



POLICY

Policy No. 26 – 87– 26/03/16

Departments: Administration and Bylaw Enforcement

VIDEO SURVEILLANCE

SCOPE:

The Town of Nanton recognizes the need to balance an individual's right to privacy against the Town's duty to promote a safe environment for all citizens, and to protect town property and employees, by means of surveillance camera the use of which is both lawful and justifiable.

This policy applies to video surveillance activities necessary to enhance the security and safety of people and property on Town-owned premises.

This policy also applies to surveillance technologies used by the Town of Nanton Municipal Enforcement Department including:

- In-Car Audio/Visual Equipment (ICVS) installed in municipal enforcement vehicles
- Body Worn Cameras (BWC) worn by Community Peace Officers

This policy will only apply to Town owned property that is being leased or rented to a tenant with the consent of the lessee or tenant.

The Town will take reasonable steps to balance the privacy rights of individuals with the anticipated enforcement and safety benefits of using surveillance technologies.

PURPOSE:

Develop a surveillance system policy to regulate the use of video surveillance and recording on Town owned property that complies with Provincial Privacy legislation. .

Information obtained through video surveillance will be used exclusively for security and law enforcement purposes, which must relate to the protection of the public or the deterrence or detection of criminal activity, including theft, vandalism, or other property damage.

The Town of Nanton Municipal Enforcement Department may also utilize In-Car Video Systems and Body Worm Cameras to:

- Reduce safety risks to Officers working alone
- provide evidence for prosecution
- enhance transparency and accountability
- help de-escalate and reduce potential conflicts
- support enforcement investigations

Ensure consistency of Town of Nanton surveillance measures.

1. DEFINITIONS:

Body Worn Camera (BWC) means camera equipment worn by Community Peace Officers for the purpose of recording audio and video of enforcement activities and interactions with the public.

Chief Administrative Officer (CAO) is appointed by Council pursuant to the *Municipal Government Act*. The CAO serves as the head of the public body for the purposes of provincial access and privacy legislation and is the authorized employer representative responsible for the administration, oversight, and management of the Town's Community Peace Officers in accordance with applicable provincial legislation.

Personal Information is defined as recorded information about an identifiable individual as defined under applicable provincial privacy legislation..

Record means any electronic record or other record in any form in which information is contained or stored, including information in any written, graphic, electronic, digital, photographic, audio or other medium, but does not include any software or other mechanism used to store or produce the record;

Storage Device refers to a videotape, computer disk or drive, CD ROM or computer chip used to store the recorded visual images captured by a surveillance system.

Surveillance System refers to a mechanical or electronic system or device that enables continuous or periodic video recording, observing or monitoring of personal information about individuals in open, public spaces, public buildings or public transportation.

Town as referred to in this Policy, shall include all departments and employees of the Town of Nanton, as well as any agency of the Town which has agreed to be bound by this Policy.

2. POLICY:

2.1 Installation of Surveillance Equipment

- a) Reception equipment such as video cameras may be installed in identified public areas where surveillance is a necessary and viable detection or deterrence activity.
- b) Equipment shall not be positioned, internally or externally, to monitor areas outside a building, or to monitor other buildings, unless necessary to protect external assets or to ensure personal safety.
- c) Equipment shall not monitor any areas where the public and employees have a reasonable expectation of privacy.
- d) Only those persons responsible, as per this policy, should have access to the system's controls and to its reception equipment.

2.2 In-Car Video Systems may be installed in municipal enforcement vehicles operated by the Community Peace Officer.

- a) Body Worn Cameras may be issued to Community Peace Officers.
- b) These systems shall be used solely for enforcement purposes and in accordance with this policy.



2.3 Public Awareness of Cameras

- a) Appropriate signs and notice of video surveillance must be posted in areas subject to stationary video monitoring of Town assets
- b) Unless the public has otherwise been made aware of surveillance cameras, entrances to the area will display a notice advising that surveillance cameras may be operating in accordance with all Provincial legislation.

2.4 Limiting Use and Disclosure of Personal Information

2.4.1 Access by Employees

- a) Employees will have access to information collected through video surveillance only where necessary in the performance of their duties
- b) Employees who may require access to information collected through video surveillance will be provided Training on this policy and privacy obligations.
- c) Any employee who knowingly breaches this policy or applicable privacy legislation may be subject to disciplinary action.
- d) All storage devices that are not in use should be stored securely in a locked receptacle located in a controlled access area.
- e) Access to the storage devices should only be by employees responsible as per this policy.
- f) A log or electronic record shall be maintained for recorded enforcement footage where applicable.
- g) Recorded information will not be used for the purpose of evaluating employee performance, except in the case that it is relevant to a public complaint against an officer.

2.4.2 Access by the Public

- a) If a member of the public wishes to access a recording, they may request to do so by following the provincial access to information legislation.
- b) ICVS and BWC recordings related to traffic offences will be disclosed to the accused person through the Provincial Crown Prosecutor's Office.

2.4.3 Access by Other Government or Law Enforcement Agencies

- a) If a law enforcement agency wishes to access surveillance, ICVS or BWC recordings, they can do so by following the procedures of the provincial access to information legislation.
- b) At the discretion of the Chief Administrative Officer, ICVS or BWC footage may be disclosed to other law enforcement agencies for the purpose of assisting in an investigation.

- c) undertaken with a view to a law enforcement proceeding, or from which a law enforcement proceeding is likely to result.
- d) Personal information will not be disclosed to a law enforcement agency when the agency cannot provide definite and focused information as to why the disclosure is needed.

2.5 Retention of Information

- a) The guidelines for retention of recorded information is supplementary to the Town of Nanton's Records Retention Bylaw.
- b) All recording mediums must be handled in a manner that maintains the integrity and security of the recorded information.
- c) No recording shall be altered, edited, or modified. All recordings must be preserved in their original form in accordance with this policy and applicable legislation.
- d) The recorded information will be stored on a secure file server managed by the service provider's secure cloud servers located in Canada. Files are stored until they are automatically or manually disposed as dictated by this policy. .
- e) All recorded information by a Peace Officer from their ICVS/BWC onto the secure file server and filed under the appropriate category in the database. Categories are as follows:
 - i. Traffic - Any recorded information that is related to a traffic stop will be filed under the category "Traffic."
 - ii. General Duty - Any recorded information collected when responding to an action request or during a proactive investigation will be filed under the category "General Duty."
 - iii. Conflict - Any recorded information where use of force has been applied, where there is an active disagreement or argument between an Officer and a client, or where there is the perceived potential for a public complaint to be generated will be filed under the category "Conflict".
 - iv. Officer Conduct -Any recorded information that is related to a complaint regarding Officer conduct will be filed under the category "Officer Conduct".
 - v. Immaterial - Any recorded information collected when not in the commission of an Officer's duty will be filed under the category "Immaterial." This typically occurs when the system is activated accidentally. Files classified as "Immaterial" are reviewed by the Manager of Municipal Enforcement before they are disposed of.
- f) Information specifically awaiting review for detection of possible criminal activity or non-compliance with or breach of a statute or bylaw that could lead to a penalty or sanction, shall be retained and stored for a minimum of one year.
- g) Old storage devices must be securely disposed of by shredding, magnetically erasing, or otherwise permanently deleting the information, and must be recorded as such as per the current record retention bylaw.



3. USE OF IN-CAR AND BODY WORN RECORDING SYSTEMS

- 3.1 a) Officers may activate recording equipment when:
- i. Responding to complaints
 - ii. Conducting enforcement interactions
 - iii. Investigating incidents
 - iv. Dealing with potentially confrontational situations
 - v. Collecting evidence related to enforcement activities
- b) In-Car Systems may automatically activate when emergency equipment is engaged.
- c) Officers may manually activate recording equipment at any time while performing their duties.
- d) Recording should remain active until the interaction has concluded unless circumstances require otherwise.
- e) Every effort should be made to minimize recording of individuals not involved in the incident.

3.2 Exceptions to Recording of Use of In-Car and Body Worn Recording Systems:

- a) The decision to stop recording an incident is ultimately at the discretion of the Officer, however in all cases where recording is stopped early, the Officer must be able and prepared to articulate the reasons for doing so. Extra consideration should be given in the following circumstances:
- b) Where an individual requests the recording be stopped individuals may object to being recorded. In these cases, the Officer should explain the reasons that the recording is being made (i.e. to safeguard both the Officer and the members of the public). While in most cases the Officer should continue recording, they may choose to cease recording if the situation warrants it. This includes but is not limited to respecting the wishes of persons expressing sensitivities connected with culture or faith that would prohibit recording.
- c) Where entering a private dwelling additional privacy concerns exist when entering a private dwelling. Therefore, it is important that an Officer should not record inside a private dwelling without the consent of the resident.
- d) When dealing with vulnerable victims of a crime: It is not anticipated that the Officer will encounter or interview victims of a crime during the course of regular duties, however, if it does take place the explicit consent of the victim must be obtained prior to recording.
- e) Where practical and safe to do so, the Officer will make efforts to inform the public when they are being recorded.

4. RESPONSIBILITIES:

4.1 Council:

- a) Approve this Policy and any subsequent amendments.



- 4.2 Chief Administrative Officer is responsible for:
- a) Overseeing the implementation of this policy;
 - b) Ensuring all municipal staff are aware of and understand this policy;
 - c) Reviewing and recommending policy changes where necessary;
 - d) conduct periodic assessments to ensure compliance with this policy;
 - e) review all proposed changes to existing video surveillance systems and newly proposed systems to ensure that they meet all the requirements of this Policy; and
 - f) determine who shall have access to view storage device.
- 4.3 Department Heads is responsible for:
- a) Ensuring the requirements of this Policy are adhered to;
 - b) Establishing and maintaining an internal reporting network relating to control mechanisms and advise the CAO;
 - c) Budgeting for the costs of their video surveillance requirements; and
 - d) Reviewing and recommending policy changes where necessary.
- 4.3 Peace Officers are responsible for:
- a) Ensuring the ICVS and BWC policies and procedures are understood prior to equipment use;
 - b) Following this policy in the course of their duties;
 - c) The operation, maintenance and safekeeping of the ICVS and BWC equipment;
 - d) The record keeping associated with the ICVS and BWC; and
 - e) Reviewing and recommending policy changes where necessary.
- 4.5 Employees:
- a) All employees are responsible for the storage, protection and use of recorded information as dictated by this policy, provincial privacy and access to information legislation, and any other polices and bylaws of the Town.



 MAYOR

 Date



 CHIEF ADMINISTRATIVE OFFICER

 Date