

Transit Safety Body Worn Video Policy

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Version 1

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Acronyms	Full form
DIPL	Department of Infrastructure, Planning and Logistics
TSU	Transit Safety Unit
BWV	Body Worn Video
FOI	Freedom of Information
SOPs	Standard Operating Procedures

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1 Policy Statement

The Department of Infrastructure, Planning and Logistics (DIPL) is committed to the delivery of safe and efficient public transport services.

Transit Officers use Body Worn Video (BWV) when performing their operational duties and functions under Part 4 of the *Public Transport (Passenger Safety) Act 2008* (the *Public Transport Act*).

BWV enhances safety on the Darwin public transport network by increasing surveillance and discouraging antisocial behaviour. Footage captured by BWV also assists in the prosecution of offences.

DIPL has developed a policy to ensure that the Department, Transit Safety Unit (TSU) managers and Transit Officers are aware of their roles and responsibilities in relation to appropriate and lawful use of BWV.

2 Objective

The purpose of this policy is to ensure that the collection, storage and use of footage captured by Transit Officers using BWV is compliant with relevant legislation including the *Public Transport Act*, the *Information Act 2002*, the *Surveillance Devices Act 2007* and the *Evidence (National Uniform Legislation) Act 2011*.

3 Scope

This policy applies to all staff employed as Transit Officers under section 6 of the *Public Transport Act* whilst undertaking operational duties.

4 Body Worn Video

BWV is an overt, wearable device used to make audio-visual recordings of events in which Transit Officers are involved whilst undertaking their duties.

Transit Officers use BWV to capture evidence relating to alleged breaches of the *Public Transport Act*, the *Criminal Code Act 1983*, the *Summary Offences Act 1923*, the *Liquor Act 1978* and the *Trespass Act 1987*.

The use of BWV compliments other evidential and procedural responsibilities of Transit Officers such as the use of official notebooks.

Each BWV recording carries a unique identifier and is stamped with the time, date and location the footage was captured. All recordings must be encrypted, processed, stored and managed using a secure database. The database provides a full audit trail to ensure evidentiary continuity and compliance with obligations under the *Information Act* and *Surveillance Devices Act*.

5 Transit Safety Body Worn Video Procedure

Procedure for the appropriate use of BWV will be developed by TSU managers, in consultation with staff, and will form part of the Standard Operating Procedures (SOPs).

Training programs will be developed and provided regularly to ensure that staff are competent in the procedure.

The procedure shall make provision for regular review and amendment by TSU managers to address legislative reforms and any identified operational issues or areas for improvement.

6 Roles and Responsibilities

6.1 TSU Managers

TSU managers are responsible for:

- implementation of this policy within their area of responsibility;
- developing and regularly reviewing the Transit Safety SOPs in relation to the use of BWV;
- developing and providing regular training in relation to the use of BWV to Transit Officers;
- consistently monitoring and evaluating BWV practices to maintain efficient and effective procedure;
- ensuring strict compliance with the Information Privacy Principles (set out in Schedule 2 of the *Information Act*) by maintaining secure and effective practices for the collection, use and storage of BWV data;
- implementing, monitoring and maintaining an auditing system to monitor misuse of data or unauthorised access or use;
- managing requests for the sharing of footage; and
- managing complaints against the TSU in relation to use of the BWV in compliance with the *Transit Safety Complaints Handling Policy*.

6.2 Transit Officers

Transit Officers are responsible for:

- following established BWV SOPs;
- reporting any equipment failures or errors to management as soon as practicably possible;
- ensuring BWV is only utilised when exercising powers under the *Public Transport Act*; and
- identifying opportunities for improvement of BWV procedure, providing feedback to management and assisting DIPL and TSU management in the development of relevant policy and procedure.

6.3 The Department of Infrastructure, Planning and Logistics

DIPL is responsible for:

- managing this policy and ensuring compliance with legislative amendments;
- investigating serious complaints referred by TSU management and taking appropriate action, including referral to Northern Territory Police (NT Police) where required under legislation; and
- managing a framework for auditing and complaints.

7 Misuse of BWV

Transit Officers must comply with the *Information Act* and *Surveillance Devices Act* at all times when using BWV.

It is an offence under sections 11 and 12 of the *Surveillance Devices Act* to record private activities or conversations where the Transit Officer:

- is not a party to the conversation or activity; or
- does not have the consent of the parties involved.

Misuse of BWV may also constitute a breach of the *Information Act*. Examples of actions which may amount to a breach of the *Information Act* include, but are not limited to:

- collection of footage where Transit Officers are not exercising one of their powers;
- improperly sharing or distributing footage;
- failing to properly store footage.¹

Failure to adhere to this policy and the SOPs may result in consequences for breaches of the:

- *Transit Safety Complaints Handling Policy*;
- *Transit Safety Code of Conduct*;
- *Northern Territory Public Service Code of Conduct*; and
- *Public Sector Employment and Management Act 1993*.

7.1 Complaints by the Public

The public are entitled to make complaints in relation to the use of BWV. Complaints may be investigated by TSU management, DIPL or NT Police, depending on the seriousness of the complaint.

For more information refer to the *Transit Safety Complaints Handling Policy*.

8 Freedom of Information Requests

BWV recordings made by Transit Officers are classified as Government information under the *Information Act*. Procedure for the collection, management and release of images from BWV to the public and external stakeholders must comply with this legislation.

Freedom of Information (FOI) allows members of the public to make requests to the Northern Territory Government for access to information. Any requests for recordings or information from BWV must be directed to DIPL's FOI Officer.

For more information, visit www.infocomm.nt.gov.au.

8.1 Sharing of Footage

Transit Officers may be requested by external agencies to provide BWV recordings for evidentiary purposes.

External agencies who wish to obtain copies of footage, with the exception of NT Police, must submit a request in writing to the TSU manager. TSU managers or Senior Transit Officers then provide approval for footage to be released. In extenuating circumstances, footage may be released with verbal approval from the TSU manager provided that:

- the request is recorded in the Transit Officer's official notebook; and
- a formal written request is forwarded through after the event.

NT Police are listed as an 'approved agency' on Evidence.com, therefore Transit Officers are able to provide direct access to members of the NT Police.

Prior to providing access to external agencies, Transit Officers must receive approval by TSU managers or Senior Transit Officers in accordance with the SOPs.

¹ Refer to Schedule 2 of the *Information Act* for more information.

9 References

DIPL Transit Safety Code of Conduct

Evidence (National Uniform Legislation) Act 2011

Information Act 2002

Northern Territory Public Sector Code of Conduct

Public Sector Employment and Management Act 1993

Public Transport (Passenger Safety) Act 2008

Surveillance Devices Act 2007