

VULCAN COUNTY POLICY NO. 21-1014	Officer Use Of Recording Devices
Effective: May 15, 2024	Amended:
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Officer Use of Recording Devices

Policy Statement: As an authorized employer, Vulcan County recognizes the high level of public interaction as Community Peace Officers complete their assigned duties. In an effort to sustain and enhance an enforcement services program that focuses on transparency, accountability, and Officer safety, Officers may use an in-car digital video system, microphone, and body-worn video (BWV) to support their enforcement duties. All recording devices will be used in accordance with all governing legislation, policies, and procedures of Vulcan County.

Purpose: To establish guidelines for the use of recording devices for Community Peace Officers employed by Vulcan County.

- Principles:**
1. The County may choose, in its sole discretion, to equip Officers with In-car Digital Video Systems, microphones, and Body-Worn Video where it determines it is efficient and appropriate.
 2. Vulcan County will use this policy as a guide to ensure that recording devices are used within set criteria and that the information collected is managed appropriately. The guidelines will balance individuals' privacy rights with the anticipated benefits of using audio and video recording devices for law enforcement purposes.
 3. Vulcan County will ensure that information is collected and protected in accordance with the Freedom of Information and Protection of Privacy Act.

1. Definitions

- 1.1 **"Body Worn Video"** also known as Body Worn Cameras are electronic devices that are mounted onto an Officers uniform. They are intended to be an overt personal video system that will capture an audio/video record of events as they occur within the viewing area of the camera.
- 1.2 **"In-Car Digital Video System"** are electronic devices that are mounted within an Officer's vehicle and capture audio/video recordings of incidents and interactions with the general public, witnesses and/or suspects used for aiding

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investigations and gather evidence.

1.3 **"Officer"** meaning Community Peace Officer.

2. Use of Recording Devices

2.1 In-Car Digital Video Systems shall continuously record while the Officer is on duty.

2.2 Activating a Body Worn Video manually shall be done following these guidelines:

2.2.1 Upon activating the recording, providing it is safe to do so and within reasonable discretion, the Officer shall verbally state the date, time, location, nature of the incident, and notify those present at the incident that it is now being recorded.

2.2.2 While the recording is activated, the Officer should, whenever possible, continue to state for the recording, elements of the situation that may not be readily visible (such as activity on the peripheral of the incident; smells such as alcohol or drugs, actions by the Officer that may not be captured such as returning a driver's license).

2.2.3 As a general guideline, providing it is safe to do so, members should activate recording in the following contexts:

- a. When arriving at the scene of a serious or critical incident if the camera is not already activated;
- b. When the decision is made to conduct a traffic stop;
- c. Immediately when responding to a call for assistance from another County employee, Officer, or member of the RCMP;
- d. During an initially non-investigative incident if circumstances suggest that the incident may become investigative or the subject of a complaint.
- e. During the collection of witness statements.

2.2.4 As a general guideline, recording should be deactivated any of the following circumstances:

- a. A specific investigative incident or charge is completed;
- b. A specific call, or any other incident initially thought to be investigative is determined not to be a matter of further record;
- c. The subject is taken into the RCMP Detachment (such as the guardroom) which is recorded by Closed Circuit Television (CCTV)

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systems, and;

d. Legal privilege is involved.

2.2.5 Prior to deactivating the recordings, Officers can, providing it is safe to do so, state the time, place, and reason for the deactivation.

2.2.6 If incident details are not recorded at activation and deactivation, or if the Officer thinks there may have been technical problems with the recording, as soon as it is practicable, these details can be entered in the Peace Officers notebook as would be the case if no recording was present.

2.2.7 The decision to deactivate recording must retain an element of discretion related to each context and all such decisions are to be justifiable. This can be done by stating the reason for deactivation prior to ending the recording and/or by entering the reason into the Officer's notebook. Reasons for deactivation should also be included in any related reports.

2.2.8 If the camera is reactivated during the same incident, the reason for reactivation should be stated on the recording and/or in the Officer's notebook and in any related reports.

2.2.9 Justification is also needed for any accidental deactivation of the camera, by recorded statement upon reactivation, and/or by making a record of this reason in the Officer's notebook and any subsequent related reports.

3. Privacy and Special Context Considerations

3.1 Officer shall evaluate and consider the following, when deciding whether to utilize a recording device or not:

3.1.1 Are the circumstances appropriate and consistent with an investigation or other law enforcement action / activity being undertaken by the Officer.

3.1.2 Could the use of the recording device potentially de-escalate the situation.

3.1.3 Is the location one that may require an enhanced amount of privacy for individuals, such as in a legal setting, medical setting, or place of worship.

3.2 If an Officer attends a private dwelling for an incident, or to obtain information that would normally be documented, equipment should be activated, and the explanations outlined if necessary.

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4. Witness, Victim and Informant Accounts

- 4.1 Officers using Body Worn Video for the collection of witness, victim or informant accounts shall ensure that formal written statements from victims or witnesses are collected where required and that recordings are utilized only as, supporting evidence for the statements.
- 4.2 When possible, if multiple witnesses wish to give their accounts to the Officer with the recording device, separate recordings will be made so that individual accounts can easily be separated.

5. Roles and Responsibilities

- 5.1 The Director of Protective Services or their designate, is responsible for:
 - 5.1.1 Investigation of videos upon any complaint against an officer or the department.
 - 5.1.2 Ensuring that the Peace Officers understand and follow applicable policies and procedures.
 - 5.1.3 Ensuring that Officers are trained in the use, deployment and storage of data and equipment.
 - 5.1.4 Periodically review established processes to ensure the integrity of data and equipment use, deployment, and storage.
- 5.2 The Officer is responsible for:
 - 5.2.1 Ensuring that equipment is used and stored in accordance with this procedure.
 - 5.2.2 Ensuring that equipment is functioning correctly, including ensuring that the battery is fully charged, along with a means to recharge or replace the battery when needed.
 - 5.2.3 Reviewing recordings to ensure that the date and time stamp is accurate.
 - 5.2.4 All recordings are managed appropriately and retained in accordance with Section 6.
 - 5.2.5 Ensuring that equipment components, recording mechanism and data cards are not tampered with, willfully damaged, or lost.

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5.2.6 Reporting any equipment that is accidentally damaged, lost or experiencing failure to the director as soon as possible, and equipment in their charge is not used by any other individual.

5.2.7 Displaying devices worn on their uniform in an overt manner.

5.2.8 Providing a copy of the video to the Director upon request.

5.3 Misuse of equipment and/or recordings may be regarded as misconduct and may be subject to disciplinary action in accordance with Vulcan County Policies and Procedures, up to and including dismissal. Employees must immediately notify their supervisor of any violations or suspected violations of this policy on the part of themselves or others.

6. Retention and Disclosure of Data

6.1 Section 16 of the Peace Officer (Ministerial) Regulations provides the following schedule for retention of data:

6.1.1 Records pertaining to Public Complaints – at least 5 years;

6.1.2 All other records with respect to the administration, management, and operations of the Officer – at least 3 years.

Records that do not fall under the above stated categories can be retained as per Vulcan County's Record Retention Bylaw.