

Transit Safety Body Worn Camera Policy

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1	November 2019	Passenger Transport	<ul style="list-style-type: none"> Initial version.
2	March 2023	Passenger Transport	<ul style="list-style-type: none"> Changed Body Worn Video to Body Worn Camera. Added section 7 Authorised Use. Added section 9.2 Retention Schedule.
3	May 2024	Passenger Transport	<ul style="list-style-type: none"> Amended Policy Statement to include reference to powers as an inspector under section 18A of the <i>Liquor Act 2019</i>. Updates to Acts and links through document.

Acronyms	Full form
BWC	Body Worn Camera
DIPL	Department of Infrastructure, Planning and Logistics
FOI	Freedom of Information
SOPs	Standard Operating Procedures
T&AC	Training and Administration Coordinator
TSU	Transit Safety Unit

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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 Cameras (BWC) when performing their operational duties and functions under Part 4 of the *Public Transport (Passenger Safety) Act 2008* (the Act) and as an inspector under section 18A of the *Liquor Act 2019* (Liquor Act).

BWC enhances safety on the Darwin public transport network by increasing surveillance and discouraging anti-social behaviour. Footage captured by BWC also assists in the prosecution of offences.

DIPL has developed a policy to ensure that DIPL and the Transit Safety Unit are aware of their roles and responsibilities in relation to appropriate and lawful use of BWC.

2. Objective

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

3. Scope

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

4. Body Worn Camera

A BWC 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 BWC to capture evidence relating to alleged breaches of the Act, the *Criminal Code Act 1983* (Criminal Code Act), the *Summary Offences Act 1923* (Summary Offences Act), the Liquor Act and the *Trespass Act 2023* (Trespass Act).

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

Each BWC 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 Camera procedure

The procedure for the appropriate use of BWC was developed by the Training and Administration Coordinator (T&AC), in consultation with the Manager TSU and Transit Officers, and forms part of the Standard Operating Procedures (SOPs).

The procedure will be regularly reviewed and amended by the T&AC, in consultation with the Manager TSU to address legislative reforms, operational issues, best practise or areas for improvement.

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

6. Roles and responsibilities

6.1 Manager TSU

The Manager TSU is 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 BWC;
- consistently monitoring and evaluating BWC 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 BWC 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 BWC in compliance with the Transit Safety Complaints Handling Policy.

6.2 Training and Administration Coordinator

The T&AC is responsible for:

- reviewing and amending the Transit Safety SOPs in relation to the use of BWC;
- developing and providing regular training in relation to the use of BWC to Transit Officers;
- consistently monitoring and evaluating BWC practices to maintain efficient and effective procedures;
- conduct BWC audits to review operations ensuring Transit Officers are in line with best practice, SOPs and legislative powers;
- assisting with the management of requests for the sharing of footage; and
- using BWC footage to facilitate training and development.

6.3 Transit Officers

Transit Officers are responsible for:

- following established BWC SOPs;
- reporting any equipment failures or errors to management as soon as practicably possible;
- ensuring BWC is only utilised when exercising powers under the Act;
- identifying opportunities for improvement of BWC procedure, providing feedback to management and assisting DIPL and the Manager TSU in the development of relevant policy and procedures; and
- ensure footage is appropriately categorised in accordance with the correct retention period.

6.4 Director Passenger Transport

The Director Passenger Transport 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. Authorised use

Transit Officers may only operate BWC when:

- exercising a power or function under the Act, the Criminal Code Act, the Summary Offences Act, the Liquor Act and the Trespass Act;
- they are clearly identifiable as a Transit Officer, either by wearing a Transit Officer uniform or by displaying an identification badge as a Transit Officer; and
- the recording may provide evidence which assists in the investigation of an offence or suspected offence under the above mentioned Acts.

Operation of a BWC is permitted:

- in overt recording, but not in covert activities; and
- even if the person being recorded objects to the recording.

8. Unauthorised use

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

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 BWC 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 Unit Public Complaints Handling Policy;
- Transit Safety Unit Code of Conduct (internal document);
- Code of Conduct for the Northern Territory Public Sector; and
- *Public Sector Employment and Management Act 1993* (PSEMA).

8.1 Complaints by the public

The public are entitled to make complaints in relation to the use of BWC. Complaints may be investigated by the Manager TSU, Director Passenger Transport or NT Police, depending on the seriousness of the complaint.

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

¹ Refer to Schedule 2 of the *Information Act 2002* for more information.

9. Freedom of Information requests

BWC recordings made by Transit Officers are classified as Government information under the Information Act. Procedure for the collection, management and release of images from BWC 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 BWC must be directed to the FOI Officer.

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

9.1 Sharing of footage

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

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 without a written request. All other external agencies who wish to obtain copies of footage must submit a request in writing to the Manager TSU. The Manager TSU may provide approval for footage to be released. In extenuating circumstances, footage may be released with verbal approval from the Manager TSU provided that:

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

Prior to providing access to external agencies, Transit Officers must receive approval by the Manager TSU or Director Passenger Transport in accordance with the SOPs.

9.2 Retention schedule

Footage stored on Evidence.com attracts retention periods, as determined by the administrator. At the completion of the retention period, footage will be automatically deleted, if applicable.

Footage should be categorised as:

- Evidential (until manually deleted by the Manager TSU or Director Passenger Transport);
- Non-evidential (200 days);
- Training (until manually deleted by Manager TSU or T&AC);
- Pending review (one year);
- Uncategorized (200 days);
- Banning notice – 90 days (200 days);
- Banning notice – 180 days (200 days);
- Complaint (until manually deleted).

10. References

- [Code of Conduct for the Northern Territory Public Sector](#)
- [Criminal Code Act 1983](#)
- [Evidence \(National Uniform Legislation\) Act 2011](#)
- [Information Act 2002](#)
- [Liquor Act 2019](#)
- [Public Sector Employment and Management Act 1993](#)
- [Public Transport \(Passenger Safety\) Act 2008](#)
- [Summary Offences Act 1923](#)
- [Surveillance Devices Act 2007](#)
- Transit Safety Code of Conduct (internal document)
- [Transit Safety Unit Public Complaints Handling Policy](#)
- [Trespass Act 2023](#)