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| **Body Worn Cameras** |
| **Section** | 1. Security and Control |
| **CR Number** | 1.4.7 | **Current Issue Date** | August 2020 |
| **Legislation & Policy**  | Corrections Act 1986Surveillance Devices Act 1999Corrections Regulations 2019Serious Offenders Act 2018Surveillance Devices Regulations Act 2016Evidence Act 1958Privacy & Data Protection Act 2014Freedom of Information Act 1982Charter of Human Rights and Responsibilities Act 2006 |
| **Standard** | Safety and Security Services – Use of Force, Tactical Options, Instruments of Restraint and Chemical Agents |
| **Attachments** | Nil |
| **Forms** | Nil |

1. **PURPOSE**

To provide instructions for the use of Body Worn Cameras for the Security and Emergency Services Group (SESG), Emergency Response Group (ERG) members and select Supervisors and Senior Prison Officers across Corrections Victoria, Tactical Operations Group (TOG) members at Port Philip Prison (PPP) and Correctional Emergency Response Team (CERT) members at Ravenhall Correctional Centre (RCC) and staff in selected units, as approved by the Deputy Commissioner, Custodial Operations.

1. **REQUIREMENT**
	1. Body Worn Cameras are a mandatory tool for maximum-security ERG staff performing response duties, SESG Operational Supervisors, TOG Members at PPP and CERT members at RCC performing response duties whilst carrying Oleoresin Capsicum (OC) Product within a prison. The use of Body Worn Cameras in conjunction with OC Product is to assist not only in the violence reduction strategies associated with each prison, but to prevent prisoners from making an allegation of misuse of OC Product and allegations of assault and also alleviates the issue of inappropriate use.
	2. Body Worn Cameras are approved to be worn by trained Custodial Officers in units approved by the Deputy Commissioner, Custodial Operations, however this approval does not extend to an authority to carry OC products with Body Worn Cameras.
	3. Body Worn Cameras are an approved de-escalation tool for ERG staff at all prisons at the direction of the General Manager in accordance with local violence reduction strategies.
	4. Body Worn Cameras are to be worn by Supervisors and Senior Prison Officers who carry cell keys at maximum-security prisons after lockdown hours, to record any non-routine attendances at cells (e.g. when responding to cell intercom calls or Codes). Approval must still be requested to unlock a cell door after hours. Supervisors and Senior Prison Officers in these circumstances, do not have approval to carry Oleoresin Capsicum Product.
	5. Regulation 10 of the *Surveillance Devices Regulations* 2016, allows for Body Worn Cameras to be worn outside of a prison location for operational duties, such as escorts.
	6. Prisoners are under frequent observation, including through staff observations, the use of Closed Circuit Television (CCTV), Body Worn Cameras and video recordings.
	7. Staff and visitors must also expect that cameras may monitor public areas in a prison.
	8. This Commissioner’s Requirement must be read with Commissioner’s Requirement – Surveillance, Taping Protocols and Retention Periods and Commissioner’s Requirement – Use of Oleoresin Capsicum Products.
2. **GUIDING PRINCIPLE**
	1. Body Worn Cameras will be used by Operational Supervisors within the SESG, ERG members at all maximum-security prisons, ERG members at Hopkins Correctional Centre who are authorised to provide emergency and operational support at Rivergum Residential Treatment Centre, TOG members at PPP and CERT members at RCC and trained staff in selected units, as approved by the Deputy Commissioner, Custodial Operations, as a de-escalation tool and to record specific behaviour, such as a cell extraction. Body Worn Cameras will be activated, in the event of an incident or major disturbance.
	2. Only those staff that have successfully completed the training for the Body Worn Camera will be permitted to carry and use the Body Worn Camera.
	3. The Body Worn Camera is a body mounted camera with built in microphone. The camera stores digital files, which, once recorded, cannot be deleted or amended by the operator. Each file carries a unique identifier and is time and date stamped.
	4. All Operational Supervisors within the SESG will be allocated a Body Worn Camera to be used during their daily operational duties within a prison.
	5. ERG members from all maximum-security prisons will be allocated a Body Worn Camera to be used during their ERG operational response duties in conjunction with OC Product.
	6. ERG members from all prisons may be allocated a Body Worn Camera to be used during their general duties shift as part of the prison’s violence reduction strategy as directed by the prison General Manager.
	7. TOG members from PPP will be allocated a Body Worn Camera to be used during their TOG operational response duties.
	8. CERT members from RCC will be allocated a Body Worn Camera to be used during their CERT operational response duties.
	9. Custodial Officers in selected units approved by the Deputy Commissioner, Custodial Operations, will be allocated a Body Worn Camera to be used during their operational response duties.
	10. Supervisors and Senior Prison Officers who carry cell keys at maximum-security prisons will be required to wear a Body Worn Camera after lockdown hours, to record any non-routine attendances at cells (e.g. when responding to cell intercom calls or Codes). Approval must still be requested to unlock a cell door after hours.
3. **CONTEXT**

The use of a Body Worn Camera will provide, amongst other things, a secure environment for staff, prisoners and visitors, while taking into account the privacy and dignity of staff, prisoners, and visitors.

1. **INSTRUCTION**
	1. **Activation**
		1. Body Worn Cameras are to be activated by the user when an alarm or code is raised or an incident or negotiation is occurring, with the aim of de-escalating the situation. Instances where the Body Worn Camera should be used but are not limited to, include:
* When a duress is activated;
* When an incident is taking place;
* Where the officer believes that a situation is escalating and may result in the use of force;
* When there is potential for Oleoresin Capsicum Product to be deployed;
* Where the safety of any person is compromised;
* Where prison property is being vandalised.
	+ 1. When an alarm or Code is raised, control room staff will issue a reminder to staff to activate their Body Worn Camera. Staff responding to incidents must activate their Body Worn Camera as soon as they can, to enable footage to be captured at the earliest opportunity.
		2. When recording, SESG/ERG/TOG/CERT members must make a verbal announcement to indicate that the incident is being recorded. The preferred verbal announcement is:

***“I am wearing a body worn camera and recording this event”.***

This announcement is to be made once the camera is activated, so that the announcement can be recorded.

* + 1. Body Worn Camera recordings must continue uninterrupted from commencement of the recording and will continue until the prisoner becomes compliant and/or the incident is resolved.
		2. The Body Worn Camera is not to be activated during a strip search unless the prisoner is non-compliant. Where activation is required in this circumstance the dignity of the prisoner is to be considered.

NOTE: There may be exceptional circumstances where responding staff may be prevented from activating their BWC immediately for personal safety and self-defence reasons. In these circumstances, the activation of the camera may not be possible.

* 1. **Distribution, Maintenance and Training**
		1. The General Manager, SESG and the Prison Intelligence Unit (PIU) of the prison will control the distribution and maintenance of the Body Worn Cameras at their respective locations.
		2. The General Manager, PPP will control the distribution and maintenance of the Body Worn Cameras at PPP.
		3. The General Manager, RCC will control the distribution and maintenance of the Body Worn Cameras at RCC.
		4. The General Manager, FCC will control the distribution and maintenance of the Body Worn Cameras at FCC.
		5. Only officers who have successfully completed a Corrections Victoria approved Body Worn Camera Training program, which has been delivered by a Corrections Victoria endorsed instructor, are approved to carry a Body Worn Camera.
		6. The General Manager, SESG will be responsible for ensuring that staff members from Corrections Victoria are trained in the use of Body Worn Cameras. Training will be conducted by a qualified SESG staff member (holds a current Certificate IV in Training and Assessment or equivalent and is a subject matter expert in Body Worn Camera).
		7. The General Managers at PPP, RCC and FCC will be responsible for ensuring that their staff members are trained in the use of Body Worn Cameras.
		8. The SESG/ERG member/Supervisor must enter their user name and password into the Body Worn Camera docking station which will then issue a camera. The docking station will only issue a camera that is fully charged and ready for use. This system acts as the necessary issuing register.
		9. TOG and CERT members will complete the associated registers when signing out a Body Worn Camera.
		10. Body Worn Cameras must be inspected as part of the location’s compliance model. This is to ensure that all Body Worn Cameras are accounted for and are maintained in an operational capacity.
		11. Any damage or malfunction to a Body Worn Camera must be reported to the user’s line manager who will then report it to either the General Manager, SESG, General Managers PPP, RCC or FCC, as soon as possible.
		12. The SESG will be responsible for the supply and upkeep of all Body Worn Cameras and associated equipment distributed to public facilities, including the cost of any repairs or damage to equipment. Any new equipment must be purchased by the SESG.
		13. When a Body Worn Camera is not in use, they must be stored securely in the corresponding docking station.
	2. **Downloading and Storage – Corrections Victoria**
		1. All footage recorded is automatically downloaded upon the return of the Body Worn Camera to the docking station.
		2. The user is able to log into the docking station and return the camera. Details about a recording can then be prepopulated by the user and assigned to the corresponding footage. The recordings are then stored securely.
		3. Recordings must not be deleted at any stage.
		4. To support the camera systems, ‘stand-alone’ computers and appropriate software has been purchased for the downloading and storage of the Body Worn Camera recordings. This software provides a full audit trail, ensuring evidential continuity is maintained.
	3. **Downloading and Storage – Port Phillip Prison, Ravenhall Correctional Centre and Fulham Correctional Centre**

Downloading of recorded data will be completed by the Security Manager or their delegate. Hard copies will be made of all recorded incidents and a copy will be provided to the Operations Manager for storage and future use should it be required.

* 1. **Records of Specific Activity and Continuity of Evidence**
		1. A Body Worn Camera recording is admissible as evidence.
		2. To minimise the risk of loss, Body Worn Camera recordings should not be sent via mail or DX. If requested, Body Worn Camera records should be hand delivered or transferred via other means, such as secure electronic transfer and by prior arrangement.
		3. If a Body Worn Camera is activated to record a significant incident or for any other reason, then the recording is to be kept for a minimum of seven years. Recordings are to be stored in a secure area at the prison, and will be marked, dated and identified in accordance with 5.5.6.
		4. Staff are expected to activate the Body Worn Camera, for the following matters:
* When a duress is activated;
* When an incident is taking place;
* Where the officer believes that a situation is escalating and may result in the Use of Force;
* When there is potential for Oleoresin Capsicum Product to be deployed;
* During a planned use of force incident, including when the SESG is requested to assist Victoria Police to take a forced DNA sample;
* During a cell extraction;
* Where the safety of any person is compromised;
* Where prison property is being vandalised;
* When Supervisors and Senior Prison Officers who carry cell keys at maximum-security prisons and BWCs after lockdown hours, attend any non-routine attendances at cells (e.g. when responding to cell intercom calls or Codes).
	+ 1. Records that fall outside the above criteria and are not of an evidentiary nature must be retained for a period of 28 days.
		2. The SESG, PPP, RCC, FCC and PIUs are to retain a copy of the Body Worn Camera footage to be made available to investigative bodies (such as Victoria Police, Victorian Ombudsman, the Independent Broad-based Anti-corruption Commission or the Justice Assurance and Review Office), via Corrections Victoria’s System Performance Branch.
		3. Body Worn Camera activity will be marked to capture:
* date;
* time;
* incident;
* prison;
* location; and
* persons involved, including the full name and CRN if a prisoner.
	1. **Retention of Data and Retention Periods**
		1. The General Managers of the individual work locations are responsible for the secure storage of any data retained at their location.
		2. The recording is to be kept for a minimum of seven years
		3. The General Managers of the individual work locations must maintain a register of copies made of recordings and who they have been provided to.
		4. The General Managers of the individual work locations must ensure that Body Worn Camera records cannot be compromised.
	2. **Reports and Records**

Reports submitted resulting from the use of a Body Worn Camera must be in accordance with Commissioner’s Requirement – Incident Reporting and include:

* date, time and location of incident;
* events leading up to the incident, including other avenues explored to resolve the matter;
* personnel involved, including full name of staff and full name and CRN of prisoner/s involved;
* who authorised use;
* details of injuries, if any, sustained by staff or prisoner/s; and
* medical treatment.
	1. **Police and Body Worn Cameras**

Visiting police members must leave their Body Worn Cameras in the prison armoury, unless they have prior approval from the Assistant Commissioner, Security and Intelligence Division or the Commissioner, to wear them in the prison.

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| Larissa Strong**Acting Commissioner** |

**Information below this point is administrative supporting detail**

**only and not subject to Commissioner’s review or approval.**

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| **Acronyms** |
| CCTV | Closed Circuit Television |
| CERT | Corrections Emergency Response Team |
| ERG | Emergency Response Group |
| FOI | Freedom of Information |
| OC | Oleoresin Capsicum Product |
| PIU | Prison Intelligence Unit |
| SESG | Security & Emergency Services Group |
| TOG | Tactical Options Group |

| **Definitions** |
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| **Associated Commissioner’s Requirements** |
| 1.1.3 – Use of Oleoresin Capsicum Products1.2.6 – Preservation of Evidence and Management of Seized Contraband1.4.2 – Surveillance, Taping Protocols and Retention Periods |

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