

<b>POLICY</b>		<b>CAT-SUB-####</b>	
<b>Body Worn Cameras</b>		<b>Category</b> ADM - Administration	<b>Sub-category</b> AUT - Authority & Delegations of Staff
<b>Approval Type</b> COUNCIL	<b>Department/Division</b> Community Services	<b>Author and Position</b> Director, By-law Enforcement	
<b>Date Approved</b> Click here to enter a date.	<b>Last Reviewed/Amended</b> Click here to enter a date.	<b>Next Review Date</b> Click here to enter a date.	

**Related Policies, Procedures and/or Guidelines:**

- *The Municipal Freedom of Information and Protection Act*
- *Municipal Act, 2001*  
*Evidence Act, R.S.O. 1990*
- *Records Retention Bylaw 2011-121*
- *Electronic Monitoring Policy, ADM-WOR-2034*

**1. POLICY PURPOSE:**

The purpose of this policy is to establish clear standards and procedures for the use, management, and oversight of Body Worn Cameras (BWCs) by the City of Kitchener Bylaw Enforcement Officers and management staff. The intent is to enhance transparency, safety for officers, accountability, and trust with the community while ensuring that personal privacy, data security, and evidentiary integrity are always maintained.

This policy supports the City's commitment to protecting the well-being of staff, for providing open service delivery, and provides a reliable record of interactions that may be used for evidence, training, or review.

**2. DEFINITIONS:**

"Axon" means the City's approved BWC hardware and evident management system used for storage, access, and management of BWC data.

"Body-Worn Camera (BWC)" means a portable recording device worn on an officer's person that records audio and video of interactions and incidents.

Policy No:

Policy Title:

“City” means The Corporation of the City of Kitchener.

“City Solicitor” means the City Solicitor for the City of Kitchener or their designate, which may include associate solicitor or assistant solicitor.

“Consent” means for the purpose of the BWC recordings under this policy, means permission from a homeowner, or occupant of private place who has the authority to consent, gives consent voluntarily, knows the nature of the Officers conduct, knows they can refuse or revoke consent at any time, and who is aware of the potential consequences or jeopardy of giving consent.

“Council” means the Council of the City.

“Critical Incident Recordings” means recording which have a high likelihood of litigation but may not necessarily directly relate to enforcement/investigation.

“Director” means the Director of By-law Enforcement of the City or their designate.

“Enforcement & Investigative Recording” means a recording identified as having potential evidentiary or investigative value.

“Hearing Officer” means any person appointed by the City from time to time pursuant to the Screening and Hearing Officer By-law, to perform the functions of a hearing officer in accordance with the Screening and Hearing Officer By-law and the Parking Administrative Penalty By-law.

“Manager” means the Manager of Enforcement of the City or their designate.

“MFIPPA” means Municipal Freedom of Information and Protection of Privacy Act.

“Officer” means any City of Kitchener Bylaw Enforcement Officer authorized and trained to wear and operate a BWC.

“Person” includes an individual or a corporation.

“Personal Identifiable Information” means any data or information that can be used to identify, contact, or locate a specific individual, which may include, but is not limited to, name, home address, or driver’s licence.

Policy No:

Policy Title:

“Private Place” means a place where a person or persons have a reasonable expectation of privacy and may reasonably be expected to be safe from recordings, but do not include a place to which the public has a lawful access.

“Public Place” means any place to which the public have access as of right or by invitation, either expressed or implied.

“Recording” means any video, audio, or metadata captured by a BWC.

“Redacting” means the removal or obscuring of privileged, sensitive, or clearly irrelevant content prior to the disclosure or release of a copy of a BWC recording. The redaction process creates an edited copy while leaving the original record unaltered.

“Routine recording” means a recording determined to have no continuing administrative, investigative, or evidentiary value, such as footage of travel to and from duty locations, from inside vehicle such for inspection from camera car, routine equipment checks, or accidental activations.

“Stop Recording” means any process which causes the BWC to stop recording audio or video data.

### **3. SCOPE:**

This policy applied to all City of Kitchener Bylaw Enforcement Officers (aka Municipal Law Enforcement Officers) authorized to use BWCs and to all recordings captured through their use. It also applies to any City Staff who have access to, manage, or review BWC footage within the AXON system. This policy covers:

- Activation, use, and deactivation of BWCs
- Recording retention, storage, privacy, disclosure, and access
- Supervisory or administrative responsibilities

This Policy shall apply in addition to all applicable law (i.e. Municipal Conflict of Interest Act, etc.). A breach of applicable law shall be deemed to be a breach of this Policy.

### ***Application***

**Employees** *(Indicate below which categories apply: All employees, Permanent full-time, Temporary full-time, Continuous part-time, Casual, Probationary, Student, Management, Non-union)*

- All employees

**Unions** *(Indicate below which categories apply: All Unions, CUPE 68 Civic, CUPE 68 Mechanics, CUPE 791, IATSE, IBEW, KPFFA)*

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Policy No:

Policy Title:

- Council
- Specified Positions: Enforcement Officers, Municipal Law Enforcement Officers, Director of Enforcement, Manager of Enforcement
- Other: Local Boards and Advisory Committees

#### **4. POLICY CONTENT:**

##### **4.1 General**

- a) Bylaw officers may only wear BWCs approved and provided by the City.
- b) Bylaw officers assigned a BWC are responsible for its proper care and use.
- c) Bylaw officers are required to complete the mandatory BWC training prior to operating a BWC.
- d) Bylaw officers must report loss, theft, damage, or malfunctions of a BWC to their immediate Manager as soon as reasonable.
- e) No one other than the Director, Manager, or their designate, shall modify or attempt to modify any permanent settings or components of the BWC.
- f) All activities involving the City's technology infrastructure should be considered monitored, as permitted by law, and in accordance with this policy and the *Electronic Monitoring Policy*.

##### **4.2 Operation of Body-Worn Cameras:**

- a) Issuance and Licensing:
  - i. Each officer will be issued a unique user licence linked to their City credentials. Officers are responsible for the downloading and storage their own footage. Only managers will have access to redacting or blurring footage for the purpose of submission to court, hearings, or for Freedom of Information request (FOI).
- b) Physical Camera:
  - i. There will be 20 cameras available on any given shift. Each officer will be responsible for the proper care, operation, and charging of their assigned camera.
- c) Activation:
  - i. Bylaw officers equipped with a BWC shall activate the BWC as soon as reasonably possible prior to arriving on scene, and

Policy No:

Policy Title:

- ii. BWC must be activated during any enforcement-related interaction, investigation, or service call involving the public where there is a reasonable expectation that evidence may be captured.
- iii. If an officer forgets to activate a BWC, the reason needs to be recorded in the notes and report to their manager.

d) Deactivation:

- i. BWC shall not be deactivated, obstructed, or deliberately repositioned until the incident has concluded, except when:
  - i. Deactivating the audio and/or video recording is necessary to avoid recording information or circumstances prohibited by this procedure;
  - ii. No longer engaged in the collection of evidence; or,
  - iii. No longer interacting with members of the public.
- ii. BWC may be deactivated when recording would compromise personal privacy (such as breaks, confidential conversations with Union, Management, or Human Resources)
- iii. BWC may be deactivated when recording upon request from a member of the public.
- iv. Officers must document in their notes the reason for any intentional deactivation of a full or part of an interaction in their notes and report.

e) Conclusion:

- i. At the conclusion of an officer shift, the officer assigned a BWC shall ensure the BWC is returned to its designated dock for secure upload, charging, and updating.

### 4.3 Notification and Restrictions on BWC Recordings

- a) As part of the uniform inspection, officers must ensure that the camera displays the “audio/video recording” sticker, and where practicable, individuals should be informed that they are being recorded.
- b) Officers should balance notification with safety considerations or if it would interrupt an investigation.
- c) Recording within a private residence is dependent on the lawful authority upon which a Bylaw officer’s attendance at the location is based (example: authority to go onto property, consent from owner/occupant to enter a dwelling] or in relation to a warrant).
- d) If at any time during a bylaw officer’s attendance in a private residence or in a business the owner/occupant or operator requests the interaction not

Policy No:

Policy Title:

be recorded, the Bylaw Officer may deactivate and leave that place (example: if they have confirmed a minor is present). The officer may continue investigation, if they feel safe to do so, and must record the reason that the camera was deactivated in their notes and reports or may reschedule the investigation and return with a second officer.

- e) To the best of their ability, bylaw officers should attempt to avoid recording bystanders who are not directly involved.

#### **4.4 Prohibited Use**

- a) BWCs shall not be used for personal recordings or surveillance unrelated to an officer's duties.
- b) BWCs may not be used to record conversations with City employees or management unless related to an operational incident.
- c) BWCs should not be recorded in location where there are heightened expectations of privacy, including, but not limited to:
  - i. Medical Office;
  - ii. Washrooms or bathrooms;
  - iii. Courthouses;
  - iv. Places of worship; and,
  - v. Law offices or places protected by legal privileges.
- d) In an event that a BWC recording of one of the situations outlined in 4.3 b) and c) is made, the recording shall be marked in the notes and reports and be directed to the Manager or Director to determine appropriate action.
- e) BWC recordings must not be integrated or altered using artificial intelligence.

#### **4.5 Note Taking and Report Writing**

- a) BWC recordings supplement and do not replace the need for written notes in notebook, AMANDA notes, or reports.
- b) Bylaw officers equipped with BWCs shall include in their notes (notebook or AMANDA) and reports that that they were equipped with a BWC, if the BWC was used, and if it was not used, and why not. The notes shall include:
  - i. Reference to relevant BWC footage;
  - ii. File Name;
  - iii. Timestamp;
  - iv. BWC deactivation; and
  - v. BWC muting.

Policy No:

Policy Title:

- c) Bylaw officers shall complete a video synopsis to accompany the full video evidence for events shared through Freedom of Information requests. Bylaw officers may complete this document after they have been notified that an FOI request has been received.
- d) Each bylaw officer is responsible for their own notes, audio recordings, and video recordings.

#### **4.6 Evidentiary Disclosure on BWC Recordings**

- a) All evidentiary recordings shall be uploaded to the secure AXON cloud-based storage system hosted in Canada.
- b) Access and disclosure shall comply with applicable laws, including MFIPPA.
- c) Disclosure for legal proceedings shall be completed through the Manager and Director, and City Solicitor or their designate.
- d) Bylaw Officers shall be responsible for managing and preparing BWC-related disclosure, and management will be responsible for the video and audio redaction.
- e) All BWC video and audio evidence where charges have been laid will be vetted and redacted, and electronically disclosed to City Solicitor, Manager and Director, and the City Solicitor or the Manager will provide disclosure to the appropriate parties including the Hearing Officer, if necessary.
- f) BWC recordings will only be shared with law enforcement agencies or institutions authorized under section 32 of MFIPPA.

#### **4.7 Access, Control, and Storage of BWC Recordings**

- a) All recordings are the property of the City of Kitchener.
- b) BWC recordings will be uploaded automatically from the docking station to a secure, centralized server (evidence.com).
- c) Bylaw Officers may review their own recordings, and the Manager or Director may review all officers' recordings.
- d) Bylaw Officers may review their recordings for notetaking, file collection, or hearing preparation, but may not alter, delete, or share footage outside of permitted City of Kitchener staff.
- e) Retention periods will be established based on the City's Records Retention Bylaw and any legal requirements.
- f) All BWC video and audio records will be categorized within the digital evidence platform to ensure they are subject to the following retention periods:

- 1) **Routine Recordings:** kept for 90 days and then is destroyed if there is no circumstance that triggers a longer retention period. Types of recordings considered routine include:

Policy No:

Policy Title:

- i. Recording that does not relate to enforcement or investigative activities;
  - ii. Recordings that are of routine enforcement such as issuance of a parking ticket, and that do not contain any additional meaningful evidence; or
  - iii. Calls for service that do not involve interaction with members of the public for investigative or enforcement purposes, such as standby or providing direction.
- 2) Enforcement/Investigative Recordings:** kept for a minimum of 30 months plus 1 day (example: ongoing investigation, open file, or open Freedom of Information request), and then securely destroy if there is no circumstances that triggers a longer retention period. Types of recording considered evidentiary include:
- i. Recordings of calls to service that involved interaction with members of the public for investigative or enforcement purposes;
  - ii. Recordings of inspections; or
  - iii. Recording that for ongoing investigations, court or hearings, legal proceedings, appeals, or access to information requests.
- 3) Critical Incident Recordings:** keep for 7 years, and then securely destroy if there are no circumstances that triggers a longer retention period. Types of critical incident recordings include:
- i. Clear threats of future legal action;
  - ii. Physical harm, assault, or violence;
  - iii. Escalated altercation with an officer;
  - iv. Issuance of Trespass to Property; or
  - v. Intentional destruction of property.
- g) Before destruction of evidentiary records takes place, the City's Authorized Destruction Form will be completed.

## 5. Privacy and Data Protection

- a) BWC recordings must comply with MFIPPA and other applicable privacy legislation.
- b) All data shall be stored in a secure, encrypted cloud environment located in Canada.
- c) Audio and video records created using a BWC can only be edited by those who perform redaction functions.
- d) No one shall edit, erase, copy, use, or in any way share or distribute any BWC recordings except as authority by this Policy.
- e) Access to recordings is role-based and limited to authorized personnel by MFIPPA for approved purposes.

Policy No:

Policy Title:

- f) All access requests for BWC footage shall be administered in accordance with the City's Access and Privacy Policy GOV-COR-2023.
- g) Law Enforcement Requests for BWC Recordings:
  - I. Law enforcement requests from Corporate Security or from Waterloo Regional Police Services shall be processed directly by the Director of Bylaw Enforcement.
  - II. Video recordings disclosed to law enforcement agencies by Bylaw Enforcement management shall be managed in accordance with established internal procedures.
  - III. Video recordings must be delivered and handled securely through a secure drive.
- h) The Policy does not provide employees with any new privacy rights or a right not to be electronically monitored.

## **6. Auditing and Quality Control**

- a) The AXON system provides automated logging for all access, uploads, edits, and deletions.
- b) Random audits may be conducted by management to ensure that enforcement/investigative recordings and critical incident recordings are being marked in accordance with the record retention.
- c) Audits may be completed by AXON staff to ensure that the product is working accordingly.
- d) All audits shall be documented.

## **7. Training**

- a) All officers must complete BWC operational training prior to activation. Training may be completed by AXON or designated trainee.
- b) Training should include AXON system use, such as saving recordings, categorizing recordings, redaction, marking as evidentiary, as well as training on the policy.
- c) Officers must complete City of Kitchener training on MFIPPA.
- c) Refresher training may be required, as needed.

## **8. Management Responsibilities**

- a) Managers will ensure officers are trained and compliant with this policy.
- b) Managers shall review recordings of incidents involving:
  - i. Public complaints;
  - ii. Officers' reports verbal altercation;

Policy No:

Policy Title:

- iii. Officers' reports physical altercation; and/or
- iv. Any use of force.
- c) Managers may conduct periodic review of BWC recording to monitor:
  - i. BWC and systems are being used and operated in accordance with the policy;
  - ii. Any additional training needs;
  - iii. Assist in incident debriefing; and/or
  - iv. Bylaw officer accolades.
- e) Manager may not use BWC footage for discipline matters, unless the discipline issue is discovered as a result of a complaint, and at that point may use any electronic monitoring tools for the purposes of monitoring, evaluating, or investigating employee performance, behaviour, or conduct, including whether to issue an employee discipline, up to and including termination of employment.

## **9. Policy Review**

This policy will be reviewed every 5 years or sooner if required by legislative, operation, or technological changes.

## **10. HISTORY OF POLICY CHANGES**

Administrative Updates

*n/a*

Formal Amendments

*n/a*