



|                                      |                           |                      |
|--------------------------------------|---------------------------|----------------------|
| <b>SAFETY AND SECURITY EQUIPMENT</b> |                           | <b>SSE</b>           |
| <b>BODY WORN CAMERAS</b>             |                           |                      |
| Version: 04                          | Implement date 26/03/2020 | Availability: Public |

**Performance Standard:** Processes are established within a corrective services facility that provide for the appropriate use of body worn cameras and storage of recordings.

**Outcomes:**

|  |   |
|--|---|
|  | Effective oversight mechanisms for the deployment and use of body worn cameras.   |
|  | Information gathered during use of body worn cameras complies with legal requirements for recording, collection, storage and retention of electronic data and images. |
|  | Evidence management system utilised for storage of body worn camera recordings with recordings assigned an appropriate classification.                                |
|  | Reporting requirements are completed, including an incident report as required.   |

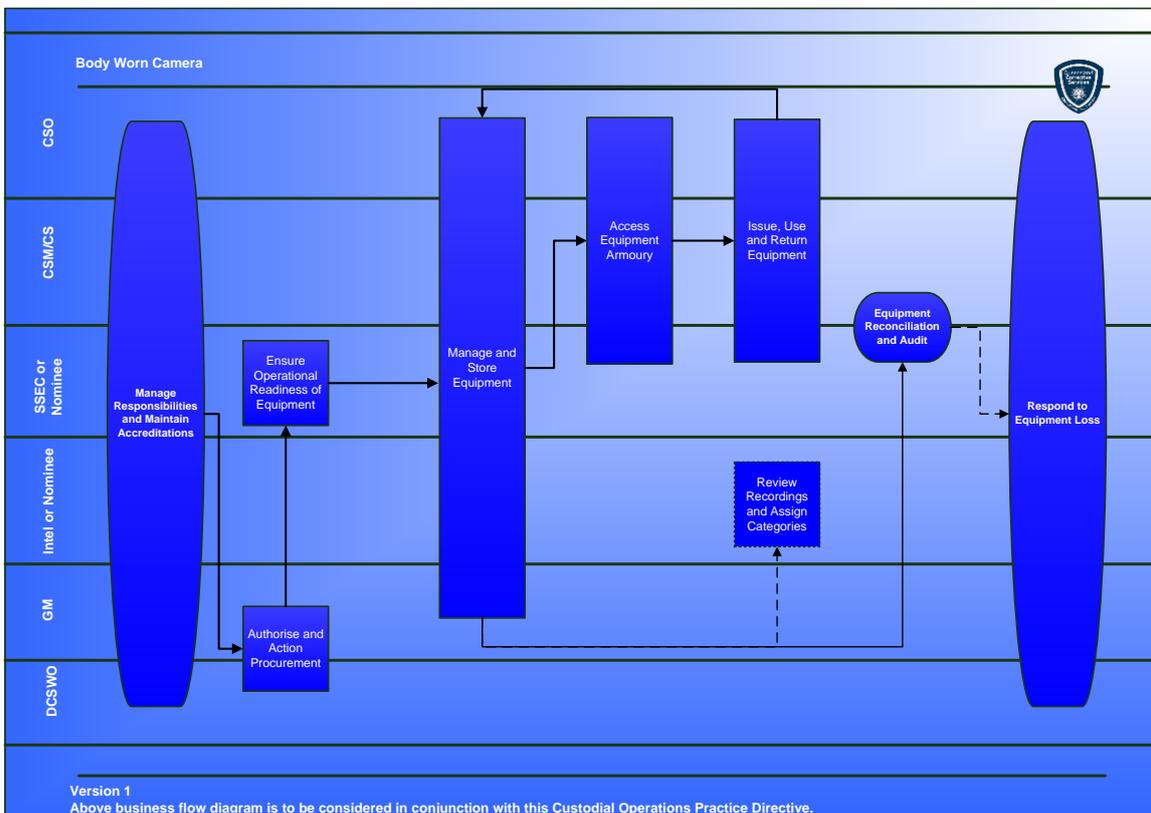
**Accountability:**

|   |   |
|---|---|
| Deputy Commissioner, Custodial Operations or Nominee  | <ul style="list-style-type: none"> <li>• Manage responsibilities regarding procurement, maintenance and inventory for body worn cameras.</li> <li>• Oversight access levels to storage system for body worn cameras.</li> </ul>   |
| Chief Superintendent, General Manager of a Corrective Services Facility                                     | <ul style="list-style-type: none"> <li>• Ensures adequate and appropriate mechanisms are implemented for the deployment, oversight and accountability relevant to use of body worn cameras.</li> </ul>  |
| Corrective Services Manager/Supervisor  | <ul style="list-style-type: none"> <li>• Applies oversight to practice involving body worn cameras and provides guidance, support and assistance to operational issues.</li> </ul>  |
| Safety and Security Equipment Coordinator or officer nominated by the Chief Superintendent, General Manager | <ul style="list-style-type: none"> <li>• Ensures operational readiness and administration of body worn cameras.</li> <li>• Ensures compliance with this Practice Directive and relevant legislation</li> </ul>  |
| Intelligence Officer or officer nominated by the Chief Superintendent, General Manager                      | <ul style="list-style-type: none"> <li>• Review body worn camera recordings and ensure recordings are assigned an appropriate category classification.</li> </ul>   |
| Corrective Services Officer   | <ul style="list-style-type: none"> <li>• Ensures appropriate use of body worn cameras in accordance with this Practice Directive.</li> <li>• Escalates any identified issues with equipment including damage, defects or wear to the relevant position.</li> <li>• Ensure an issued body worn camera device is returned to the appropriate docking station after use and prior to the conclusion of shift.</li> </ul> |



**Process Owner:** Custodial Operations maintains ownership and responsibility for review and amendment of this Practice Directive.

|  |  |
|--|--|
| Training Tools and Further Information | <p>For further information regarding use of the body worn camera evidence management system, refer to the <i>Axon Evidence.com video tutorial</i> linked to this Practice Directive.</p> <p>For further information regarding the approved AXON model of body worn camera utilised, refer to the <i>AXON Help Center</i> <a href="https://help.axon.com/hc/en-us">https://help.axon.com/hc/en-us</a></p> <p>For a staff training tool outlining the approved use of a body worn camera, refer <i>Operating the AXON body worn camera training video</i> linked to this Practice Directive.</p> |
|--|--|





## Human Rights

To ensure Corrective Services officers act or make decisions in a way that is compatible with human rights, officers must give proper consideration to human rights, including but not limited to:

- The prisoner's right to equal and effective protection against discrimination;
- The prisoner's right not to be treated or punished in a cruel, inhuman or degrading way;
- The prisoner's right to privacy and reputation;
- The prisoner's cultural rights – generally and for Aboriginal and Torres Strait Islander peoples.

### Limitation of human rights

Human rights can be limited if certain conditions are present:

- The limit must be provided under law;
- It must be reasonable; and
- Its impositions on the human rights must be demonstrably justified in a free and democratic society based on human dignity equality and freedom.

A person's human rights should only be limited to the extent that is reasonably and demonstrably justified.

### Body Worn Cameras (BWC) – General

BWCs are small recording devices, video and audio, worn by corrective services officers as part of their personal protective equipment (PPE). BWCs are used to record events prior to, during and after an incident or at other times when interacting with prisoners. BWCs provide an audio-visual record of events from the officer's point of view.

The use of BWCs to record incidents and prisoner interactions must also give proper consideration to the prisoner's relevant human rights. Specifically, the subsequent access and viewing of the footage must take into consideration the prisoner's privacy and reputation.

Use of a BWC should:

- reduce incidences such as staff assaults by acting as a deterrent;
- enhance the safety and security of a corrective services facility;
- reduce the number of frivolous and/or vexatious complaints made by prisoners;
- improve stakeholder confidence in the management of prisoners, use of force incidents;
- provide important evidence; and
- improve performance using recordings for staff training.

### BWC Audio and Video Recordings

Information recorded during the use of a BWC must comply with legal requirements for the recording, collection, storage and use of electronic data and images.

Recorded data may be used as evidence in court and the integrity of the recording and its management through an appropriate chain of custody is essential.

BWC recordings may also be used as part of internal reviews, investigations and post incident reviews.



Any action resulting in a failure to comply with the preservation of the chain of custody of recordings, including the unauthorised deletion or use of the data files may constitute a criminal offence.

Interference with records, including destruction of information in a record, is also an offence under s133 of the [Queensland Corrective Services Act \(CSA\) 2006](#)

Refer [Public Records Act 2002](#); [Right to Information Act 2009](#); the [Evidence Act 1977](#); [Information Privacy Act 2009](#) and [Commonwealth Privacy Act 1988](#).

### **BWC Surveillance Awareness**

Queensland Corrective Services (QCS) is responsible for ensuring personal information holdings are appropriately managed and protected in accordance with the above legislation and privacy principles.

A Chief Superintendent, General Manager of a corrective services facility must ensure appropriate signage is displayed at the entrance and through the corrective services facility to inform persons of the purpose, legislative authority for electronic, audio and video recordings and any entities to which the department usually discloses information of that kind. Refer to the Practice Directive Facility Security: Security Management Systems and Intercoms and the Practice Directive Facility Security: Barrier Control and Access.

### **Operational Deployment of BWC**

Corrective services officers are authorised to use a BWC to record images and sound while they are acting in the performance of their duties. BWCs and recordings must only be used for official purposes and not for any private use.

BWC must be used as an overt recording device and are not to be used in covert activities. Officers using a BWC must be clearly identifiable as a corrective services officer, including wearing an approved QCS uniform or other form of suitable identification.

Refer to the Code of Conduct for the Queensland Public Service.

|   |  |
|---|--|
| Additional Considerations – Chief Superintendent, General Manager | <p>Must determine the functional areas for the deployment of BWCs.</p> <p>A register must be maintained, which details the deployment (issue and return) of each BWC to an individual officer.</p> |
|---|--|

### **Carriage of BWC**

A BWC may be issued to staff at the commencement of their shift and worn securely on their person, either using the attachments provided, harness or vest (as available).

Refer to Practice Directive Safety and Security Equipment: Management of Safety and Security Equipment.

When wearing a BWC it should be placed in a location where the lens will not be obscured by other equipment worn by the officer, particularly when responding to incidents. The BWC must provide an adequate field of vision for the recording.



BWCs must not be removed from the corrective services facility without approval of the Chief Superintendent, General Manager or nominee, other than for operational purposes, e.g. escort duties.

Unauthorised removal of a BWC may constitute a safety and security incident; refer to Practice Directive Incident Management: Incident Management Process.

|  |   |
|--|---|
| <b>Additional Considerations –<br/>Corrective Services Officer</b> | <p>Must ensure a BWC is operational at the commencement of deployment.</p> <p>Refer <i>Operating the AXON body worn camera training</i> video available on the QCS intranet</p> |
|--|---|

### Permitted Use of BWC – Activate Recordings

A BWC must be set to record by a corrective services officer in the following circumstances:

- when responding to operational incidents;
- in use of force incidents;
- in planned operational activities such as cell, lockdown and accommodation searches (excluding the search of a prisoner requiring the removal of clothing); or
- it is reasonably considered there is a requirement to record an interaction with a prisoner, for example, where a prisoner's behaviour/presentation elevates following a request or direction issued by the officer. In such circumstances, consideration must be given to the prisoner's relevant human rights. In addition, the subsequent access and viewing of the footage must take into consideration the prisoner's privacy and reputation.

Where practicable, a BWC must be recording prior to a corrective services officer applying use of force. If there is no prior opportunity to commence recording before applying use of force, the BWC is to be activated as soon as it is safe to practicably activate the device. Where a BWC has not been activated, the officer or officers directly involved in the incident must complete an officer report and include the reasons for not activating the camera.

For planned interventions, the briefing to staff must include the requirements for recording the event or incident. The recording will be used as part of the post-incident documentation collated by the incident commander/correctional supervisor.

A BWC recording may be activated:

- in corrective services facility accommodation areas when the dispensing of medication is occurring; and
- the Princess Alexandra Hospital Secure Unit when a medical consultation is not occurring.



When using discretion to activate a BWC in circumstances such as those listed above, consideration should be given to the impact of this use on the prisoner's human rights, including:

- privacy and reputation
- access to health services without discrimination and
- humane treatment when deprived of liberty

A corrective services officer should continue recording until:

- the officer's role in the incident is finalised; or
- the officer is directed to cease by a senior officer/incident commander; or
- the interaction with the prisoner has ended; or
- the need to record the incident is no longer required.

When interacting with visitors and members of the public, a corrective services officer should exercise discretion when deciding whether to record an interaction. If practical the officer should communicate if a camera is actively recording. There is no requirement to stop recording because a person does not wish to be recorded by a BWC, however continuation of recording in this circumstance needs to be for a safety and security concern and be reasonable, justifiable and proportionate, taking into account the human rights of those involved

A BWC may be utilised as a supplementary recording of a breach of discipline hearing but not as the primary recording of the breach hearing.

BWC footage may also be made available during the breach of discipline process. Refer Practice Directive Breaches of Discipline.

|   |   |
|---|---|
| Additional Considerations – Corrective Services Officer | Prior to ceasing a recording, it should be clearly stated by the user that the recording will be stopped and the reason for doing so. Refer <i>Operating the AXON body worn camera training</i> video available on the QCS intranet |
|---|---|

### Non-Permitted Use of BWC – Must Not Activate Recordings

To avoid compromising confidentiality or limiting patient disclosure to Queensland Health staff, a BWC must not be activated in the following locations unless a corrective services officer is responding to an emergent situation:

- consultation rooms of corrective services facility health centres; and
- Queensland Health clinics or hospitals.

A BWC recording must not be activated for:

- a search of a prisoner requiring the removal of clothing; and
- places where a reasonable expectation of privacy exists; for example, locker/change rooms, toilets etc.

A situation may occur where a use of force incident arises during a removal of clothing search. In those circumstances the BWC must be used to record the use of force



incident. Following such an incident the person responsible for retaining the recording should determine whether, given the nature of the images, the recording should be assigned a restricted status in the evidence management system, taking into account the human rights of those involved.

In addition, staff using a BWC may wish to record the audio of staff and a prisoner during a removal of clothing search, in particular, where the prisoner may be elevated in their demeanor. In those circumstances the officer with the BWC should position themselves outside the cell, or in such a way that the BWC does not record the actual search; however, the audio capability of the BWC will be able to record the interaction.

### **BWC Recordings of Incidents**

If a corrective services officer makes a recording using a BWC in response to an incident/event that is to be recorded on IOMS, the officer must complete Administrative Form 312 - Officer Report. The officer report must contain information regarding the activation of the BWC, including identifying the camera used.

Where a corrective services officer makes a recording using a BWC in other circumstances and identifies the need for the recording to be retained, then the officer must complete an officer report detailing the nature and reason for the activation. It should be noted an officer report must always be completed prior to completion of the officer's shift in accordance with procedural requirements, refer Practice Directive Incident Management: Incident Management Process.

A corrective services officer may be provided an opportunity in the period shortly after an incident to view a BWC recording after submitting an officer report. However, this may not always be possible. If an officer views a BWC or CCTV recording after submitting their officer report they are to submit Administrative Form 312A - Supplementary Officer's Report, stating the time and date of viewing the footage and provide any further information considered relevant.

There may also be circumstances where a senior officer makes a decision that it is not appropriate to view a BWC recording, for example a police related incident in a centre such as a death in custody.

Should the circumstance arise that CCTV or a BWC recording is viewed prior to the completion of an officer report, the report must be a recollection of the events that occurred and detail the reasons why the officer may have made decisions or took certain actions. The report must not be a narrative of the BWC recording. For example, a corrective services officer has a number of elements to satisfy prior to a use of force and a BWC recording may not account for all of these. The officer report must detail these elements in satisfy prior to a use of force and a BWC recording may not account for all of these. The officer report must detail these elements in their officer report.



|                           |  |
|---------------------------|--|
| Additional Considerations | <p>Where an incident occurs and a BWC has not been activated when an officer would ordinarily do so; or where a BWC has been deactivated during the recording of an incident:</p> <p>The officer or officers directly involved in the incident must complete an officer report and include the reasons for not activating the camera; or for deactivating the camera during the incident.</p> <p>The report must include the following considerations if relevant to the circumstances (this list is not exhaustive and further details may be required by the Chief Superintendent, General Manager or nominee):</p> <ol style="list-style-type: none"> <li>1. The reason or reasons the officer believed that the incident did not require the activation of the BWC at the time;</li> <li>2. The sudden escalation of the incident resulting in the officer failing to activate their BWC;</li> <li>3. The BWC being accidentally deactivated as a result of a bump or other physical contact during an appropriate use of force;</li> <li>4. The officer believing that the BWC had been activated when in fact it had not;</li> <li>5. The BWC malfunctioned.</li> </ol> <p>If it is identified that that a BWC was not activated as outlined in considerations (1) and (2), the relevant reasons must be recorded in the operational debrief of the incident. Any remedial action identified by the centre that would minimise a re-occurrence of the event must be recorded in the operational debrief.</p> |
|---------------------------|--|

### Charging and Downloading

A corrective services officer assigned a BWC must ensure the device is returned to the appropriate docking station after use and prior to the conclusion of their shift. The BWC will be charged in the dock and any recordings automatically uploaded to the evidence management system.

A BWC should not be utilised by another user until any recordings from prior use are stored and the BWC is charged.

Once the recording is downloaded from the camera to the evidence management system, it will be automatically deleted from the camera.

### BWC Evidence Management System

Access and use of any information stored within the evidence management system is for authorised users only. Authorised users will be assigned varying permissions to allow them to use the functionality of the evidence management system. Any unauthorised



access and use is strictly prohibited; for example use of another officer's User-ID and password. Refer to the [QCS Access Management Policy](#).

A Chief Superintendent, General Manager of a corrective services facility must nominate staff to manage the BWC recordings within the evidence management system (local administrator). The evidence management system enables BWC recordings to be uploaded directly from the BWC when the device is plugged into a docking station.

Staff nominated by the Chief Superintendent, General Manager must review the collected BWC recordings and assign an incident category for classification. Classification ensures a recording is stored in the evidence management system for the legislated period of time, refer section *Storage and Retention* of this Practice Directive. All BWC recordings relating to an incident must be retained.

|   |  |
|---|--|
| Additional Considerations –<br>Local Administrator /<br>Custodial Supervisor /<br>Corrective Services Officer | <p>In the event that a BWC is accidentally activated or not switched off after an incident and content not relevant to that incident is recorded, the officer operating the camera must include the details of this in a report to the staff responsible for the evidence management system (local administrator). The local administrator may make a determination to restrict access to the footage.</p> |
|---|--|

Staff must comply with the requirements of Practice Directive Confidential Information: Disclosure of Confidential Information prior to the release or sharing of recordings from the evidence management system.

The BWC recordings are assigned an Information Security Classification label of PROTECTED in accordance with the [QCS Information Security Classification and Handling policy](#) and the [Information Security Classification and Handling procedure](#). A decision may be made by a Chief Superintendent, General Manager or nominee that a particular BWC recording may be assigned a lesser Information Security Classification. The evidence management system must be used to manage recordings, including in circumstances where the recording is to be viewed by other QCS staff or for other official purposes.

Recordings are not to be downloaded from the evidence management system to a secondary or alternate storage system (e.g. USB, disk), unless authorised by the Chief Superintendent, General Manager or nominee. In those circumstances the reason for the downloading of the recording must be noted in the evidence management system. This will generally only occur in circumstances where the recording is required for an inquiry, investigation and/or for court purposes.

User access to the BWC evidence management system will be managed centrally by the Custodial Operations Directorate. The Chief Superintendent, General Manager or Superintendent, Deputy General Manager of a corrective services facility must endorse a corrective services officer for access to the evidence management system. Endorsed requests are to be progressed through the My IT Service Centre.



|  |   |
|--|---|
| Additional Considerations – Chief Superintendent, General Manager or Nominee | A process must be in place to ensure BWC recordings are retained in accordance with this Practice Directive, refer section Storage and Retention of BWC Recordings.<br><br>Refer <i>Axon Evidence.com video tutorial</i> linked to this Practice Directive.   |
| Additional Considerations – Staff Training Officer                           | Recordings may be used for staff training and development purposes. Approval is to be obtained from the Chief Superintendent, General Manager or nominee. Consideration must be given to the preservation of human rights including privacy and protection from degrading treatment when considering the use of recordings for staff training and development purposes. Information Privacy requirements must also be taken into consideration and appropriate approvals obtained prior to any footage being viewed for this purpose. |
| Additional Considerations – Chief Superintendent, General Manager or Nominee | A review of user access to the BWC evidence management system must be undertaken at least every three months. The Custodial Operations Directorate is to be notified of corrective services officers who no longer require system access.   |
| Additional Considerations – Local Administrator                              | The BWC evidence management system identifies a number of tabs that must be completed when saving BWC recordings.<br><br>Refer Appendix SSE22 <i>Body Worn Camera Recordings – File Naming Protocol</i> and <i>Axon Evidence.com video tutorial</i> linked to this Practice Directive.  |

### Storage and Retention of BWC Recordings

Video and audio recordings from a BWC are a *document* containing *personal information* as defined by information privacy legislation. QCS must comply with information privacy requirements for the storage and retention of BWC recordings; refer *Right to Information Act 2009*, *Information Privacy Act 2009*, *Commonwealth Privacy Act 1988* and *Public Records Act 2002*.

Personal information must be adequately protected against loss, unauthorised access or use and disclosure.

BWC audio and visual recordings, equipment and software remain the property of QCS.



|  |  |
|--|--|
| Additional Considerations<br>– Chief Superintendent,<br>General Manager or Nominee | <p>A process must be established that ensures BWC recordings comply with <a href="#">Information Privacy Principle 4-7</a> regarding 'Storage and security of personal information'.</p> <p>Retention periods for BWC recordings must be in accordance with the General Retention and Disposal Schedule (GRDS); refer <a href="https://www.forgov.qld.gov.au/sites/default/files/schedules/general-retention-and-disposal-schedule-grds.pdf?v=1523405926">https://www.forgov.qld.gov.au/sites/default/files/schedules/general-retention-and-disposal-schedule-grds.pdf?v=1523405926</a></p> <p>Assigning BWC recordings in accordance with Appendix SSE22 <i>Body Worn Camera Recordings – File Naming Protocol</i> will ensure compliance with the schedule. The IOMS incident level associated with the incident type will be the category utilised for BWC recordings.</p> <p>Refer to <i>Axon Evidence.com video tutorial</i> available on the QCS Intranet.</p> <p>Any recordings that are downloaded from the evidence management system must be stored in accordance with their Information Security Classification and retained for the period detailed in the GRDS.</p> |
|--|--|

### Loss or Damage

Corrective services officers are responsible for the security, care and condition of issued BWC devices and equipment. Reasonable precautions must be taken to ensure BWC are not carelessly or negligently exposed to loss or damage.

Officers must report any loss or damage, other than fair wear and tear, of equipment to a correctional supervisor or safety and security equipment co-ordinator as soon as practicable.

Where a BWC is identified as presenting with a fault; for example, failing to charge or record images or audio; a maintenance request is to be made and submitted by completing Administrative Form 316 - 'Return for Repair of Axon Body Worn Camera' outlining:

- device;
- serial number;
- nature of the fault;
- if data/footage has been uploaded; and
- if data/footage needs to be retrieved.

If possible, recordings should be downloaded off the camera prior to arrangements being made for the device to be replaced.