POLICY

26 – 279– 26/10/19
Department: Municipal Enforcement

IN CAR AUDIO AND BODY WORN CAMERA

SCOPE

This policy applies to the use, management, storage, access, retention, disclosure, and disposal of recordings captured through In-Car Audio/Visual Systems (ICVS) and Body-Worn Cameras (BWC) used by the Town of Nanton Municipal Enforcement Department.

This policy applies to all Municipal Enforcement Officers authorized to operate ICVS and BWC equipment while carrying out their official duties. It establishes the requirements for the collection, use, protection, retention, disclosure, and disposal of recorded information in accordance with the Peace Officer Act, the Peace Officer (Ministerial) Regulation, all applicable federal and provincial privacy legislation, as amended from time to time, and the Town of Nanton's Records Retention Bylaw and related policies.

This policy applies only to recordings created for municipal enforcement and public safety purposes and does not apply to the Town of Nanton's general video surveillance systems, which are governed by the Town's Video Surveillance Policy.

PURPOSE

The purpose of this policy is to establish standards governing the use, management, storage, access, retention, disclosure, and disposal of recordings captured through In-Car Audio/Visual Systems (ICVS) and Body-Worn Cameras (BWC) used by the Town of Nanton Municipal Enforcement Department.

The use of ICVS and BWC equipment is intended to:

a. enhance the safety and security of Municipal Enforcement Officers and the public;

b. document enforcement interactions and investigative activities;

c. collect and preserve evidence for enforcement, prosecution, and administrative proceedings;

d. promote transparency, accountability, and public confidence in Municipal Enforcement operations;

e. assist in the investigation and resolution of public complaints involving Municipal Enforcement Officers;

f. support officer training and operational reviews where authorized; and

g. ensure the collection, use, storage, retention, disclosure, and disposal of recorded information is conducted in accordance with applicable legislation and Town of Nanton policies.

DEFINITIONS

Body-Worn Camera (BWC) means a recording device worn by a Municipal Enforcement Officer that is capable of capturing audio and video recordings during the performance of official duties.

Chief Administrative Officer (CAO) means the person appointed by Council pursuant to the Municipal Government Act and designated as the authorized employer representative responsible for the administration and oversight of the Municipal Enforcement Program.

In-Car Audio/Visual System (ICVS) means an audio and video recording system installed in a Municipal Enforcement vehicle that records enforcement activities and interactions.

Municipal Enforcement Officer means a Community Peace Officer or Bylaw Enforcement Officer employed or authorized by the Town of Nanton.

Personal Information means recorded information about an identifiable individual as defined by applicable privacy legislation.

Record means recorded information in any form, including written, photographic, audio, video, electronic, or digital information.

Recording means any audio recording, video recording, photograph, or combination thereof captured by an In-Car Audio/Visual System or Body-Worn Camera.

Secure Storage System means the Town-approved electronic storage system used to securely upload, store, manage, retain, and retrieve recordings captured through an In-Car Audio/Visual System or Body-Worn Camera.

1. POLICY

1.1 Authorized Users

1.1.1 Only Municipal Enforcement Officers authorized by the Town of Nanton to perform enforcement duties may operate In-Car Audio/Visual Systems (ICVS) and Body-Worn Cameras (BWC).

1.2.1 ICVS and BWC equipment shall be used only in the lawful execution of a Municipal Enforcement Officer's official duties and only for the purposes identified in this policy.

1.1.3 The Chief Administrative Officer may authorize access to recordings for administrative, investigative, disclosure, maintenance, or legal purposes where such access is necessary and authorized by applicable legislation or Town policy.

1.1.4 Municipal Enforcement Officers shall not permit unauthorized persons to operate, access, alter, copy, disclose, or delete recordings or equipment associated with an ICVS or BWC.

1.1.5 The use of privately owned recording devices in place of Town-issued ICVS or BWC equipment for official enforcement duties is prohibited unless specifically authorized by the Chief Administrative Officer.

2. Operational Use

2.1 Purpose and Use

2.1.1 In-Car Audio/Visual Systems (ICVS) and Body-Worn Cameras (BWC) shall be used only for lawful municipal enforcement purposes in the performance of a Municipal Enforcement Officer's official duties.

2.1.2 ICVS and BWC equipment shall be used to enhance the safety and security of Municipal Enforcement Officers and the public.

2.1.3 Recordings may be used to document enforcement activities, investigations, interactions with the public, and other official duties performed by a Municipal Enforcement Officer.

2.1.4 Recordings may be used to collect, preserve, and present evidence for enforcement, prosecution, administrative, or judicial proceedings.

2.1.5 Recordings may be used to support the investigation and resolution of public complaints, allegations of misconduct, or incidents involving Municipal Enforcement Officers.

2.1.6 Recordings may be used to assist with authorized operational reviews, training, or quality assurance activities, provided such use complies with applicable legislation and Town policy.

2.1.7 ICVS and BWC equipment shall not be used for personal purposes, continuous employee surveillance, or any purpose unrelated to the lawful execution of Municipal Enforcement duties.

2.1.8 Recordings shall not be accessed, copied, disclosed, altered, or used except as authorized by this policy, applicable legislation, or Town policy.

2.2 Operational Procedures

2.2.1 Municipal Enforcement Officers shall operate In-Car Audio/Visual Systems (ICVS) and Body-Worn Cameras (BWC) in accordance with this policy, applicable legislation, and the manufacturer's operating instructions.

2.2.2 Municipal Enforcement Officers shall ensure ICVS and BWC equipment is inspected prior to the commencement of each shift to confirm it is operational and free from any apparent defects.

2.2.3 Any malfunction, damage, loss, or unauthorized access involving ICVS or BWC equipment shall be reported to the Chief Administrative Officer as soon as practicable and documented in accordance with Town procedures.

2.2.4 Municipal Enforcement Officers shall take reasonable steps to ensure recordings are captured, uploaded, stored, and managed using the Town's approved secure storage system.

2.2.5 Municipal Enforcement Officers shall not intentionally interfere with, disable, obstruct, alter, or misuse ICVS or BWC equipment except where necessary for authorized maintenance, testing, or replacement.

2.2.6 Municipal Enforcement Officers shall ensure all recordings are handled in a manner that maintains their integrity and evidentiary value and protects personal information in accordance with applicable legislation and Town policy.

2.4 Activation of Recording Equipment

2.4.1 Municipal Enforcement Officers shall activate the In-Car Audio/Visual System (ICVS) and Body-Worn Camera (BWC) as soon as practicable when engaged in an enforcement activity where it is safe and operationally feasible to do so.

2.4.2 Subject to section 2.4.1, the ICVS and BWC should be activated when a Municipal Enforcement Officer is:

a) responding to a complaint or call for service;
b) conducting enforcement or investigative activities;
c) initiating a traffic stop or vehicle investigation;
d) interacting with a member of the public where enforcement action is anticipated;
e) collecting or preserving evidence;
f) involved in a confrontation, conflict, or any situation that may reasonably result in a public complaint;
g) executing a warrant or other lawful authority; or
h) attending any incident where the Municipal Enforcement Officer believes recording is necessary to document the interaction or protect the interests of the Town, the Officer, or the public.

2.4.3 Where equipped, the ICVS may activate automatically based on the manufacturer's programmed functions. Automatic activation does not relieve the Municipal Enforcement Officer of the responsibility to ensure recording equipment is operating when required.

2.4.4 Where it is not practicable or safe to activate the recording equipment at the commencement of an incident, the Municipal Enforcement Officer shall activate the equipment as soon as circumstances permit.

2.4.5 A Municipal Enforcement Officer shall not intentionally fail to activate the ICVS or BWC where recording is required by this policy unless operational circumstances, officer safety, equipment malfunction, or other reasonable grounds prevent activation.

2.4.6 Where recording equipment is not activated when required, the Municipal Enforcement Officer shall document the reason in the applicable Municipal File Report (MFR) or other approved Town record.

2.5 Deactivation of Recording Equipment

2.5.1 Once activated, the In-Car Audio/Visual System (ICVS) and Body-Worn Camera (BWC) should remain activated until the enforcement activity or interaction has concluded, unless otherwise permitted by this policy.

2.5.2 Municipal Enforcement Officers may deactivate the ICVS or BWC when:

a. the enforcement activity or interaction has concluded;
b. continued recording is no longer necessary to achieve the purpose of the recording;

c. recording is prohibited or restricted by law;
d. officer safety, operational requirements, or technical limitations necessitate deactivation; or

e. directed by a court or other lawful authority.

2.5.3 Where a Municipal Enforcement Officer deactivates the ICVS or BWC prior to the conclusion of an enforcement activity or interaction, the reason for the deactivation shall be documented in the applicable Municipal File Report (MFR) or other approved Town record.

2.5.4 Municipal Enforcement Officers shall not intentionally deactivate the ICVS or BWC to avoid recording an enforcement activity, investigation, interaction with the public, or any other event that should reasonably be recorded in accordance with this policy.

2.5.5 Where practical and safe to do so, the Municipal Enforcement Officer should verbally state the reason for deactivating the recording prior to ending the recording.

2.6 Exceptions to Recording

2.6.1 While recordings should generally continue until the enforcement activity or interaction has concluded, a Municipal Enforcement Officer may suspend or cease recording where doing so is authorized by law or where continued recording is not appropriate, reasonable, or practicable.

2.6.2 A Municipal Enforcement Officer may consider suspending or ceasing a recording in the following circumstances:

a. where an individual requests that recording cease and the Municipal Enforcement Officer determines that discontinuing the recording will not compromise officer safety, public safety, the integrity of an investigation, or the collection of evidence;

b. when entering a private residence or other location where there is a heightened expectation of privacy, unless recording is authorized by law or necessary to document an enforcement activity or ensure officer or public safety;

c. when interacting with a vulnerable person, victim, witness, or confidential informant where continued recording may cause unnecessary distress or compromise the interaction, unless recording is necessary for evidentiary or public safety purposes;

d. during conversations containing privileged, confidential, or personal information where recording is not required for an enforcement purpose;

e. where equipment malfunction, technical failure, or other operational circumstances prevent recording; or

f. in any other circumstance where the Municipal Enforcement Officer can clearly articulate that suspending or ceasing the recording was reasonable, necessary, and consistent with this policy.

2.6.3 Where a recording is suspended, ceased, or not initiated under this section, the Municipal Enforcement Officer shall document the reason in the applicable Municipal File Report (MFR) or other approved Town record.

3. Information Management

3.1 Privacy

3.1.1 Municipal Enforcement Officers shall collect, use, access, disclose, retain, and dispose of recordings only for lawful municipal enforcement purposes and in accordance with applicable legislation and Town policy.

3.1.2 Recordings shall be limited to information reasonably necessary to support a lawful enforcement activity, investigation, or public safety purpose.

3.1.3 Municipal Enforcement Officers shall take reasonable steps to minimize the recording of individuals who are not directly involved in an enforcement activity where it is safe and practicable to do so.

3.1.4 Personal information obtained through ICVS and BWC recordings shall be protected against unauthorized access, use, disclosure, alteration, loss, or destruction.

3.1.5 Recordings shall not be copied, distributed, viewed, or disclosed except as authorized by applicable legislation, this policy, or another Town policy.

3.1.6 Recordings shall not be used for personal purposes or for monitoring employee performance except where they are relevant to a public complaint, an administrative investigation, legal proceeding, or other authorized purpose.

3.1.7 Any actual or suspected privacy breach involving an ICVS or BWC recording shall be reported to the Chief Administrative Officer immediately and managed in accordance with the Town's Privacy Management Program and applicable legislation.

3.2 Access and Disclosure of Recordings

3.2.1 Access to ICVS and BWC recordings shall be restricted to persons authorized to access the recordings in accordance with applicable legislation and Town policy.

3.2.2 The Municipal Enforcement Officer may access recordings for legitimate operational purposes, including reviewing evidence, completing reports, preparing for court proceedings, or conducting authorized investigations.

3.2.3 The Chief Administrative Officer may access recordings for administrative purposes, including responding to complaints, investigating alleged misconduct, managing legal matters, responding to access requests, or ensuring compliance with this policy.

3.2.4 A member of the public requesting access to a recording shall do so in accordance with applicable legislation and the Town's established access to information procedures.

3.2.5 Recordings may be disclosed to the Royal Canadian Mounted Police (RCMP), Crown Prosecutors, other law enforcement agencies, or regulatory authorities where authorized or required by law, or where necessary for the administration or enforcement of an enactment.

3.2.6 Recordings may be disclosed for the purpose of judicial or administrative proceedings where authorized or required by law.

3.2.7 Every access to, or disclosure of, a recording shall be documented in accordance with Town procedures, including the date, the individual accessing or receiving the recording, the purpose of the access or disclosure, and the authority under which the access or disclosure occurred.

3.3 Retention of Recordings

3.3.1 All recordings captured by an In-Car Audio/Visual System (ICVS) or Body-Worn Camera (BWC) shall be uploaded to the Town's approved secure storage system as soon as practicable following the completion of an enforcement activity or at the end of the Municipal Enforcement Officer's shift.

3.3.2 All recordings shall be stored in a secure manner that protects the integrity, authenticity, and confidentiality of the recorded information.

3.3.3 Recordings shall not be altered, edited, erased, or otherwise modified. Original recordings shall be maintained in their original format except where authorized by law or required for approved system administration.

3.3.4 Recordings shall be classified and retained in accordance with the Town of Nanton's Records Retention Bylaw, applicable legislation, and any legal hold or evidentiary requirements.

3.3.5 Where a recording is required as evidence in an investigation, prosecution, public complaint, or legal proceeding, it shall be retained until the matter has been concluded and all applicable retention requirements have been satisfied.

3.3.6 Recordings that are no longer required to be retained shall be securely destroyed in accordance with the Town of Nanton's Records Retention Bylaw and approved records destruction procedures.

3.3.7 The Municipal Enforcement Officer shall ensure recordings are appropriately categorized and documented within the approved storage system to support retrieval, disclosure, and records management requirements.

4. Equipment Management

4.1 Equipment Storage and Maintenance

4.1.1 The Town of Nanton shall provide and maintain In-Car Audio/Visual Systems (ICVS) and Body-Worn Cameras (BWC) approved for use by the Municipal Enforcement Department.

4.1.2 The Municipal Enforcement Officer is responsible for the care, security, and proper operation of all assigned ICVS and BWC equipment.

4.1.3 Prior to the commencement of each shift, the Municipal Enforcement Officer shall inspect assigned equipment to ensure it is operational and free from any apparent defects.

4.1.4 The Municipal Enforcement Officer shall ensure all equipment is charged, properly secured, and maintained in accordance with the manufacturer's specifications and Town procedures.

4.1.5 Any malfunction, damage, loss, theft, or suspected tampering of ICVS or BWC equipment shall be reported to the Chief Administrative Officer as soon as practicable and documented in the applicable Municipal File Report (MFR) or other approved Town record.

4.1.6 The Municipal Enforcement Officer shall not attempt to repair, modify, or alter ICVS or BWC equipment unless authorized by the Chief Administrative Officer or the equipment manufacturer.

4.1.7 ICVS and BWC equipment shall be stored in a secure location when not in use to prevent unauthorized access, damage, theft, or loss.

4.1.8 The Chief Administrative Officer shall ensure equipment is serviced, repaired, replaced, or updated as necessary to maintain operational readiness.

5. Administration

5.1 Review of Recordings

5.1.1 The Chief Administrative Officer may review ICVS and BWC recordings to ensure compliance with this policy, applicable legislation, and Town policies.

1.12.1 Recordings may be reviewed for the purpose of:

a. investigating a public complaint;
b. investigating an allegation of employee misconduct;
c. supporting a legal proceeding or prosecution;
d. responding to an access to information request or other lawful disclosure request;
e. conducting an administrative review of a significant incident; or
f. verifying compliance with this policy.

5.1.3 The Chief Administrative Officer may conduct periodic reviews of recordings to verify that recording equipment is being used appropriately and in accordance with this policy.

5.1.4 Reviews conducted under this policy shall be limited to the information reasonably necessary to achieve the intended purpose and shall be conducted in accordance with applicable legislation and Town policy.

5.1.5 Recordings shall not be routinely reviewed for the purpose of evaluating employee performance unless they are directly related to a public complaint, administrative investigation, legal proceeding, or another authorized purpose.

5.1.6 Where a review identifies a potential breach of this policy, applicable legislation, or Town policy, the Chief Administrative Officer shall take appropriate corrective action, which may include additional training, administrative action, or disciplinary action in accordance with Town policies.

5.2 Non-Compliance

5.2.1 Municipal Enforcement Officers shall comply with this policy at all times unless circumstances beyond their control prevent compliance or an immediate threat to officer or public safety requires an alternative course of action.

5.2.2 Failure to comply with this policy may result in a review by the Chief Administrative Officer and appropriate corrective action.

5.2.3 Depending on the nature and severity of the non-compliance, corrective action may include:

a. coaching or verbal direction;
b. additional training or counselling;
c. documented performance management;
d. disciplinary action in accordance with the Town of Nanton's Progressive Discipline Policy; and/or
e. any other action authorized by applicable legislation or Town policy.

5.2.4 Nothing in this policy limits the Town's authority to investigate suspected misconduct, breaches of legislation, or violations of Town policies.

5.2.5 Any intentional misuse of In-Car Audio/Visual Systems (ICVS), Body-Worn Cameras (BWC), or recorded information, including unauthorized access, copying, disclosure, alteration, deletion, or use of recordings, may result in disciplinary action and, where applicable, legal action.

AMENDMENTS / REVIEWS:

Date (yyyy/mm/dd)	**Section # Amended**	**Comments**

Next Review Date:	

MAYOR — Date: Oct. 19, 26

CHIEF ADMINISTRATIVE OFFICER — Date: Oct. 19, 26