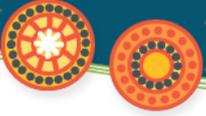


# Body worn camera operational guidelines



# 1. Background

The Department of Youth Justice (the department) is committed to protecting the safety of young people and staff in youth detention centres (YDCs). To this end, YDCs employ a range of dynamic, procedural and physical security measures to minimise incident risks. This includes the use of static and dynamic surveillance technology.

Trials of body worn cameras (BWCs) were conducted at Brisbane Youth Detention Centre and Cleveland Youth Detention Centre in 2015-16. An evaluation of these trials found that BWCs contributed to:

- reduced incidents
- positive and effective de-escalation of young people
- a reduction in staff injury
- enhanced incident review and complaint management practices.

The department has incorporated all relevant learnings from the trials, and reviewed learnings from established practices from the Queensland Police Service and Queensland Corrective Services.

The Independent Review of Youth Detention (IRYD) was provided to the Attorney-General and Minister for Justice on 14 December 2016. A number of recommendations of the IRYD focused on closed circuit television (CCTV) and incidents. BWCs, as well as significant security upgrades, were identified as the most effective way to address those recommendations.

Similarly, the 2019 Investigation Report released by the Ombudsman recommended that BWCs be implemented at both YDCs. These recommendations were in the interest of enhancing:

- oversight
- accountability
- transparency
- safety.

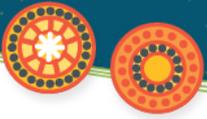
The Youth Detention Inspectorate was also supportive of the implementation of BWCs in both YDCs.

The department takes trauma informed, culturally appropriate and best practice management of young people seriously. The privacy and safety of young people in YDCs is of the highest importance. Accordingly, this project involved consultation and advice, from inception and throughout development, from the department's privacy and legal units, Professional Standards Unit and operational and cultural representatives. Stakeholders should also find confidence in the suite of established internal and external oversight measures built into practice to ensure appropriate use of the technology in a way that protects young people and staff, while maintaining young people's privacy.

BWCs commenced operation in Queensland YDCs on 9 December 2019.

## 2. Purpose

- 2.1 Surveillance technology, specifically BWCs, provide YDCs with an additional mechanism to maintain accurate and transparent incident records, allowing for enhanced review and quality assurance processes to foster an environment of continual practice improvement, governance and accountability. These practices are authorised under sections 263 and 263A of the *Youth Justice Act 1992* to ensure the security and management of YDCs and the safe custody and wellbeing of young people is maintained.



- 2.2 In using surveillance technology, the department recognises the requirement to maintain the privacy and dignity of young people.

Accordingly, the department will:

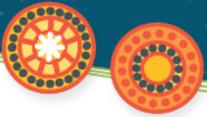
- where ever possible, ensure systems are actioned in a way that upholds young people's right to privacy
  - use surveillance technology only in situations where there is an identified risk
  - establish systems and procedures to ensure stored audio and visual surveillance footage is protected against misuse, loss, unauthorised access and disclosure
  - provide young people with a range of opportunities to have their views taken into account
  - strictly prohibit any intentional use of surveillance systems in a covert manner
  - train and support staff to ensure compliance with youth detention policies and procedures.
- 2.3 This document provides for the operational use of BWCs, which are be used by youth detention operational staff. These guidelines have been embedded in YDC operational policies and procedures, which are available to authorised staff.
- 2.4 In implementing this technology, there is a need to ensure the information gathered during the use of a BWC complies with the legal requirements for the recording, collection, storage, use and disclosure of electronic data, images and audio.

### 3. Scope

- 3.1 A BWC is a small recording device which records both video and audio when activated.
- 3.2 BWCs are worn by youth detention operational staff and mounted using a custom made vest. BWC mounting vests are individually allocated and fitted to operational staff to ensure maximum functionally, comfort, wearability and safety.
- 3.3 Endorsed belt clip mounts are available to staff awaiting the provision of a vest or as otherwise required and authorised. Belt clip mounts may also be used by staff with limited or low risk contact with young people when authorised.
- 3.4 An independent external risk assessment was commissioned to consider the associated hazards and risks of the implementation of BWCs, including:
- general workplace health and safety considerations
  - electrical equipment/physical technology risks
  - interaction with medical devices (e.g. pacemaker)
  - environmental and operational concerns, including physical threats and hygiene
  - mounting solutions, including personal protective equipment (PPE) considerations.
- 3.5 All findings and recommendations from the independent external risk assessment were taken into account to mitigate relevant risks. There were no adverse findings from this report to raise concern or delay the implementation of BWCs.

### 4. Legal foundations

- 4.1 Operational guidelines were developed in direct alignment with a range of legislative obligations, including:
- *Youth Justice Act 1992*
  - *Youth Justice Regulation 2016*
  - *Youth Justice and Other Legislation Amendment Act 2019*



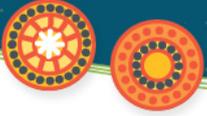
- *Public Records Act 2002*
- *Right to Information Act 2009*
- *Work Health and Safety Act 2011*
- *The Evidence Act 1977*
- *Information Privacy Act 2009*
- *Invasion of Privacy Act 1971*
- *Commonwealth Privacy Act 1988*
- *Human Rights Act 2019*
- YDC operational policies and procedures
- Code of Conduct for the Queensland Public Service.

## 5. Privacy provisions

- 5.1 The *Information Privacy Act 2009* and the *Youth Justice Act 1992* require the department to be responsible for ensuring that the information captured through the use of BWCs is appropriately managed, lawfully obtained and protected.
- 5.2 A comprehensive and targeted privacy impact assessment was conducted to inform the implementation of BWCs. This assessment addressed all 11 information privacy principles (IPPs) in Schedule 3 of the *Information Privacy Act 2009*, namely:
- IPPs 1-3: collection of information
  - IPP 4: information storage and security
  - IPPs 5-7: information access and amendment
  - IPPs 8-10: information use
  - IPP 11: limits on information disclosure.
- 5.3 The privacy impact assessment made a number of recommendations to ensure strict compliance with the *Information Privacy Act 2009*. Recommendations included:
- the requirement for clear guidelines for use
  - communication to staff, young people and visitors
  - amendments to the *Youth Justice Act 1992*.

The department fulfilled all of these requirements within these recommendations prior to go-live.

- 5.4 Appropriate signage is displayed throughout YDCs to ensure that all staff, young people and visitors to the centre are aware that sounds and images may be recorded in accordance with s 263A of the *Youth Justice Act 1992*.
- 5.5 All communication material provided to young people and visitors must undergo endorsement by expert Speech and Language Pathologists to ensure individuals with neurological or developmental delays appropriately understand the implications of surveillance practices.
- 5.6 All communication material provided to young people and visitors must undergo endorsement by YDC Cultural Units to ensure cultural responsiveness is achieved.
- 5.7 Upon induction, young people are given information through a number of mediums about BWCs, including:
- the purpose of BWCs



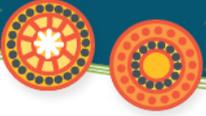
- what behaviour will result in the cameras being activated
- that audio and video content will be captured when the camera is activated
- what happens to the footage captured
- who has access to the footage and why
- their right to make a complaint at any time about the use of surveillance technology.

## 6. Use

- 6.1 All youth detention operational staff will be trained in the operation, management and associated responsibilities for BWCs. Training will be delivered in a range of mediums, including face-to-face, online and refresher sessions.
- 6.2 Under section 263A (1) and (2) of the *Youth Justice Act 1992*, operational staff are authorised to use BWCs to record images and sounds whilst staff are acting in the performance of their duties. All equipment and footage is the property of the department and therefore must only be used for official purposes. The use of BWCs by youth detention operational staff must only occur in accordance with the department's guidelines.
- 6.3 BWCs are not permitted to be removed from the allocated YDC without permission from the Executive Director or delegate.
- 6.4 Youth detention operational staff must undertake the required training before using a BWC in the performance of their duties.
- 6.5 Surveillance technology must not replace or minimise the importance of strategies used by staff to assist in preventing and managing the potential for incidents. Rather, surveillance technology may be used as an additional tool to assist staff in the de-escalation process to ensure the safety and security of young people, staff and the centre.

## 7. Carriage

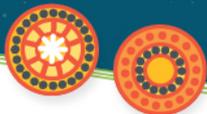
- 7.1 Youth detention operational staff will collect a BWC from the docking station at the start of their shift.
- 7.2 If a youth detention operational staff member is unable to collect a BWC due to availability or other reasons, the Section Supervisor should be informed and justification must be recorded in the relevant section log.
- 7.3 Youth detention operational staff must record possession of their BWC using the sign in and sign out process established within the respective YDC.
- 7.4 If there is a shortage of charged devices, youth detention operational staff rostered on night shifts should only collect a BWC if working in a unit where there is an identified need or risk.
- 7.5 Youth detention operational staff must securely attach the BWC to their person using an approved mounting solution. The use of customised vests for mounting BWCs was considered essential as robust textiles are required to effectively hold the weight of the device.
- 7.6 The purpose built double molle mount will be used to attach the BWC to the vest. This mount was independently assessed as the most robust, stable and secure attachment and does not present risk of injury or impediment for the wearer or young people.
- 7.7 Only the BWC and the hand held radio microphone is authorised for mounting on the vest.



- 7.8 Youth detention operational staff must position the BWC on their person in a location where the lens is not obscured by other equipment, providing an adequate field of vision for the recording.
- 7.9 Youth detention operational staff must confirm the BWC is operational and fully charged at the start of their shift. The BWC must remain on (only activating if necessary in the performance of their duties) for the duration of their shift. Staff are authorised to turn the BWC off:
- in staff toilets, locker rooms or shower facilities
  - while conducting or supporting a partially clothed search of a young person or assisting a medical practitioner conduct a cavity search of a young person.
- 7.10 Youth detention operational staff issued with a BWC must retain carriage of the assigned BWC for the duration of their shift, except when required to remove the BWC to conduct duties that are not permitted to be recorded e.g. a partially clothed search of a young person (see section 8.10).
- 7.11 At the completion of the shift, youth detention operational staff must return the BWC to the appropriate docking station, this includes:
- turning the camera off
  - docking the camera into the allocated bay and
  - checking the camera status to ensure that it has connected to the evidence management system (evidence.com) and is in the queue awaiting upload.

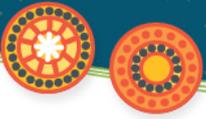
## 8. Recording

- 8.1 BWCs are to be used when youth detention operational staff identify a potential event or incident is likely to occur. Staff do this using the dynamic risk assessment framework in conjunction with their own professional judgement. The type of response required is determined based on the presenting risk level. If it is deemed likely that an incident may occur, the BWC should be activated.
- 8.2 Where practicable, youth detention operational staff must warn the young person that the camera will be activated. The following example script has been developed as a pre-activation warning:
- “If you keep behaving like this, I will press record on my camera and record what you are saying and doing.”
- 8.3 The young person must be advised, where practicable, if the camera is subsequently activated. The following example script has been developed as a post-activation warning:
- “My camera is now recording.”
- 8.4 BWCs have a 30 second pre-event feature in operation. In practice, this means the device is always on, however, footage is only captured when youth detention operational staff commence recording. The recorded material will include the 30 seconds of audio and video prior to activation to ensure precipitating factors are captured. This feature contributes to the safety and security of staff, young people and the YDCs by recording any precipitants to an incident as well as capturing de-escalation attempts or adverse threats made prior to activation of the camera.
- 8.5 Staff will activate BWCs prior to, during, or following particular interactions if a staff member reasonably considers there to be a need to record an event in the performance of their duties.



- 8.6 Where safe and practicable, youth detention operational staff equipped with a BWC must record the following incidents or events:
- behavioural issues (e.g. aggressive behaviour, inappropriate sexualised behaviour, minor damage to property)
  - incident – Level 1 (high risk incident)
  - incident – Level 2 (moderate risk incident)
  - when a staff member is required to enter a young person's room and there is a considered threat to safety or security
  - when a staff member is conducting a targeted search where there is suspicion of restricted or prohibited articles, including the search of a young person's room, areas of the YDC grounds, and vehicles entering and leaving the centre.
- 8.7 The staff member must continue recording until the incident is finalised.
- 8.8 If a youth detention operational staff member is aware that they were unable to record a relevant event/incident or recording was interrupted, they must note the reasoning in their occurrence report.
- 8.9 If BWC footage was recorded, the BWC identifiers, including the device number, must be recorded in the relevant occurrence report.
- 8.10 The intentional use of BWCs for general surveillance or covert recording is strictly prohibited. BWCs must not be used in the following circumstances:
- when a young person is showering or completing a personal hygiene activity, unless there's an identified risk
  - during a partially clothed search of a young person
  - during a cavity search of a young person approved by the Executive Director and conducted by a medical practitioner
  - in staff toilets, shower facilities, or locker rooms<sup>1</sup>
  - during conversations between youth detention staff, visitors or young people that are unrelated to an incident
  - as per section 263A (3) of the *Youth Justice Act 1992* youth detention operational staff must not intentionally record:
    - telephone conversations between a young person and someone else
    - any communications between a young person in detention and:
      - their lawyer
      - an officer of a law enforcement agency
      - the Ombudsman
      - a Community Visitor
      - a child advocacy officer
      - the Public Guardian
  - during cultural visits or ceremonies (e.g. Sorry Business or Sad News)
  - during routine visitor screening.
- 8.11 In the interest of trauma informed practice, and in order to uphold the privacy and dignity of a young person, staff conducting or supporting a partially clothed search, or staff assisting a medical practitioner with a cavity search, must turn off and remove the BWC from their person.

<sup>1</sup> Staff must turn off their body worn camera in these locations and turn them back on when returning to their duties.



8.12 The misuse of BWCs or non-compliance with associated policies and procedures will be managed in accordance with existing local and external disciplinary mechanisms.

## 9. Charging and uploading

- 9.1 Staff who are assigned a BWC must ensure that the device is returned to the appropriate docking station after use and prior to the conclusion of their shift. The BWC will be charged in the dock which enables any recorded visual and audio footage to be uploaded to the evidence management system.
- 9.2 Once the information is uploaded from the camera, and safely stored in the evidence management system, it will be automatically deleted from the camera.
- 9.3 A BWC should not be used by another staff member until the uploading process is finalised, ensuring recordings from prior use are safely stored and the BWC is fully charged. Staff have been trained in the recognition of device status indicator lights (e.g. green light ready for use) to streamline this process.

## 10. Storage

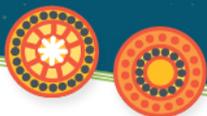
- 10.1 All BWC footage is captured and uploaded onto a secure evidence management system (evidence.com) which allows for:
- storage and disposal of footage (in line with configured retention policies)
  - manual upload of documentation into the solution
  - fully auditable sharing with authorised external parties.
- 10.2 All evidence is retained pursuant to the Queensland State Archive retention and disposal guidelines and the *Public Records Act 2002*. Continual review and monitoring of retention requirements will be undertaken to ensure ongoing compliance.

## 11. Loss or damage

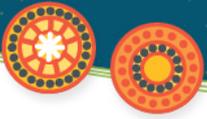
- 11.1 Staff are responsible for the security, care and condition of equipment on their person and are to take reasonable precautions to ensure that it is not carelessly or negligently exposed to loss or damage.
- 11.2 Youth detention operational staff must report any equipment loss or damage (other than general wear and tear) to the appropriate officer immediately. This must be recorded in accordance with policies and procedures.
- 11.3 Reasonable steps must be taken to ensure any known recorded footage is uploaded from the BWC prior to arrangements being made for the device to be decommissioned, replaced, serviced or repaired.
- 11.4 Issues with faulty or unserviceable devices must be recorded in the device issue register. The provision of repairs and replacements are to be arranged with the supplier as required.

## 12. Use of recording

- 12.1 Access to and the use of any information stored within the evidence management system is restricted to authorised users only, all access is fully auditable.



- 12.2 All authorised users of the evidence management system receive role-specific training in the use, management and administration of the system.
- 12.3 Authorised users are assigned specific permissions to allow them to utilise the functionality of the evidence management system.
- 12.4 Unauthorised access and use of the evidence management system is strictly prohibited and disciplinary action will be reviewed in the event unauthorised access occurs.
- 12.5 An evidence categoriser is required to identify, name and categorise incident and non-incident related BWC footage in the evidence management system.
- 12.6 Only specific, authorised staff have licensing provisions to delete a piece of footage in the evidence management system. Any attempt to alter or intentionally delete any part of any surveillance recording without prior approval will be considered as suspected misconduct. Such actions may also constitute a criminal offence. These matters will be referred to the Professional Standards Unit and/or Queensland Police Service for further investigation.
- 12.7 If a complaint has been lodged by a staff member, young person or visitor, the dedicated complaints manager (manager, client relations) may refer any relevant footage to authorised internal or external oversight bodies through the evidence management system.
- 12.8 Specified positions have the delegated authority to review and/or provide access to BWC footage upon request for authorised purposes.
- 12.9 Youth detention operational staff do not have access to BWC footage to assist in incident recall. The department acknowledges there may be discrepancies in accounts of words spoken and actions taken due to the nature of the custodial environment. Provided the event can be appropriately corroborated, these discrepancies are to be expected.
- 12.10 If there is a requirement for individuals captured on surveillance footage to have their identity removed, blurred or de-identified, advice will be sought from Right to Information (RTI), privacy and screening specialists as required.
- 12.11 Internal and external oversight bodies and/or other departmental business units may request access to relevant footage for the following purposes:
- assessment of an RTI or information privacy application
  - incident management review procedures and to inform internal/external referral decisions
  - investigation of an alleged criminal offence
  - internal oversight to ensure compliance with policy and procedures
  - inform therapeutic interventions for a young person
  - assessment of a Work Cover claim.
- 12.12 A review of BWC camera footage may be undertaken by authorised persons to review the content for a specified purpose. Positions include:
- 12.12.1 Internal review
    - Manager - Client Relations, as part of the complaints review, investigation and escalation process
    - Senior Intelligence Officer, relating to information analysis, restricted and/or prohibited articles
    - Manager - Practice Support, Deputy Director or Executive Director
    - Professional Standards Unit
    - Youth Detention Inspectorate
    - RTI



- privacy
- subpoena.
- 12.12.2 External review
  - oversight, advocacy or law enforcement agencies as expressly permitted by law or authorised by Division 2 of the *Youth Justice Act 1992* and section 44 *Youth Justice Regulation 2016*.
  - BWC footage that is shared externally for an authorised purpose will be actioned in a way that is easily accessible and without undue delay.

## 13. Disclosure of recording

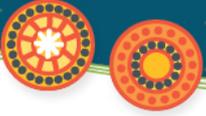
- 13.1 The chain of custody for all evidence referred or made available to stakeholders is comprehensively recorded by the evidence management system.
- 13.2 Requests to share evidence will be assessed on a case by case basis and the sender must validate the recipient through direct contact before inviting the recipient to access the information through the evidence management system or authenticated link.
- 13.3 The evidence management system ensures that parameters can be set relating to the extent of access and duration of access based on the requirements of the recipient.
- 13.4 All evidence sharing can occur without data transfer, data duplication, physical media or email attachments and chain of custody is tracked accordingly.
- 13.5 Evidence may be redacted or de-identified prior to release following individual assessment and authorisation.
- 13.6 Unless explicitly authorised by law, an external stakeholder or individual requesting BWC footage must initiate a RTI or information privacy application.
- 13.7 Sharing of BWC footage will require assessment to ensure disclosure is authorised under Part 9, Division 2 of the *Youth Justice Act 1992* and section 44 of the *Youth Justice Regulation 2016*.
- 13.8 The distribution of footage for any other purpose must be authorised by the Executive Director or Deputy Director and in accordance with the *Youth Justice Act 1992*.

## 14. Operational policy impact

- 14.1 A large proportion of the suite of YDC policies and procedures were impacted by the implementation of BWCs:
- 14.2 All policies and procedures were updated, reviewed and endorsed. Multi-level consultation occurred with professional, operational and Cultural Unit staff in each YDC. Additionally, endorsement was provided by Legal Services, Information Privacy and executive leaders through a range of forums. External stakeholder feedback was incorporated and reflected where appropriate.

## 15. Monitoring and evaluation

- 15.1 The overall efficacy and success of the implementation of BWCs is subject to extensive and continual monitoring, review and evaluation.



- 15.2 The benefits of BWCs are routinely evaluated to ensure the risk of harm, injury and trauma is continually reduced in line with best practice and evidence based incident management.
- 15.3 In accordance with section 313A of the *Youth Justice Act 1992*, the Minister must complete a statutory review of the use of BWCs. This review will be completed as soon as practicable following two years from implementation to ensure the ongoing privacy of young people in detention.

## 16. Next steps

- 16.1 The operational guidelines will be reviewed as required to ensure ongoing currency.

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**Date of approval:** 22 July 2020

**Date of operation:** 9 December 2019

**Date to be reviewed:** 22 July 2021

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**Office:** Youth Detention Operations and Support

**Help contact:** Youth Detention Operations

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