

Use of Surveillance Devices

Introduction

The purpose of this policy is to ensure that Shire of Toodyay's use of Body Worn Cameras (BWC) and vehicle dashboard cameras are in accordance with relevant legislation and provide guidance for users in respect to the compliant, safe and effective use of BWC devices and vehicle dashboard cameras. And to enhance Work Health and Safety of Authorised Persons in the field.

Background

BWCs and vehicle dashboard cameras are an overt method of surveillance by which officers can obtain and secure evidence at the scene of incidents involving conflict or potential risk to officers. They enable Officers to immediately record any aggression whether it be physical or verbal by a member of the public and may assist in the evidence gathering process for use in potential law enforcement proceedings.

The use of BWC devices is to complement existing safety standards and precautions, such as removing oneself from any perceived threat, to provide a maximum benefit to officers in terms of protecting and enhancing their health and safety. The use of the devices and collection of the information recorded through proper use of the devices is consistent with the Shire of Toodyay's law enforcement functions and activities.

When used properly, BWC can promote public reassurance, modify disruptive behaviour, prevent harm and deter people from committing offences and anti-- social behaviour. The use of recordings can also support professional development through training and review. The recordings will also assist with investigations involving allegations made against Shire Officers.

Objectives

- To improve the safety of Shire employees while undertaking their duties as the Shire's Authorised Persons.
- To clearly discourage aggressive behaviour, both verbal and physical towards the Shire's Authorised Persons.
- To overtly obtain and secure evidence at the scene of incidents and crimes related to the Acts, Regulations and Local Laws which relate to the function and powers of the Shire.
- Ensure the transparency and accountability of Authorised Persons in their interaction with members of the public.
- Improve investigation process of incidents reported by an Authorised Officer or member of the public.
- Ensure that recorded data collected on optical and listening devices is handled in line with legislative and procedural requirements.

Scope

This policy applies to Authorised Persons who have been approved to utilise optical and listening devices while performing their duties as Authorised Persons.

Definitions

Term	Definition
Authorised Person	A person or classes of persons appointed under the <i>Local Government Act 1995</i> section 9.10(2) to be an Authorised person for 1 or more specified laws or specified provisions of 1 or more specified laws.
Body-worn Camera (BWC)	<p>A BWC is an individual, portable device worn by an Authorised Officer that collects video and audio recordings of intercepts and other interactions with members of the public.</p> <p>The BWC must be worn so it is clearly visible on the body of the Authorised Officer, who must be clearly identifiable as an Authorised Officer, including wearing an approved uniform or other form of suitable identification.</p> <p>BWC recordings may be used in future investigations or as evidence in prosecutions. The recordings may also be used as part of internal reviews, investigations and post incident reviews.</p>
Listening Device	Means any instrument, apparatus, equipment, or other device capable of being used to record, monitor or listen to a private conversation or words spoken to or by any person in private conversation, but does not include a hearing aid or similar device used by a person with impaired hearing to overcome the impairment and permit that person to hear only sounds ordinarily audible to the human ear.
Optical Surveillance Device	Means any instrument, apparatus, equipment, or other device capable of being used to record visually or observe a private activity, but does not include spectacles, contact lenses or a similar device used by a person with impaired sight to overcome that impairment.
Shire	the Shire of Toodyay.
Vehicle Dashboard Camera	A video camera mounted on the dashboard of a vehicle and used to continuously record activity through the vehicle's windshield.

Policy Statement

All staff must ensure that BWC and vehicle dashboard camera data is only accessible by an Authorised Officer according to these procedures on a need-to-know basis.

1. Downloading

- (a) Images must not be shown or given to unauthorised persons unless permission has been approved by the relevant Senior Manager.
- (b) Data that is not required for further investigation or in accordance with statutory requirements may be deleted after a period of no less than thirty (30) days from the date of being recorded.

2. Recording

A BWC should be activated for all dealings with members of the public.

A BWC should be activated upon entering a premises and the owner/occupier person must be advised that the device is operating and that the meeting is being recorded.

An Authorised Person must activate camera recording, if deemed safe to do so in such incidents where:

- (a) There is a reasonable concern for their safety or welfare, or the safety of another person.
- (b) Where there is a violent incident, or an assessment indicates that one will occur.
- (c) To gather evidence in relation to a breach of any Act, Legislation, Regulation or Local Law.

3. Storage of Recorded Data

The recorded data will be stored in a secure location and will be only accessible by authorised personnel.

4. Complaints

Any complaints regarding the express use of the BWC will be directed to the relevant Senior Manager who, with the assistance of the relevant Governance staff, will investigate any allegations and take appropriate action.

Reference Information

- [CP GOV 3113 Surveillance Devices.](#)

Legislation

- *Local Government Act 1995 (WA)*
- *Surveillance Devices Act 1998 (WA)*
- *Freedom of Information Act 1992 (WA)*
- *State Records Act 2000 (WA)*

Associated documents

- Shire of Toodyay Standard Operating Procedure – Body Worn Cameras

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