of the Cobourg Police Service Auxiliary Unit.
- 2.4 BWC – the acronym for Body-Worn Camera. Cobourg Police will be using Axon Body 3© devices.
- 2.5 Call for Service - for the purpose of this Directive, means an incident attended by a police officer(s) in response to a call for assistance or service.
- 2.6 CPS - the acronym for Cobourg Police Service.
- 2.7 Covert - means not openly acknowledged or displayed.
- 2.8 Deactivation - means the termination of video recording on the BWC.
- 2.9 Duty Officer - is the Senior Officer that is “on-call” outside of regular business hours and is the highest-ranking officer in charge of daily operations of the Service. This member shall report to Senior Command as required.
- 2.10 Exigent Circumstances - for the purposes of this Directive means circumstances where there:

1. Are reasonable grounds to suspect there is an imminent threat of bodily harm or death to any person;
 2. Are reasonable grounds to believe that evidence relating to the commission of an indictable offence is present in a private place and that entry into the private place is necessary to prevent the imminent loss or imminent destruction of evidence, or
 3. In circumstances of fresh pursuit.
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- 2.11 Informed Consent - for the purposes BWC recording under this Directive means consent from a Homeowner or Occupant of a Private Place who has the authority to consent, gives consent voluntarily, knows the nature of the police conduct, knows they can refuse consent, and who is aware of the potential consequences or jeopardy of giving that consent.
 - 2.12 Investigative Contact - means any direct contact between a police officer and a member of the public where that contact is for the purpose of a police investigation. This includes but is not limited to, calls for service, investigative detention, apprehension under the Mental Health Act, arrests, interactions with persons in crisis, crimes in progress, investigations, seizure of evidence, active criminals, and public disorder issues etc.
 - 2.13 Member - all sworn and civilian Cobourg Police Service personnel, including temporary, contract, and part-time staff and volunteers.
 - 2.14 Muted or Muting - means the deactivation of audio recording while still video recording on the BWC.
 - 2.15 Off - means the Body-Worn Camera is powered off.
 - 2.16 Officer-in-Charge - a supervisor assigned to the station for the shift or any part thereof. Has the same meaning as found in the Police Services Act, the Criminal Code and is the on-duty Uniform Sergeant including those in an acting rank unless identified otherwise.
 - 2.17 On - means the Body-Worn Camera is powered on but is not activated to record audio and/video data (stand-by mode). The BWC camera is set for thirty (30) second pre-event video recording; pre-event buffering records only video and not audio.
 - 2.18 Overt - means shown openly; plainly or readily apparent, not secret, or hidden.
 - 2.19 Private Place - means a place where a person or persons enjoy a reasonable expectation of privacy.
 - 2.20 Public Place - means any place to which the public have access as of right or by invitation, expressed or implied.
 - 2.21 Redaction - means the removal or obscuring of privileged, sensitive, or clearly irrelevant content prior to the disclosure or release of a copy of a BWC recording. Redaction will be

completed using the tools found in Evidence.com©. The redaction process will create an edited child copy while leaving the parent record unaltered.

- 2.22 Senior Officer - has the same meaning as found in the Police Service Act and means a sworn member of the police service who has the rank of Inspector or higher or is employed in a supervisory capacity. For the purposes of this Directive Senior Officer may include the rank of Staff Sergeant while in an on-call capacity and those in an acting rank unless identified otherwise.
- 2.23 SIU Liaison Officer - for the purposes of this Directive, is the Deputy Chief of Police or designate who liaises between the Cobourg Police Service and Special Investigations Unit to communicate and coordinate their activities.
- 2.24 Special Constable - a civilian member who has been appointed under the Police Services Act as a Special Constable by the Cobourg Police Services Board and the Ministry of Community Safety and Correctional Services.
- 2.25 Supervisor - a member authorized by the Service to:
1. Direct members under their authority in the performance of their duties;
 2. Correct the inappropriate behaviour of members under their authority;
 3. Make decisions and/or recommendations that relate to the assignment, leave, transfer, reward, training, or discipline of members under their authority; and
 4. Includes civilian members who are qualified and designated to act in a supervisory position.
- 2.26 Vetting - means a review of BWC recordings to identify content that may require redaction prior to disclosure or release. Content that should be identified includes:
1. Contact information relating to Victims and Witnesses;
 2. Content of a sensitive nature (may include nudity, medical episodes, medical treatment, and extreme emotional distress – refer to section **14.0** Incidents of Sensitive Nature & Protection of Victims);
 3. Content potentially protected by legal privilege or medical confidentiality (ex. legal advice, medical treatment or records);
 4. Content that could compromise a police technique or the identity of a Confidential Informant or an Undercover Police Officer; and
 5. Content that is clearly irrelevant.
- 2.27 Volunteer – A Member of the public who agrees to perform duties for or on behalf of the Cobourg Police Service for no monetary compensation (ref. AI-006 Use of Volunteers).

3.0 General Authorities and Responsibilities

3.1 The Chief of Police or designate has the discretion to allow variance from this policy.

3.2 This policy establishes the following authorities and responsibilities:

1. Members are responsible for:
 - (1) Completing the required training when assigned to the BWC Program.
2. Supervisors are responsible for:
 - (1) Completing the required training.
 - (2) Monitoring all officers under their direct supervision to ensure compliance with this Directive.
3. Staff Sergeants are responsible for:
 - (1) Monitoring all supervisors under their direct supervision to ensure compliance with this Directive.
4. The BWC Team is responsible for:
 - (1) Delivering and evaluating the use of BWC's including planning, communications, training, and video.
 - (2) Management and frontline support.
 - (3) Administering the Evidence.com© system and the BWC devices.

4.0 Body-Worn Cameras: General Principles

- 4.1 The BWC is an overt recording device to assist uniformed frontline police officers and Special Constables in the lawful execution of their duties.
- 4.2 BWC's are intended to capture specific incidents and public interactions. They are not intended for full-shift recording.
- 4.3 Covert recordings or personal-use recordings made using the BWC is prohibited.
- 4.4 Disabling BWC equipment and/or altering, deleting, or destroying BWC recordings is prohibited, except as authorized in compliance with this Directive.
- 4.5 No Member of the Cobourg Police Service shall duplicate, record, or release any BWC recording without authorization.
- 4.6 Any and all release of BWC recordings must be authorized by and completed through the Digital Evidence Management Unit and/or the Freedom of Information Coordinator.

5.0 Body-Worn Cameras Are to be Used for the Following

- 5.1 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.
- 5.2 BWC's may also be used to record:
 - 1. Statements that would normally be taken in the field including utterances and spontaneous statements;
 - 2. Interactions with a prisoner or member of the public in a service facility, when the officer believed it would be beneficial to do so; and
 - 3. Any other situation or incident where the officer believes it would support them in the lawful execution of their duties.

6.0 BWC Restrictions on Use – Exception to Restriction

- 6.1 All members equipped with a BWC shall ensure that the BWC is not activated to record:
 - 1. Formal statements taken at a police facility and already recorded by CCTV.
 - 2. Discussions relating to police tactics, police information or police personnel safety, health, and wellness.
 - 3. Situations that reveal specialized police investigative techniques.
 - 4. Administrative duties.
 - 5. Interactions which could potentially identify a Confidential Informant(s) or police officer in an undercover capacity.
- 6.2 All members equipped with a BWC shall ensure that the BWC is not activated to record circumstances or locations which have substantially heightened expectations of privacy including, but not limited to:
 - 1. Images of an individual in circumstances of a sensitive nature.
 - 2. Attendance in a court room.
 - 3. Attendance at a place of worship.
 - 4. Attendance at hospital, other healthcare facilities, or inside an ambulance.
 - 5. Incidents or places that are protected by legal privilege (ex. law offices and media facilities).
- 6.3 Section 6.2 does not apply to situations where an officer is (i) actively engaged in an investigative contact, or (ii) where there is an exigent need to video record. Reasonable efforts should always be made to protect the privacy of all present. This exception applies in particular to situations where use of force may reasonable be foreseen, or when critical evidence or statements are at risk of being lost.
- 6.4 No member shall use a BWC to intercept communications to which they are not party to.

7.0 Notification of BWC Use

- 7.1 Notification of BWC activation is required unless the officer believes that doing so would undermine one or more elements of the BWC Mission or it is necessary to ensure public safety or to continue the investigative contact. (Refer to section **1.0 Purpose for Mission**).
- 7.2 There is no exception to the requirement to notify the owner/occupant of BWC recording when entering a private place on consent.
- 7.3 There is no exception to the requirement to notify of BWC recording in a circumstance or location with a heightened expectation of privacy (see section **10.0** regarding BWC restrictions on use and exceptions) to the restrictions.

8.0 BWC Recording Not to be Stopped - Exceptions

- 8.1 When the BWC is activated, video recording shall not be deactivated, and the BWC shall not be obstructed or deliberately re-positioned until the incident has concluded, except when:
- 8.2 The Member believes that continued recording would undermine one or more elements of the BWC Project Mission or it is necessary to ensure public safety or to continue the investigative contact.
- 8.3 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 to have the two systems recording simultaneously.
- 8.4 The Member reasonably believes that deactivating the audio and/or video recording for a portion of the incident is necessary to continue the investigative contact or to prevent the recording of information or circumstances prohibited under this Directive.
- 8.5 When directed to do so by a supervisor applying the criteria in this Directive.
- 8.6 The Member is no longer interacting with members of the public and is not engaged in the collection of evidence.
- 8.7 In certain circumstances involving incidents of a sensitive nature and for the protection of victims. (Refer to section **9.0 Incidents of a Sensitive Nature & Protection of Victims**).
- 8.8 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.
- 8.9 When deciding to deactivate or limit the recording of a BWC the member or supervisor shall take into account the following factors:

1. Necessity:

- (1) Is it necessary to limit or stop recording?
- (2) Why now?
- (3) What has changed?
- (4) Consistent with Directive?
- (5) Consistent with law?

2. Risk:

- (1) What are the risks to recording (i.e. privacy, privileged information, trust, and accountability)?
- (2) What are the risks to not recording (i.e. not capturing evidence)?
- (3) What are the potential outcomes?

3. Acceptable:

- (1) Is the decision acceptable?
- (2) Is it lawful?
- (3) Is it appropriate?

8.10 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.

9.0 Incidents of a Sensitive Nature and Protection of Victims

- 9.1 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.
- 9.2 Without limiting the definition, incidents, or situations of a sensitive nature may include nudity, medical episodes, medical treatment, and extreme emotional distress.
- 9.3 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.
- 9.4 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.

10.0 Recording in a Private Place

- 10.1 Recording within a private place is dependent on the lawful authority upon which an Officer's attendance at the location is based (ex. consent of the Owner/occupant, exigent circumstances, or in relation to a search warrant).

11.0 Recording with the Consent of the Owner/Occupant

- 11.1 When an officer enters a private place based on the consent of the owner/occupant, the officer must notify the owner/occupant as soon as reasonably possible of the use or intended use of a BWC.
- 11.2 For consent to enter to be valid it must be fully informed.
- 11.3 If at any time during the attendance, the owner/occupant requests that the interaction not be recorded, the officer shall deactivate the BWC or leave the private place.
- 11.4 In this situation, an officer's lawful presence in the private place is conditional on the owner's/occupant's consent, once the owner/occupant 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.

12.0 Recording in Exigent Circumstances or While Executing a Search Warrant

- 12.1 Officers may encounter situations where individuals object to being audio and/or video recorded. If the objection occurs while in a public place, officers shall continue to record in accordance with this Directive.
- 12.2 If the objection occurs while in a private place or a place or circumstance with a heightened expectation of privacy, except where the attendance at the location is based on consent as outline above, officers shall continue to record in accordance with this Directive.

13.0 Objections to Recording

- 13.1 Officers may encounter situations where individuals object to being audio and/or video recorded. If the objection occurs while in a public place, officers shall continue to record in accordance.
- 13.2 If the objection occurs while in a private place or a place or circumstance with a heightened expectation of privacy, except where the attendance at the location is based on consent as outlined above, officers shall continue to record in accordance this Directive.

14.0 Access Control and Secure Storage of BWC Video/Audio Records

- 14.1 Video/audio records created using the BWC are edit-proof and encrypted.
- 14.2 Video/audio records created using the BWC shall be stored securely on Evidence.com ©.
- 14.3 Access to video/audio records created using the BWC is restricted except on an authorized and need-to-know basis. Access and permissions to BWC video/audio records through Evidence.com© is based on assigned user roles.
- 14.4 Frontline Officers and Special Constables will have access and permissions to upload, view and search BWC video/audio records that they have created. Frontline Officers and Special Constables will not be able to alter or delete BWC video/audio records.
- 14.5 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 and Special Constables within their unit. Frontline Supervisors will not be able to alter or delete BWC video/audio records.
- 14.6 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.
- 14.7 Members assigned to the Video Management Team will have access and permissions to search and view BWC video/audio records, create cases, prepare redaction copies and share disclosure.
- 14.8 The Video Management Team members will not be able to alter or delete BWC video/audio records.
- 14.9 BWC Administrators will have administrator access and permissions to manage the CPS Evidence.com© system and to manage video/audio assets stored there. BWC Administrators will not be able to alter records but can manually schedule them for deletion in 7-days (subject to other administrator review).
- 14.10 Access to video/audio records created using the BWC is subject to review and monitoring to ensure recording have not been accessed, modified, retained, used, disclosed or destroyed without proper authority. All access to BWC recordings is tracked through the audit trail feature within Evidence.com©.
- 14.11 The audit trail for BWC recordings will be disclosed through Evidence.com© to the Crown Attorney for criminal prosecutions.

15.0 Evidentiary Disclosure of BWC Video/Audio Records

- 15.1 The disclosure of BWC recordings and records shall only be completed through the Records and Case Management Unit or at the direction of the Records and Case Management Unit. The Digital Evidence Management Unit shall be the primary point-of-contact for all video disclosure, including BWC.
- 15.2 The Digital Evidence Management Unit will be responsible for managing and preparing BWC-related disclosure including video and audio redaction.
- 15.3 For Evidentiary Disclosure Where Criminal Charges are Laid:
- 15.4 All BWC video/audio evidence where charges have been laid will be vetted, redacted, and electronically disclosed to the Crown Attorney's officer forthwith and no later than fourteen (14) days from the date of arrest/ charge.
- 15.5 For Evidentiary Disclosure Where Provincial Offence Charges Laid:
- 15.6 All BWC video/audio evidence where 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 no later than fourteen (14) days from the date of that notification.
- 15.7 Where BWC recording containing very private and sensitive information of Victims, Witnesses and or Third/Parties must be disclosed the Digital Evidence Management Unit shall consult with the Crown Attorney to determine whether the disclosure should be made under an undertaking or court order to explicitly prohibit the misuse of the recording.

16.0 Retention – See Record Retention Schedule

17.0 Freedom of Information and Release of BWC Records

- 17.1 No Member of the Cobourg Police Service shall duplicate, record or release any BWC recording without authorization. Any and all release of BWC recordings must be authorized by and completed through the Digital Evidence Management Unit and/ or the Freedom of Information Coordinator.
- 17.2 Under the MFIPPA every person has a right of access to a record or part of a record held by or in the control of the CPS (MFIPPA s.4(1)), subject to certain exemptions.
- 17.3 The MFIPPA also requires that the CPS must sever and release all of the record not exempted (MFIPPA s.4(2)).
- 17.4 While the MFIPPA imposes the duty of releasing records it also imposes the duty to safeguard those records.
- 17.5 As a default rule CPS may not release personal information to any person other than to whom it relates without that person's consent (MFIPPA s.14).

- 17.6 In addition to the MFIPPA, the Youth Criminal Justice Act makes it an offence to publish the name or any other information serving to identify a young person as a subject of a YCJA matter (YCJA s.110).
- 17.7 The YCJA also makes it an offence to publish the name or any other information of a child or young person who is a victim or a witness to a YCJA matter (YCJA s.111).
- 17.8 Due to the highly personal and detailed nature of the information collected and retained through the police use of BWCs, including metadata and spurious private information including police radio transmissions, the release of BWC recordings will be strictly controlled to protect legal rights and processes, the integrity of police investigations and prosecutions, the privacy of the public and the privacy of members of the Cobourg Police Service.
- 17.9 BWC recordings including children or young persons involved in criminal and/or Youth Criminal Justice Act investigations in any capacity shall not be released (Authority: YCJA s.110, 111).
- 17.10 BWC recordings obtained inside private places shall not be released except on the consent of all persons present at the time of the recording and/or whose personal information may appear on the BWC recording (Authority: MFIPPA s.14).
- 17.11 BWC recordings of evidentiary value and where charges have been laid shall not be released prior to the expiry of the last appeal period (Authority: MFIPPA s.8(1)(f)) Note: this information will be available to the Accused through the court disclosure process.
- 17.12 BWC recordings of evidentiary value where the incident remains unsolved and under investigation shall not be released without the consent of the officer-in-charge of the investigation (Authority: MFIPPA s.8(1)(a),(b)).
- 17.13 BWC recordings relating to SIU, OIPRD or Professional Standards investigations shall not be released until the investigation and any resultant legal proceeding has concluded (Authority: MFIPPA s.8(1)(a),(b),(f); PSA O.Reg. 267/10 s.12(2)).
- 17.14 All BWC records subject to release shall be vetted and redacted to sever all personal information the requester is not entitled to as well as to remove specialized police investigative techniques or procedures or other information subject to the law enforcement exemption.
- 17.15 BWC recordings requested under general information requests will be subject to cost recovery pursuant to the fees set out in regulation.

18.0 Mandatory Training – All Users

- 18.1 No member shall operate a BWC without having completed the required BWC training.

19.0 Supervisor Responsibilities, Review and Use of BWC Records

19.1 Supervisors of members equipped with BWC's shall review recordings of:

- a. Incidents involving use of force.
- b. Incidents involving Suspect Apprehension Pursuits.
- c. Incidents related to public complaints.

19.2 Supervisors of members equipped with BWC's may review recordings to:

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

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

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

20.0 Professional Standards, SIU and OIPRD Investigations

20.1 BWC recordings are disclosable under existing policies, practices and agreements governing the release of records to the SIU and OIPRD.

20.2 BWC recordings and records will be considered as Officer Duty Notes for disclosure or release to SIU or OIPRD.

20.3 Witness Officer BWC recordings and records may be disclosed or released upon the direction of the designated SIU Liaison or designated Professional Standards investigator.

20.4 Records relating to Professional Standards, SIU & OIPRD investigations will be restricted and assigned to the SIU Liaison as record owner. Access will be restricted to members identified by the SIU Liaison.

20.5 SIU Investigations

20.6 Members equipped with BWC shall:

- 1. Comply with Directive Special Investigations Unit.
- 2. Responding/ Involved Officers shall:

- (1) When equipped with BWC, secure the scene and preserve evidence, including any BWC recordings and devices.
- (2) Complete duty reports relating to the incident under review with the SIU and maintain memo books as prescribed by the provisions of the Memo Book and Note Take Procedure.
- (3) Officers may review their own BWC video(s) when completing their duty notes and reports.
- (4) Officers shall note any review of BWC video in their notes and reports.

20.7 The Supervisor in command of the scene or their designate shall:

- (1) Identify and document all BWC equipped officers and BWC devices at the scene, including the serial numbers of the devices.
- (2) Determine from the BWC equipped officers whether they had been recording.
- (3) Advise the SIU Liaison of any seized BWC equipment or BWC video.

20.8 The OIC or designate shall:

- (1) Supervise and document the secure upload of BWC.
- (2) Secure the BWC devices.

20.9 The Digital Evidence Management Unit shall:

- (1) Restrict access to the related BWC video assets and records at the direction of the SIU liaison or designate.
- (2) Facilitate the disclosure or release of the related BWC video assets and records at the direction of the SIU liaison or designate.
- (3) Take custody of the BWC devices pending direction from the SIU Liaison or designate.

21.0 Member Responsibilities General Use

21.1 Members equipped with a BWC shall:

1. Use the BWC in accordance with BWC project training and this Directive.
2. Make best efforts to ensure the BWC is properly positioned and not obstructed.
3. Comply with policy for BWC activation and notification.
4. Not modify or attempt to modify any permanent settings or components of the BWC
5. Report any loss, damage, or theft of the BWC to their immediate supervisor as soon as reasonably possible.
6. Report all malfunctions to their immediate supervisor as soon as reasonably possible.
7. Upon arriving at the station at the conclusion of the shift, ensure the BWC is returned to the designated Axon dock for secure upload, charging and firmware update.

21.2 Notification Procedure:

1. As soon as possible, when the BWC is activated, members shall:
 - (1) Record brief audible statement indicating why the BWC is being activated.
 - (2) Advise the person(s) being investigated that they are being recorded through the use of a BWC.
 - (3) Advise other persons, including Service members and other emergency personnel, on scene that a BWC is in use, and they may be recorded.

22.0 Note Taking

22.1 Members equipped with a BWC shall:

1. Follow the requirements set out in the Memo Book and Note Taking Procedures.
2. Make appropriate memo book notes contemporaneously to an incident.
3. When completing memo book notes in relation to an incident or investigation where BWC was utilized, also note any review of BWC recordings.
4. Member may review their own BWC recordings to make accurate and appropriately. detained memo book notes and reports in relation to that incident or investigation.

22.2 BWC Recordings Do Not Replace Notes, Reports or SOCO.

22.3 When a BWC is utilized, recordings are considered as supporting the members' observations and shall supplement not replace, memo book notes and detailed Niche RMS reports consistent with the directive relating to Memo Book and Note Taking Procedures.

22.4 When a BWC is utilized, recordings are considered as supporting the members' observations and are not to replace photographic or video evidence normally captured by Scenes of Crime Officers (SOCO) or Forensic Identification Services (FIS).

23.0 Deactivating or Muting a BWC

23.1 When deactivating or muting the BWC in accordance with policy, members shall:

23.2 Where reasonably possible, record a brief audible statement indicating the reason why the BWC is being deactivated or its recording functions limited prior to the deactivation or muting/limiting.

23.3 As soon as reasonably possible, note the deactivation or muting in their memo book and articulate the reasons in their duty notes or report, including the badge number of the Supervisor directing the deactivation where applicable; and

23.4 Where reasonably possible, record an audible statement summarizing the activities or information obtained while the BWC was deactivated or its recording functions where limited.

24.0 Uploading a BWC Record

24.1 Members equipped with a BWC shall:

1. Upload all BWC video to Evidence.com© during and/or immediately following each and every shift.
2. All BWC users are responsible for docking and uploading their BWC video.
3. Categorize each video within Evidence.com©.

24.2 Complete the ID field within Evidence.com© for each and every video record:

1. The ID field shall be the prime incident number in the following format: YY-NNNNNN (only use the required number of places).
2. 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.

24.3 Update the title field within Evidence.com© for each and every video record:

1. The title field shall be the officers 3-digit badge number followed by the Axon Body 3 video YYYY-MM-DD HHHH.

25.0 Filing a Report

25.1 Members equipped with a BWC shall:

1. Complete detailed reports that:
 - (1) Clearly indicate if equipped with a BWC and whether the BWC was used, and if not, why not.
 - (2) Include sufficient detail and key times to describe the content of the associated BWC videos.
 - (3) Key times should include the times that the BWC was activated, deactivated, muted, and the start of any event relevant to the investigation including, but not limited to, interactions with witnesses and suspects, the exercise of any authority to detain, arrest or search etc.
 - (4) Times used should be UTC times from the BWC watermark.

25.2 Complete a synopsis for all statements taken with BWC video.

1. Use the appropriate NICHE RMS text template:
 - (1) BA – Video BWC Synopsis – Accused;
 - (2) BV – Video BWC Synopsis – Victim; or,
 - (3) BW – Video BWC Synopsis – Witness
2. Include sufficient detail and key times to describe the content of associated BWC video statement(s).
 - (1) Times used should be UTC times from the BWC video watermark.

3. Complete a video log for any report, street check or e-ticket filed in NICHE RMS.
4. Use the NICHE RMS text template:
 - (1) BL – Video – BWC Log
5. Provide vetting instructions for the redaction of all BWC relating to charges laid or anticipated.
 - (1) Vetting instructions should use UTC times from the BWC video
6. Identify items to be redacted contained within the BWC video. These include but are not limited to:
 - (1) Images of an individual in circumstances of a sensitive nature;
 - (2) Privileged information (included solicitor/ client privilege, inadvertently captured medical information, confidential human source or agent identification, undercover officers or specialized police techniques);
 - (3) Third party information such as civilian witness and victim personal identifiers;
 - (4) Irrelevant information which includes information about unrelated investigations.

26.0 Re-Evaluation

- 26.1 This Directive will be reviewed within one year of the last review and updated as necessary.

27.0 Reporting and Auditing

- 27.1 There are no reporting requirements associated with this Directive.
- 27.2 There are no auditing requirements associated with this Directive.

28.0 Review and Revision Summary

Reviewing Responsibility	Version reviewed	Date of review	Notes:
Deputy Chief #105	New	March 2022	New procedure.

This Procedure shall become effective this 10th day of June 2022.