



Body Worn Camera Pilot Guidelines

Enacted Date: 2023.09.29

GENERAL

The Vancouver Police Department (VPD) is committed to the development of a pilot program to determine the value and effectiveness of Body Worn Cameras (BWCs) to:

- strengthen public safety and the well-being of the community;
- enhance transparency and trust between the community, employees and partner agencies;
- enhance accountability for both VPD members and the public; and,
- provide accurate and improved evidence collection for investigations.

SCOPE

BWCs are audio and video recording devices that document police members' interactions with the public during the course of their duties. They are intended to capture specific police interactions with the public, not for indiscriminate recording. The use of BWCs requires balancing the anticipated value of the program with the privacy rights of individuals, including VPD employees.

DEFINITIONS

Activate – to put the BWC in a state that is recording digital evidence for retrieval and archival purposes.

Body Worn Camera (BWC) – a wearable video and audio recording system approved and issued by the VPD.

Buffering Mode – to put the BWC in a state where it is powered on, but not activated. In this mode, the BWC continuously saves a 30-second loop of video (no audio) which is retained only if activated.

Digital Evidence – a recording that may include audio, video, and/or associated data that is stored for future retrieval.

Member – a sworn police officer employed by the VPD.

Stealth Mode – to put the BWC in a state where the light indicators are disabled for member safety and/or operational necessity.

PROCEDURE

Authorized Equipment and Training

1. Members may only use VPD issued BWCs and mount.
2. Members may not use their issued BWC unless they have successfully completed VPD approved BWC operator training.
3. In addition to initial training, members may be required to complete refresher training at periodic intervals to ensure continued effective use of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions to operating procedures or equipment. This training shall include any changes to disclosure expectations.

Deployment of BWCs

4. Members assigned to the pilot program should wear BWCs during assigned uniform field duties (e.g., patrol duties, call-outs, traffic enforcement).
5. When a BWC is obtained at the start of shift, or during a shift, members should:
 - a) document in their notebook that they are deploying with a BWC;
 - b) attach the BWC to their uniform and position it to ensure it captures an unobstructed recording view and is readily visible to the public;
 - c) ensure the BWC is in buffering mode and functioning properly; and,
 - d) if the BWC is not functioning properly, return the device to the docking cradle, send an email to the BWC Coordinator detailing the issue(s) observed, and sign-out a spare BWC.

Notifications of BWC Recordings

6. Members should make reasonable efforts to ensure that persons being recorded are informed as soon as practicable that they are being recorded (unless providing this information would put the safety of the member and/or the public at risk).
7. Members should use the following standardized message when notifying a member of the public that they are being recorded, "I am rank/name and this interaction is being recorded."
8. The VPD recognizes that persons in vulnerable circumstances may require additional explanation or notification to ensure they are aware that they are being recorded in situations that may include, in part:
 - a) persons who may be vulnerable due to age (e.g., children or older adults);
 - b) persons with a visible disability or who may have communication barriers (e.g., language, hearing or speech);
 - c) persons with diverse gender identity or expression;
 - d) persons with apparent mental health and/or substance use problems;

- e) victims or witnesses who may be less inclined to report or speak to police because of precarious legal status (e.g., victims or witnesses who have outstanding warrants against them, or with precarious immigration status);
- f) persons living in public spaces (e.g., persons dependent on, or sleeping in public spaces); and,
- g) any other person(s) a member may determine to be in a vulnerable circumstance.

BWC Activations and Recordings

9. Members issued with a BWC shall start recording as soon as it is safe and practicable to do so when:
 - a) initiating any contact with a member of the public for the purpose of a police investigation;
 - b) attending a call for service where there is a reasonable belief use of force may be used;
 - c) anticipating violent or aggressive behaviour;
 - d) assisting in de-escalating a situation;
 - e) entering a situation where a person has verbalized their intent to file a complaint;
 - f) anticipating having to arrest or detain a person(s);
 - g) providing a person(s) with their rights under Section 10(a)(b) of the *Charter of Rights*;
 - h) conducting a witness or suspect interview where the use of the interview facilities are not practical or favourable; and,
 - i) any circumstance where the member believes that the collection of otherwise imminently perishable evidence could be facilitated by turning on the BWC (e.g., a large blood stain on a sidewalk visible on arrival, but expected to diminish due to rain or other elements).
10. Members are not required to activate their BWC in exigent circumstances, until safe and practicable to do so.
11. When activating their BWC, members should, if practicable, state the location and nature of the incident that is being recorded.
12. Automatic activation sensors will be utilized and assessed as part of the BWC pilot program. For members who are equipped with automatic activation sensors, the BWC will activate anytime the firearm and/or conducted energy weapon (CEW) is drawn from its holster. The 'Axon Taser' is the brand of CEW used by the VPD.
13. If required for officer safety purposes, members can utilize the stealth mode on their BWC in the following situations:
 - a) where the blinking light may contribute to an escalation in violent behaviour of a member(s) of the public;
 - b) where the blinking light could give away the location of a member, where cover or concealment is necessary for their safety; or,
 - c) any other circumstance in which the blinking light could reduce the effectiveness of a police tactic or put the member or the public in danger.

14. While the BWC is activated, members may, if practicable, verbalize elements of the situation that may not be readily visible (e.g., activity on the peripheral of the incident, smells indicated at a scene such as liquor or chemicals). This does not replace member note-taking requirements ([see Section 19 and 20 for note-taking and viewing BWC recordings](#))
15. If a member becomes aware of an incident that should have been recorded, they accidentally switched the BWC to buffering mode, or the BWC is found to have malfunctioned prior to the conclusion of an incident, they should articulate the details in a General Occurrence (GO) report or in their notebook within 12 hours of the end of their shift.

Decision to Switch to Buffering Mode

16. Once a BWC is activated, it should be left on continuously without interruption until the incident has concluded, or a decision has been made to switch to buffering mode, in consideration of the following circumstances when the member:
 - a) becomes aware that a recording is in violation of a prohibited action listed in these guidelines;
 - b) has a reasonable belief that recording is likely to compromise police tactical procedures or public safety or inhibit their ability to gather information (e.g., a victim or witness is reluctant to cooperate while a BWC is recording); or,
 - c) is directed to do so by a supervisor based on the factors set out above.
17. If a decision has been made to switch to buffering mode, in consideration of the above noted circumstances, they should articulate the details in a General Occurrence (GO) report or in their notebook within 12 hours of the end of their shift.

Post Deployment Responsibilities for BWCs

18. At the end of shift, members with a BWC should:
 - a) confirm the BWC is in buffering mode;
 - b) inspect the BWC for any visible defects that may impair its operation;
 - c) if any malfunctions or defects are observed, document in an email to the BWC Coordinator;
 - d) ensure the BWC is properly seated in the docking cradle;
 - e) ensure all recordings are securely uploaded, tagged and documented in Digital Evidence Management System (DEMS); and,
 - f) ensure all recordings are retained in DEMS for a minimum 13 month period after which time they will be automatically deleted. See [Retention of Recordings](#).

Viewing BWC Recordings

19. Members shall, as soon as practicable, make contemporaneous notes of all incidents and ensure they write notes and GO reports in accordance with [RPM Section 1.16.4 Police Notes and Notebooks](#).

20. BWC recording of an incident can be reviewed after a member's contemporaneous notes have been completed.
21. Where there are circumstances that viewing the recording will compromise an investigation (e.g., disclosure of sensitive information, external police agency, or Independent Investigations Office investigations), the member should advise their supervisor, and await further direction before taking any action.
22. Members and civilian professionals should ensure that viewing a BWC recording is restricted to the following:
 - a) for investigative purposes;
 - b) for training purposes;
 - c) in accordance with [British Columbia Provincial Policing Standards - 4.2.1 Body Worn Cameras](#); and,
 - d) in accordance with all applicable laws, and VPD guidelines and policies.

Independent Investigations Office of BC (IIO)

23. If a member wearing a BWC is involved in an incident where the IIO asserts jurisdiction, the member should advise their supervisor, and await further direction before taking any action.
24. In all cases where IIO has jurisdiction, involved officers (including subject and witness officers) should not review any records of the incident without permission from the VPD IIO Liaison Officer.

Prohibited Actions

25. Members shall not:
 - a) record any activity unless for the purpose of law enforcement;
 - b) use a BWC for continuous or indiscriminate recordings, or recordings of uninvolved bystanders, or routine interactions with the public;
 - c) deliberately re-position or cover the BWC camera lens;
 - d) disseminate images or recordings to any person or entity unless required by their duties and authorized by law; or,
 - e) delete or alter a BWC recording.
26. If a member makes an unintentional BWC recording they shall:
 - a) switch the BWC to buffering mode;
 - b) document the details in their notebook;
 - c) advise their supervisor; and,
 - d) advise the BWC Coordinator by e-mail.

27. When a member has become aware that an interaction with a confidential informant has been recorded, the Source Handling Unit shall be contacted as soon as practicable to minimize the risk of the inadvertent disclosure and identification of the confidential informant.

Privacy Considerations

28. Prior to activating a BWC, members should consider circumstances of possible heightened privacy concerns, and balance them with the objectives of BWC use (strengthening public safety, enhancing transparency and trust, enhancing accountability) in the following situations:

- a) being in a dwelling house;
- b) exposure to private health information and/or medical treatment being received;
- c) being in a law office;
- d) being in a place of worship;
- e) individuals being nude or having exposed private body areas;
- f) children or youth being:
 - i. present;
 - ii. victims; or,
 - iii. the subject of an investigation; and,
- g) victims and/or witnesses being reluctant to cooperate when the BWC is activated, or requesting that members do not record in a sensitive situation.

Loss, Theft or Damage

29. If a BWC is lost, stolen, or damaged members shall:

- a) notify their supervisor and the supervisor must notify the BWC Coordinator, as soon as practicable (see [VPD Regulations & Procedural Manual Section 5.2.1 Damage to Department or Private Property](#)); and,
- b) notify the on-duty Car 10 if their BWC is lost or suspected stolen in another jurisdiction.

30. If a BWC is lost, stolen or damaged the BWC Coordinator shall:

- a) Notify the Information and Privacy Unit (IPU) as soon as practicable.

Evidence Management

31. Members should document when a BWC video recording was made in the following manner:

- a) in the GO report, when one is generated; and,
- b) in the Computer Aided Dispatch (CAD) clearance notes when a call is generated but no GO is written.

32. In every instance where a Report to Crown Counsel (RTCC) is submitted, the member should include the following in their evidence:

- a) a copy of all BWC recordings related to the incident;
- b) an audio transcript of all BWC recordings related to the incident;
- c) documentation of any disclosure concerns;
- d) documentation of all BWC recordings in the 'Attachments List'; and,
- e) if necessary, add an addendum to the notes of the GO Report.

BWC Recording Transcripts

33. When an individual(s) is arrested and transcripts are required for BWC recordings, the following steps are required for each Crown Counsel charge approval process:

- a) for in-custody files where charges have been approved and the accused will be put to a judicial release, a concise summary of the recording with relevant time stamps must be provided; and,
- b) for out of custody files where charges are requested, for example releasing on an officer issued undertaking or warrant request, an edited transcript is required. An edited transcript is a transcription of the recording that has been reviewed for accuracy by a transcription clerk; and,
- c) once charge approval in s.33 a) or b) is obtained, an officer proofed transcript of the recording is required within 30 days.

34. Identification of privileged material that requires vetting is the responsibility of the member operating the BWC. Where vetting/redaction is required, contact the BWC disclosure clerks.

Release of Recording

35. BWC recordings may only be released in accordance with Part 2 or Part 3 criteria as set out in the *Freedom of Information and Protection of Privacy Act (FIPPA)*. Without limiting release circumstances, BWC recordings may be released in accordance with established criteria for prosecution purposes, in response to an access request for information, pursuant to judicial authorization, or in accordance with lawful authority for disclosure of personal information. Members shall refer to the BWC Coordinator or the Information and Privacy Unit to confirm their lawful authority to release BWC recordings.

36. When a BWC recording is requested in accordance with Part 2 of FIPPA, each request will be assessed based on all relevant information and considerations, including the presumption of non-disclosure of third party personal information, and possible harm to ongoing police investigations. Generally a BWC recording will not be disclosed under Part 2 of FIPPA while a police investigation is ongoing.

Retention of Recordings

37. BWC recordings will be automatically deleted after 13 months, unless retained as evidence in relation to an offence, or complaint, or for training purposes.

38. When required for an evidentiary purpose, the BWC recording will be retained in DEMS for the incident specific VPD PRIME retention period and deleted thereafter. Recordings that form part of an ongoing court case will be held until the conclusion of all court processes, regardless of their prescribed retention period.

39. BWC recordings may be kept and used for training purposes provided:

- a) the BWC recording is no longer required for an investigation or proceeding (e.g., criminal or disciplinary procedures);
- b) prior authorization has been obtained from the BWC Coordinator;
- c) all persons in the BWC recording have been anonymized or have provided written consent that the BWC recording may be used for training purposes; and,
- d) it is only retained for the duration that the recording remains relevant as a training aid.

40. When seeking consent in accordance with Section 39, the purpose for which the BWC recording is to be used, shall be explained in writing.

Compliance Review

41. The BWC Coordinator shall ensure that a compliance review of random samples of BWC recordings is conducted and reported on at the end of the pilot program, to assess compliance with these guidelines, in particular whether:

- a) sampled BWC recordings are in compliance with the [British Columbia Provincial Policing Standards - 4.2.1 Body Worn Cameras](#);
- b) BWC recordings are securely stored;
- c) unauthorized viewing of BWC recordings has occurred; and,
- d) BWC recordings have been deleted as required by [British Columbia Provincial Policing Standards - 4.2.1 Body Worn Cameras](#).

42. The BWC Coordinator shall maintain an automated and immutable record of all persons, dates and times when BWC recordings are accessed and what actions the user took.

43. Reviews will be conducted in accordance with [Provincial Policing Standards - 4.2.1 Body Worn Cameras](#).

REFERENCES

[RPM Section 1.9.20 Digital Recordings \(Images\) on Issued Electronic Devices](#)

[RPM Section 1.16.4 Police Notes and Notebooks](#)

[RPM Section 5.2.1 Damage to Department or Private Property](#)

[BC Provincial Policing Standards - 4.2.1 - Body Worn Cameras](#)

[BC Provincial Policing Standards - 6.1.1 - Promoting Unbiased Policing](#)