



# 15-20 Body Worn Camera

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## Rationale

The Toronto Police Service (Service) has undertaken the use of Body-Worn Cameras (BWCs). The goals of equipping front-line officers with BWCs are to assist the Service to:

- enhance public trust, confidence in the police and police accountability;
- capture an accurate record of police officer interactions with the public;
- enhance public and police officer safety;
- strengthen the commitment to bias free service delivery by officers to the public;
- provide improved evidence for investigative, judicial and oversight purposes;
- ensure fair and timely resolution of complaints and reduce unwarranted accusations of misconduct;
- provide additional supervisory and leadership tools; and
- provide information as to the effectiveness of Service procedures and training.

The BWC is an audio video recording device that will document officers' interactions with members of the public during the execution of their duties. BWCs are intended to capture specific incidents. They are not intended for 24-hour recording.

The Supreme Court of Canada decision of *Regina v. Duarte* (SCC 1990), emphasises that interactions between the police and public are not to be secretly recorded without judicial authorization. Covert recording by a uniform police officer using the BWC is prohibited by law.

Front-line uniform officers will be equipped with the BWC technology and shall record all investigative and enforcement activities in compliance with this procedure. Frontline uniform officers who would not in the normal course of their duties engage in enforcement or investigative duties will not be equipped with BWC technology.

When a BWC is used, recordings are considered as supporting the officer's observations and shall supplement, detailed memorandum book notes and applicable reports.

In circumstances where the Special Investigations Unit (SIU) mandate has been invoked, the SIU will be the lead investigative agency and the Service cannot release that footage to the public; that decision would be made by the SIU. In cases where the SIU is not involved or their involvement has ceased, the Service may release to the public, recordings from body-worn cameras where such recordings depict interactions with members of the public where a "compelling public interest" exists (such as where there are allegations of discreditable conduct, improper conduct, misconduct or excessive or improper use of force by Service Members). Such "compelling public interest" releases will only occur with the explicit authorization of the Chief of Police (Chief). Where a specific request for such a release has been made to the Chief and the Chief decides that there should not be such a release, the Chief will issue an explanation for that decision.

The purpose of this document is to provide the Service with a Procedure for the use of BWCs, and the management, storage, and retrieval of audio/video digital media recorded using the BWCs. This Procedure has also been developed in accordance with Toronto Police Services Board Policy “Body-Worn Cameras”.

## Procedure

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### Discipline

Members must be cognizant of the value that the BWC presents and the importance of why they must be used in the performance of their assigned duties.

Any police officer found not in compliance with this Procedure, and/or associated Service Governance, will receive a minimum penalty of **8 hours**. This penalty increases to a minimum of **16 hours** for a supervisor. These penalty provisions have been included in Service Procedure - Chapter 13 Appendix A, entitled “Unit Level Criteria/Conduct Penalties”. The concept of progressive discipline will apply for subsequent breaches of associated Service Governance.

**Pursuant to Procedure [13-03](#) and [13-05](#), any apparent breach of this Procedure will be considered on its merits having regard to all the circumstances before discipline is commenced.**

The Service is committed to maintaining public trust by delivering professional and unbiased policing at all times.

→ ***The above discipline will take effect after an officer is trained and equipped with a BWC for 60 calendar days. 60 calendar days was deemed by the Service to be a fair amount of time to allow officers to learn to properly use this new technology.***

### Context of Recording

**Recording in a Private Place** - Is permitted during exigent circumstances, under the legal authority of a warrant or with the consent of the owner/occupant of the private space. This includes private spaces such as a residence, government buildings and religious places as long as legal authority exists and is documented.

**Recording with the consent of the owner/occupant** – In a situation where an officer’s lawful presence in a private place is conditional on the owner’s/occupant’s consent, if the owner/occupant requests that the interaction not be recorded, the officer is required to stop recording or request the owner/occupant come out to a public setting. Officers are required to provide the owner/occupant a reasonable opportunity to refuse or consent to being recorded.

**Recording in exigent circumstances or while in execution of a search warrant** – When an officer is lawfully entitled to enter a private place in exigent circumstances or on the authority of a search warrant, the officer is lawfully permitted to record with their BWC during their presence at the location. In these circumstances, an officer shall continue to record, despite an individual’s objection to being recorded.

**Recording in a Public Place** – Officers may encounter situations where individuals object to being recorded in a public place. Officers may continue to record, in compliance with the law. Officers

should be mindful that the public has a reasonable, albeit diminished expectation to privacy in public spaces.

- ***While this Procedure makes it clear that officers shall start recording their BWC's when they are engaging or about to engage a member of the public in an investigative or enforcement activity and that a recording shall not be started unless that is so, police actions at demonstrations or protests sometimes present unique challenges. BWC's shall not be used as tools to carry out general surveillance and are not intended to be used to dissuade members of the public from exercising their lawful right to peaceful assembly, demonstration or protest. Officers at such events shall start recording their BWC's when they engage or are about to engage a member or members of the public to investigate a breach of the law or to attempt to enforce the law. An officer who is standing by and merely observing a peaceful assembly, lawful demonstration or protest shall not start recording her or his BWC. If an infraction of the law is occurring or the officer reasonably believes that one is about to occur then the officer shall start recording.***

**Incidents of a Sensitive Nature** – Officers equipped with a BWC must be cognizant of the impact recordings may have on victims, witnesses, or suspects involved in incidents of a sensitive nature, including in a public place. In such circumstances if it is momentarily necessary to obstruct the video to protect the dignity of another person (for example to allow them time to put clothing on), and taking into consideration the expressed wishes of the person in question; only the video should be obstructed and this should only be resorted to for a short period of time and provided that the member(s) are not in a situation where they might use force while the lens is covered. Further, this must be in accordance with the law and documented in the officer's memo book.

In circumstances where an officer equipped with BWC is in a place of worship, the officer shall be cognizant of the privacy of those parties present as it relates to their engagement in prayer, confession, worship and other matters that may be deemed personally sensitive. In those circumstances, the officer shall ensure that the parties are aware of the reasons that continuous recording is necessary. In those circumstances, if the BWC recording is stopped due to a reasonable concern for the dignity of a person, it must be in accordance with this Procedure and documented both on the BWC and in the officer's memo book.

## Retention, Security and Disposal

The retention period of records is managed according to the City of Toronto By- The Body-Worn Camera and the Cloud Storage Solution are both Information Technology Assets and therefore subject to the *Toronto Police Service Information Security Policy* and *IT Governance* that establish organization - wide controls to ensure secure storage, transfer, and disposal of all recordings created by the BWC system, including records containing audio, video files and meta-data. These controls govern any wrongful access, attempts to defeat security measures, and inappropriate or personal use of this infrastructure, and shall be implemented by the Information Security Officer.

Law No. 689-2000. All BWC records shall be retained for a minimum of two (2) years plus one (1) day (which ensures the records are retained for the duration of the general limitation period established by the Limitations Act, 2002, S.O. 2002, c.24, Sched.. B) and then securely destroyed, absent a circumstance that triggers a longer retention period.

All actions (e.g., recording, indexing, accessing, viewing, copying, redacting and deleting) in the BWC system are logged and auditable by Information Security. Audit logs are retained

indefinitely.

Officers shall identify any indication or suspicion of a breach to their supervisor who will in turn conduct a preliminary investigation and engage the Information Security Officer in accordance with Service Procedure 17-02 “Information Breaches”.

- ***In cases where there is a breach or possible breach of the Cloud Storage Solution, the Supplier will, consistent with contractual obligations, promptly notify the Service in writing, and provide information relating to the breach or possible breach.***
- ***Consideration may be given to retaining a BWC recording for training purposes. In such circumstances, this must be at the approval of the Toronto Police College.***

### Use and Disclosure (Internal) BWC Recordings

In general, the rules governing the use, review and dissemination of BWC recordings are contained in privacy legislation Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). Access to or viewing of BWC records will only be allowed to members of the Service with a specific role in relation to the records justifying and necessitating such access. The following are specific examples of circumstances in which access will be allowed:

- a. A Service Member who wore the BWC which captured the recording and who has already completed any required initial notes, reports, statements and interviews regarding the recorded events shall be allowed to access such recordings;
- b. Supervisors of the Service Member who wore the BWC which captured the recording, or who are captured in the recording (as long as that Supervisor is not also a witness to the event) to allow the Supervisor to fulfill his/her duties as a Supervisor or where there are specific allegations of misconduct against the Service Member, or where a Use of Force form was completed and the events detailed in the form are also captured on the recording shall be allowed to access such recordings;
- c. Service Members (including members of other Police Services, and members of other criminal or quasi-criminal authorities, who are conducting an investigation as agents for the Service) who have grounds to believe the recording includes evidentiary materials relevant to a Service criminal or quasi-criminal investigation shall have access to such recordings;
- d. Legal counsel to the Service and Service Members supporting them with regards to an on-going or potential legal proceeding shall have access to such recordings;
- e. Service Members who are conducting an audit of the Service’s body-worn cameras Procedures shall be allowed to access such recordings;
- f. Service Members tasked with the development of training programs for the Service, who are made aware through their Unit Commander that certain BWC recordings may contain material that may be useful for the purposes of training of Service Members, shall have access to such recordings. All appropriate anonymizing measures shall be completed by the lead trainer prior to use in training;
- g. Service Members attached to Forensic Identification Service responsible for analysis in

relation to specific BWC recordings shall be allowed access to such recordings;

- h. Service Members engaged in internal investigations, such as Professional Standards criminal or conduct investigations or internal reviews, shall be allowed access to BWC recordings that may be relevant to those investigations; and
- i. Service Members aiding the Chief with respect to a “compelling public interest” release (described earlier in this Procedure) shall be allowed access to those BWC recordings.

### Use and Disclosure (External) BWC Recordings

Access to or viewing of production of BWC records for people who are not members of the Toronto Police Service will be provided only as permitted or required by law. Without limiting the generality of the foregoing, the following are examples of circumstances where this will occur:

- a. Members of bodies responsible for independent oversight of police (e.g. Office of the Independent Police Review Director (OIPRD) and the Special Investigations Unit (SIU)) who are conducting an investigation and who have grounds to believe that the BWC recordings include evidentiary materials shall have access to such recordings;
- b. Anyone who has legal authority (whether that be by statute, regulation or prior judicial authorization) shall have access to such recordings, including in relation to the prosecution of Toronto Police Services criminal and quasi-criminal cases and access requests granted under MFIPPA;
- c. Members of the public or their representatives may be allowed to view BWC footage that captures an incident in which they were involved for the purpose of attempting to informally resolve a complaint or potential complaint into the conduct of a Service Member; such viewing will be at the discretion of the Officer in Charge or delegate; and
- d. Members of the public will see a BWC recording that has been ordered released to the public by the Chief by virtue of there being a ‘compelling public interest’ in the release of such recording.

### Member

1. All requests for a copy of BWC records from a member of the public shall be directed to the Access and Privacy Section of Records Management Services.

### Police Officer

2. No police officer shall use a BWC without having completed the BWC training.
3. BWCs shall not be used to replace:
  - detailed memorandum book notes and applicable reports; and
  - photographic or video evidence normally captured by Scenes of Crime Officers (SOCO) or Forensic Identification Services (FIS)
4. When equipped with a BWC, you shall:
  - use the BWC assigned to you and in accordance with the prescribed training;
  - ensure that the totality of any interaction is recorded unless exempt in Items 5, 6 or 7

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- of this procedure;
- ensure your BWC, is fully charged at the start of your shift;
  - ensure that your BWC is functioning properly in accordance with BWC training;
  - report all malfunctions to your immediate supervisor and the HELP desk at the earliest opportunity;
  - report any loss, damage or theft of your BWC to your immediate supervisor and comply with Procedure 15-16 at the earliest opportunity but no later than the completion of the tour of duty on that date;
  - not modify or attempt to modify any permanent settings or components of your BWC;
  - ensure the camera is mounted on your uniform in the approved location, using the approved mounting system
  - ensure your camera status and recording indicators, and lens are not obstructed from your view, the public's view, and the view of other members and other first responders;
  - put the camera into "Stealth Mode" for officer safety reasons (contained within the definition of Stealth Mode, in the definitions below) only;
  - start a BWC recording;
    - prior to arriving at a call for service
    - at the earliest opportunity, prior to any contact with a member of the public, where that contact is for an investigative or enforcement purpose (including but not limited to; an apprehension under the *Mental Health Act* or an interaction with a person in crisis), regardless of whether or not the person is within camera view;
    - to record statements that would normally be taken in the field including utterances and spontaneous statements;
    - to record interactions with a person in custody or member of the public while in a Service facility, if the officer believes it would be beneficial to do so;
    - to record Protective Search (Formerly Level 1) and Frisk Search (Formerly Level 2) in the field; and
    - to record any other interaction where the officer believes a BWC recording would support them in the execution of their duties.
5. When equipped with a BWC, you shall not record:
- policing activities that are not investigative or enforcement (as described in Item 4 above), in nature (should an activity change from non-investigative or non-enforcement to investigative or enforcement then the BWC must be recording immediately);
  - Strip Search (Formerly Level 3) and Body Cavity Search (Formerly Level 4) under any circumstance;
  - administrative conversations within a police facility;
  - in circumstances where an officer is extending confidentiality to a person or is engaged with a person who is known to be a Confidential Source and the officer is dealing with that person as such;
  - attendance in a courthouse, except in exigent circumstances, or under legal authority; and
  - attendance at a healthcare facility, except
    - under exigent circumstances;
    - under the authority of prior judicial authorization;
    - where the officer has custody of a person who is being treated or is waiting for health care treatment and the officer is alone with that person;
    - where the officer has custody of a person who is being treated or is waiting for health care treatment and the officer reasonably believes that the interaction between the officer and the person in his or her custody requires or might soon require the use of force; or
    - with the express consent of all people who might reasonably be expected to be captured in the recording.

In circumstances where an officer equipped with BWC is in a healthcare facility and an exception in Item 5 applies, the officer shall be cognizant of the privacy of those parties present as it relates to

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medical condition/treatment. In those circumstances, the officer shall take reasonable steps to ensure that the parties are aware that recording is going on and of the reasons that recording is necessary.

In the circumstances described in Item 7, if it is momentarily necessary for the officer to obstruct the video (lens) of the BWC due to a reasonable concern for the dignity of a person at a healthcare facility, it must be in accordance with this Procedure and documented both on the BWC and in the officer's memo book.

In circumstances where an officer is present at an Indigenous Ceremony, the officer should be mindful of the significance of their privacy similar to that, which occurs within a Place of Worship. Unless required for an investigative or enforcement purpose, the officer shall not be recording during the ceremony except where the officer has received the explicit consent of the Elder or Knowledge Keeper conducting the ceremony to do so. Officers shall, whenever possible, have such a discussion with the Elder or Knowledge Keeper prior to the event in which the ceremony is to be held.

➔ ***Formal statements normally taken at a police facility, including The Queen v. KGB (youth case accused person's initials) statements, are not to be recorded using the BWC. Those statements are to be conducted by an appropriate investigator at a police facility.***

6. At the earliest opportunity when the BWC is recording:
  - advise the members of the public that you are interacting with that your BWC is recording and they are being recorded;
  - when entering a private residence and/or private place, on the basis of consent alone, provide the owner/occupant a reasonable opportunity to refuse or consent to being recorded; and
  - advise Service members, and other first responders, in your presence that your BWC is recording and they are being recorded.
  
7. When your BWC is recording, the recording shall not be stopped, muted or deliberately re-positioned until the event has concluded or your involvement in that event has concluded except when:
  - booking/handling a prisoner within a Service facility where there is a reasonable belief that other recording equipment is in use and it would not benefit the investigation and/or officer safety to have the two systems recording simultaneously;
  - discussions between Service Members about protected investigative techniques, where those discussions are taking place away from any member of the public (where muting the BWC would be sufficient to ensure against the unintentional disclosure of such discussions then the BWC should be muted for the duration of those discussion rather than stopping the recording);
  - any interactions with a an undercover operator that are taking place away from any member of the public (where muting the BWC would be sufficient to ensure against the unintentional disclosure of such interactions then the BWC should be muted for the duration of those interactions rather than stopping the recording);
  - an officer is offering confidentiality to a person or is engaged with a person who is known to be a Confidential Source and the officer is dealing with that person as such;
  - it is momentarily necessary to obstruct the video to protect the dignity of another person (for example to allow them time to put clothing on); in these circumstances only the video may be obstructed and this should only be resorted to for a short period of time and provided that the member(s) are not in a situation where they might use force while the lens is covered; and
  - directed to do so by a supervisor applying the criteria in Items 5, 6 or 7 of this procedure.

8. Prior to stopping your BWC recording in accordance with Items 5, 6 or 7, shall, record a brief audible statement indicating the reason why the BWC is being stopped or its recording functions limited except where doing so would breach a duty to protect a Confidential Source.
9. If your BWC is recording and accidentally or unintentionally stops, you shall at the earliest opportunity start the BWC recording again and note the reason the recording was stopped both on video and in your memorandum book.
10. Should privileged information from a Confidential Source or Agent be captured by your BWC, you shall:
  - comply with Procedure [04-35](#);
  - immediately notify the officer handling the confidential source of the following;
    - name, badge number, and unit;
    - details of the circumstances of the recording;
    - BWC asset number;
    - date and time of recording.
11. When completing your memorandum book, notes in relation to an investigation or enforcement, shall include:
  - a record of any review of the BWC recording; and
  - if necessary, an addendum to the notes based on the review of the BWC recording.
12. At the conclusion of your shift, ensure your BWC is returned to the charging cradle/download station.
13. Upon receiving a request for a BWC recording from either the Crown Attorney or the Provincial Prosecutor's office shall complete a Video Evidence Inventory and 612 Request and forward it to "Video Services" via eReports.
14. Upon receiving a request from an investigator, appointed by the Independent Police Review Director, requiring you to produce or provide access to a record, thing, data or information in relation to BWC, you shall do so in the manner and within the period specified by the investigator and shall, if requested to do so, provide any assistance that is reasonably necessary to permit the investigator to understand the record, thing, data or information.
15. When attending or involved in an incident where the mandate of the SIU has been, or may be invoked shall:
  - follow the directions of the Chief's SIU On-Call Designated Authority;
  - ensure your BWC is secured; and
  - comply with Procedure 13-16.
16. If a BWC malfunctions, is damaged, lost or stolen, notification to a Supervisor is mandatory.
  - ➔ ***Service Members who obtained access to a recording may not provide access to the recording or otherwise disclose it to other Service Members or any external body or individual without lawful authority. All such access is recorded within the meta-data of the system and can be tracked.***

### Supervisor

17. Supervisory officers shall ensure that police officers assigned a BWC have completed the prescribed training, and shall determine additional training needs as appropriate.
18. Where an incident involves a BWC recording, shall ensure the recording has been



appropriately classified for retention purposes.

19. When supervising personnel equipped with a BWC shall:
  - ensure officers are wearing the BWC according to training and this procedure;
  - Supervisors are required to review a video from each BWC equipped police officer a minimum of once per month to;
    - ensure officers are using the BWC in accordance with the law and BWC training;
    - determine if any additional training is required;
    - identify material that may be appropriate for training;
    - comply with section 15 of the Board Policy on Body Worn Cameras;
  - review recordings, where applicable, to assist in the resolution of a public complaint in compliance with Procedure 13-02.
20. When attending or involved in an incident where the mandate of the SIU has been, or may be invoked shall:
  - follow the directions of the Chief's SIU On-Call Designated Authority;
  - ensure the involved officers BWC's are uploaded to the cloud; and
  - comply with Procedure 13-16.
21. When attending an incident where a police officer is equipped with a BWC, after assessing the circumstances, may direct the officer to stop recording, using the criteria in Items 5, 6 or 7 of this procedure and make a record of the notification in the memorandum book.
22. Upon becoming aware that a malfunction has occurred with a BWC, shall ensure:
  - the officer notifies the HELP desk forthwith;
  - the BWC is returned to Toronto Police College - Armament Section; and
  - a replacement BWC is issued to the officer and recorded in the UCMR.
23. Upon becoming aware of any loss, damage or theft of a BWC, or of any unauthorized access to BWC recordings, shall notify the OIC by way of an internal memorandum (TPS649), and ensure compliance with Procedure 15-16.
  - ➔ ***BWC recordings identified by Supervisors as potentially relevant for training must be referred to the Unit Commander of the Toronto Police College who will review them to determine their potential utility for training. If they are determined to be suitable for use in training then the process referred to in Use and Disclosure (Internal) BWC Recordings paragraph f will be complied with.***

### Case Manager

24. Members that are designated as a Case Manager shall ensure that:
  - "Body-Worn Camera" selection has been made from the drop-down list on the eReport when a charge is laid involving a recorded incident; and
  - sufficient information is entered into the eReport to facilitate the retrieval of the appropriate recording for disclosure purposes, and specifically
    - the badge number and surname of the recording officer is inserted in the Name/Description field;
    - the date and start time that the recording was started is inserted in the Details field;
    - a brief synopsis of the incidents that have been recorded by the BWC, in relation to the case, is inserted in the Details field.
25. Where the incident involves the use of more than one BWC shall ensure that a separate entry is made in the eReport for each BWC used.

26. When disclosing BWC recordings shall comply with Procedure 12-08.

### Officer in Charge

27. When in charge of a unit using BWCs the OIC shall:

- ensure that all officers equipped with a BWC have received the BWC training;
- ensure officers are wearing the BWC according to training and this procedure;
- ensure Supervisors review a video from each BWC equipped police officer a minimum of once per month; and
- determine if any additional training is required.

28. When attending or involved in an incident where the mandate of the SIU has been, or may be invoked shall:

- ensure the BWC recordings are uploaded to the cloud;
- follow the directions of the Chief's SIU On-Call Designated Authority; and
- comply with Procedure 13-16.

### Unit Commander

29. When in charge of a unit with officers equipped with BWCs the Unit Commander shall ensure:

- all officers assigned a BWC have received the BWC training;
- all officers are wearing the BWC according to training and this procedure;
- all BWC equipment assigned to their unit is inspected monthly, and that any deficiency or malfunctioning equipment is attended to as soon as practicable;
- supervisors conduct monthly regular random reviews of recorded video to;
  - ensure officers are using the BWC in accordance with the law and BWC training;
  - determine if any additional training is required;
  - identify material that may be appropriate for training;
  - comply with section 15 of the Toronto Police Services Board Policy “Body Worn Cameras”;
- supervisors review recordings, where applicable, to assist in the resolution of a public complaint; and
- requests from an investigator, appointed by the Independent Police Review Director, requiring a member under your command to produce or provide access to a record, thing, data or information in relation to BWC, shall be done so in the manner and within the period specified by the investigator. Further, where an investigator has made a request for assistance to permit the investigator to understand the record, thing, data or information, the Unit Commander shall ensure that assistance is provided.

### Duty Senior Officer – Toronto Police Operations Centre

30. When attending an incident where a police officer is equipped with a BWC may, after assessing the circumstances, and where deemed appropriate by the DSO, direct the officer to stop the BWC recording, using the criteria in Items 5, 6 or 7 of this procedure.

31. When attending an incident where the mandate of the SIU has been, or may be invoked shall:

- follow the directions of the Chief's SIU On-Call Designated Authority;
- ensure the BWC is secured and the recorded media is protected; and
- comply with Procedure 13-16.

## Unit Commander – Video Services

32. Shall ensure that all requests for BWC recorded media are dealt with in a timely manner in accordance with unit specific policy and Procedure [12-08](#).

## Chief’s SIU On-Call Designated Authority

33. When an incident occurs in which the mandate of the SIU has been invoked, shall comply with Procedure 13-16.

# Appendices

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Appendix A – Wearing Body-Worn Camera

# Supplementary Information

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## Governing Authorities

**Federal:** Constitution Act, Part I; Canadian Charter of Rights and Freedoms; Criminal Code

**Provincial:** Police Services Act; Ontario Human Rights Code

**Municipal:** Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), O. Reg 823; City of Toronto Municipal Code, Chapter 219, Article I, Records Retention Schedule and the City of Toronto By-Law No. 689-2000, Records Retention, Toronto Police Service Board Policy “Body-Worn Cameras”.

**Other:** Toronto Police Service Information Security Policy

## Associated Governance

**TPSB Policy:** TPSB Policy Body-Worn Cameras

**TPS Procedures:** 01-02 Search of Persons; 04-35 Source Management – Confidential Source; 12-08 Disclosure, Duplication and Transcription; Chapter 13 Appendix A Unit Level Criteria/Conduct Penalties; 13-02 Uniform External Complaint Intake/Management; [13-03](#) Uniform Internal Complaint Intake/Management, 13-05 Police Services Act Hearing 13-16\_Special Investigations Unit; 13-17 Notes and Reports; 15-16 Uniform, Equipment and Appearance Standards; 15-19 Soft Body Armour.

**Forms:** eReports; Video Evidence Inventory and 612 Request

➔ *The Video Evidence Inventory and 612 Request is available as a text template.*

## Definitions

For the purposes of this Procedure, the following definitions will apply:

**Call for Service** means an incident attended by police officer(s) in response to a call from the public for assistance or service. This includes, but is not limited to, investigative detention, apprehension under the *Mental Health Act*, arrests, interactions with persons in crisis, crimes in progress, investigations, active criminals, and public disorder issues etc.

**Case Manager** means a police officer assigned to prepare and manage a case for trial. A case manager is assigned each Confidential Crown Envelope (crown envelope) and designated in accordance with established unit policy.

**Chief's Special Investigations Unit (SIU) On-Call Designated Authority** means a member of the cadre of on-call Toronto Police Service uniform senior officers that acts as the designated authority and manages the SIU event in the field on behalf of the Chief.

**Covert** means not openly acknowledged or displayed

**Exigent Circumstances** for the purposes of this Procedure means circumstances where there

- are reasonable grounds to suspect there is an imminent threat of bodily harm or death to any person;
- are reasonable grounds to believe that evidence relating to the commission of an indictable offence is present in a private place and that entry into the private place is necessary to prevent the imminent loss or imminent destruction of evidence; or
- in circumstances of fresh pursuit

**Mute** indicates a process where the sound is eliminated from the recording even though the video remains operational

**Off** means, the Body-Worn Camera is powered off.

**On** means, the Body-Worn Camera is powered on. When the camera is in the “on” position, the camera has a pre-event recording with no audio set to 30 seconds. When the camera begins recording, the video automatically captures the 30-second pre-event and attaches it as part of the overall recording.

**Over** means shown openly, plainly or readily apparent, not secret or hidden.

**Officer in Charge** means the member who, subject to the direction of the Unit Commander, is in charge of and responsible for the operation of a unit.

**Private Place** means a place where one may reasonably expect to be safe from uninvited intrusion or surveillance, but does not include a place to which the public has lawful access. Such places include, but are not limited to, a place of worship and a lawyer's office.

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

**Record** indicates any process which causes the Body-Worn Camera to record audio and video data.

## Search Levels

**Protective Search (Formerly Level 1)** – This is used generally during Investigative Detention and involves a limited search of a person who has been detained by police when there is reasonable belief the person poses a safety risk. The scope of the search is limited to exterior patting of clothing such as pockets, waistband or areas that may reasonably conceal such items as weapons or implements that may be used as weapons, usually with open hands to maximize the ability to detect weapons through clothing. This search may also be described as a “safety search”, as that is the purpose and objective.

**Frisk Search (Formerly Level 2)** – This is used generally for Search Incident to Arrest and means a more-thorough search that may include emptying and searching pockets as well as removal of clothing, which does not expose a person’s undergarments, or the areas of the body normally covered by undergarments. The removal of clothing such as belts, footwear, socks, shoes, sweaters, extra layers of clothing, or the shirt of a male would all be included in a Frisk search. A Frisk search may be commenced in the field and concluded at the station.

A Frisk search conducted incident to arrest includes the area within the immediate control of the arrested person; common law also typically supports searching the entirety of a motor vehicle when a person was arrested in or moments after exiting it.

Members shall make every effort to video and audio record all Frisk searches. Members are also required to articulate the justification for the manner and circumstances under which these searches are conducted. For the purposes of this definition, “Pat Down Search” means the same as, “Frisk Search”.

**Strip Search (Formerly Level 3)** – *R. vs. Golden 2001 SCC 83* established that which constitutes a strip search and what types of circumstances may justify one. A Strip search includes all steps in Protective and Frisk searches as well as a thorough search of a person’s clothing and non-physical search of the body. That will often require removal or rearrangement of some, or all, of the person’s clothing to permit a visual inspection of a person’s private areas: namely the genitals, buttocks, breasts or chest, body cavity, and/or undergarments; the mouth was excluded from this definition despite being a bodily cavity.

The Supreme Court noted that strip searches “represent a significant invasion of privacy and are often humiliating, degrading and traumatic” and therefore require “a higher degree of justification in order to support the higher degree of interference with individual freedom and dignity.”

When considering whether a strip search is justified, the Supreme Court stated, “In addition to reasonable and probable grounds justifying the arrest, the police must establish reasonable and probable grounds justifying the strip search,” and “the police must establish they have reasonable and probable grounds for concluding that a strip search is necessary in the particular circumstances of the arrest.”

- ➔ *The mere fact that portions of a person's body normally covered by undergarments are exposed because of the way the person was dressed when taken into custody does not constitute a strip search, if the removal of such clothing was not caused by the police (i.e. the arrest of a naked person does not in itself constitute a strip search).*
- ➔ *The rearrangement of clothing that permits a visual inspection of a person’s private area constitutes a strip search.*

## Chapter 15 – Incident Response (Use of Force/De-Escalation) & Equipment

**Body Cavity Search (Formerly Level 4)** – means a search of the rectum or vagina

**Stealth Mode** is a state of the BWC where the camera's lights and sounds are suppressed, even though recording continues. Used only on rare occasions, and only for officer safety (e.g. searching a warehouse during a break and enter and not wanting to alert the suspect of police presence or location).

**Stop Recording** indicates any process which causes the Body-Worn Camera to stop recording audio or video data

**Unit Commander** means the member assigned to head a unit, either temporarily or permanently.

We are dedicated to delivering police services, in partnership with our communities, to keep Toronto the best and safest place to be.

Learn more about our Service Core Values and Competencies [here](#)

