

# YJNSW Audio Visual Surveillance Policy

## Essential Summary

Body Worn Cameras (BWC), Closed Circuit Television (CCTV) and Handheld Video Cameras (HVC) are important tools for promoting a safe and secure environment for young people, employees and visitors.

These devices are used to enhance monitoring and communication in conjunction with youth justice safety and security procedures, local centre routines and standard operating processes (SOPs).

Directions in regard to access, recording, debriefing, training and development purposes and storage of footage is included in this policy.

The policy has been developed in line with the *Privacy & Personal Information Protection Act 1998* and must be read in conjunction with the *Body Worn Cameras Procedure* and *CCTV and Handheld Video Cameras Procedure*.

The policy will be regularly reviewed in consideration of new technology development, systems and practice.

**Printed or saved copies of this document may not be up to date.**

**Please check in the [Operations Manual \(TOM\)](#) to ensure you have the latest version before using this document.**

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# 1 Scope

This policy applies to all employees in workplaces where:

- Body Worn Cameras (BWC) are worn by allocated centre, S&I and CLCP employees to record planned or unplanned events in YJNSW facilities.
- CCTV systems are used for continued visual monitoring within the secure areas of Youth Justice NSW facilities and Court Logistics Unit vehicles.
- HVC devices are used to record planned or unplanned events in YJNSW facilities

# 2 Purpose

The purpose of this policy is to:

- inform employees, of their roles and responsibilities for the effective and approved use and maintenance of BWC, CCTV, HVC footage and technology
- set out how officers of YJNSW are to carry out their work in order to comply with the *Children (Detention Centre) Regulations 2015 (NSW): Surveillance Devices Act 2007: Workplace Surveillance Act 2005: Privacy and Personal Information Protection Regulation 2014*
- set out how YJ NSW meets *Child Safe Standards* and the requirements of the *YJNSW Child Safe and Mandatory Reporting Policy*, to keep young people safe from abuse and neglect, within safe and secure YJNSW environments.
- and note the purposes for which the resultant footage can be utilised

# 3 Definitions & Acronyms

**Approved Officer** refers to a youth justice employee with approved access to BWC, CCTV or HVC digital footage.

**Body Worn Camera (BWC)** refers to a small video camera, which is worn on clothing that once activated has the ability to continuously record both audio and visual footage.

**Body Worn Camera (BWC) Licence** refers to the level of functionality a YJNSW employee has been approved (licenced) [REDACTED]

**Centre employees** refers to all YJNSW, Department of Education and Justice Health and Forensic Mental Health Network persons employed to work in an ongoing, casual or temporary basis within a YJNSW centre.

**Centre Manager** of a detention centre means the person for the time being in charge of the centre<sup>1</sup>

**Closed-Circuit Television (CCTV)** refers to a closed system consisting of video cameras, display monitors and wired or wireless data networks that allow the transfer of images from video cameras to monitors. In YJNSW cameras are strategically placed to observe and capture

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<sup>1</sup> *Children (Detention Centres) Act – section 3 Definitions*

24/7 real-time video footage of a setting, which is fed back to a monitor(s) for surveillance and security purposes.

**CLCP** refers to the YJNSW Court Logistics, Classification and Placements Unit, responsible for coordinating and managing all court movements, centre placements and the classification of young people in custody.

**Employee** refers to all persons employed by YJNSW working within youth justice centres, Court Logistics Unit vehicles and Custody units of Children's Courts.

[REDACTED]

**Footage** for the purpose of this policy, refers to footage captured by a surveillance device, including a BWC, CCTV and HVC. (Where a reference is made to an individual type of footage, the full title of the type of footage will be clarified).

**Hand-Held Video Camera (HVC)** refers to a camera, that can be held by the operator to capture both audio and visual footage. This camera is often preferred as it is conveniently sized to use in any situation and allows the operator to move around freely while filming.

**Must** indicates a mandatory action to be complied with.

**Nominated Officer** refers to the Youth Justice employee with the role of observing the CCTV monitor in real time.

**Reviewers** refers to designated centre Assistant Manager/s and the Senior Coordinator Court Operations for Court Logistics Unit, who review footage following a request for deletion of an unintentional recording. Reviewers watch the footage to determine whether the footage is of any evidential value and eligible for deletion.

**S&I** refers to the YJNSW Security and Intelligence Unit

[REDACTED]

**Should** indicates a recommended action to be complied with unless there are sound reasons for taking a different course of action.

**Surveillance devices** refers to any electronic instrument or system capable of capturing or recording data, including audio, images, location, video or similar information, used to monitor areas in a YJNSW facility.

**YJNSW** refers to Youth Justice NSW

## 4 Audio Visual Surveillance Devices in Custody

YJNSW is committed to protecting the welfare, interests and safety of young people and employees in centres.<sup>2</sup> It is for this reason that YJNSW utilises a range of procedural and physical security measures to minimise the risk of harm and occurrence of incidents.

Static surveillance devices, such as Closed-Circuit Television (CCTV), and more dynamic devices, such as Body Worn Cameras (BWC), and Handheld Video Cameras (HVC), are key to assisting employees in maintaining control and good order when responding to escalating situations, where young people and/or employees are at risk. Research suggests that

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<sup>2</sup> section 3(2)(a) of the Children (Detention Centres) Act

changing and improving the physical infrastructure of a custodial environment by having devices such as BWC, CCTV and HVC fitted or available, acts as a deterrent for abuse. Limiting the ability of unsupervised access to young people, as well as fairly displaying, visually and/or verbally, a true record of any given event and the involvement of each person provides greater oversight and a transparent record<sup>3</sup> Which provides greater oversight and a transparent record of responses to and the actions taken leading up to and then during an event.

It is for these reasons that footage captured from these surveillance devices can be used for the investigative and development purposes listed in sections 8.1 and 9 of this policy.

## 4.1 Legislative and Operational Standards

YJNSW has developed the following standards in order to meet legislative, external oversight and Child Safe requirements, to ensure that the information captured through the use of, or monitoring of footage from BWC, CCTV and HVC is appropriately managed, lawfully obtained and protected:

- All centre employees must be provided with a written notice either before commencing work or 14 days prior to the implementation of any new surveillance device(s), outlining how the:
  - devices(s) will be implemented in the centre and used by allocated employees, and,
  - in what circumstances device(s) will be actively recording audio and/or video footage.<sup>4</sup>
- Signage must be placed in entrances and prominent areas across the centre to notify persons that they may be under CCTV or HVC surveillance.<sup>5</sup>
- Footage that captures personal information, anything that can identify a person including but not limited to a young person's or employees face or voice, must:
  - only be kept for the purpose for which the information may be lawfully used and no longer than necessary
  - be protected from unauthorised access, use, modification, or disclosure
  - be de-identified, through either pixilation, voice distortion and/or muted audio when viewed or shared for the prescribed reasons listed in sections 8.1 and 9 of this policy.<sup>6</sup>
- Captured footage must only be shared with a relevant agency for purposes outlined in clause 148AB of the Children (Detention Centres) Regulation 2015.<sup>7</sup>
- Footage must be captured and retained in accordance with the Functional Retention and Disposal Authority – FA408.

## 4.2 Surveillance Notification and Consent

The CCTV systems used by YJNSW have the capacity for continuous digital recording at all times. BWCs and HVCs may be used for specific purposes as identified in this policy and also have the capacity to record continuously when activated by allocated employees. Employees,

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<sup>3</sup> Attorney-General's Department (2017) *Royal Commission into Institutional Responses to Child Sexual Abuse: Final Report – Volume 15: Contemporary Detention Environments*, Commonwealth of Australia, Barton, p. 127; Inspector of Custodial Services (ISC) (2018) *Use of Force, Separation, Segregation and Confinement in NSW Juvenile Justice Centre*, Inspector of Custodial Services, Sydney, p. 87.

<sup>4</sup> section 10(4) of the Workplace Surveillance Act 2005

<sup>5</sup> section 11 of the Workplace Surveillance Act 2005

<sup>6</sup> Section 12 of the Privacy and Personal Information Protection Act 1998

<sup>7</sup> Section 102A(1) of the Children (Detention Centres) Act 1987

visitors and young people should assume that at any given time they may be recorded on a surveillance device.

#### 4.2.1 Mandatory Consent Forms

In accordance with the *Workplace Surveillance Act 2005*, all Youth Justice employees working in a YJNSW facility or using a YJNSW vehicle, must as a part of their employment induction be provided with an *Electronic Communication Device Policy Consent Form*, also known as a written notice, for their signature and therefore acknowledgement that any electronic communications can be intercepted, traced, recorded or monitored: BWC, CCTV and HVC footage included.

It is crucial for YJNSW that when signing the written notice the employee understands that as they may be recorded from time to time, during their work, actions, communications and conversations had during their work can be recorded where surveillance devices are placed or required to be activated.<sup>8</sup>

#### 4.2.2 Signage

Signs must be displayed prominently in areas where CCTV cameras are installed and where BWC and/or HVC may be activated notifying all persons that they may be under surveillance. This should include:

- all entrances to a Youth Justice Centre
- Department of Education Unit classrooms
- Custody units attached to Children's Courts
- Court Logistics Unit vehicles
- Visiting areas
- all secure areas of a centre where young people have access including but not limited to accommodation units, recreational areas, walkways, courtyards, program and/or activity areas.

#### 4.3 Storage and Archives

In accordance with the Department of Communities and Justice (*DCJ*) *Records Management Policy* footage must be stored digitally and securely, either on the approved digital database, [REDACTED] for BWC footage [REDACTED]. Given the nature of the footage, access to it must be limited to the following YJNSW employees:

- Executive Director
- Director Custodial Operations
- Centre Manager
- Senior Manager Security and Intelligence
- Manager, Court Logistics, Classification and Placements.
- Senior Manager, Organisation Development and Training Unit and / or the Organisation Development and Training Advisor (YJNSW Lead Protective Tactics Trainer).
- Other users with Secondary Access approved (section 9.1 of this policy)

In accordance with section 8 of the *Records Management Policy*: records may only be disposed of with the authority of the NSW State Archive or through normal administrative practices as defined in the *State Records Act 1998*.

Records and information must be kept for as long as they are needed for business, legal and accountability requirements i.e. footage that is assessed as being used for training and

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<sup>8</sup> Section 7 of the Surveillance Devices Act 2007

debriefing purpose must be kept for as long as business requirements necessitate its use. Footage may be updated from time to time depending on what the footage shows, and how that relates to the training and debriefing needs of the business. Once footage is updated, the 'legacy' footage may be disposed of in the normal course, in accordance with the Records Management Policy.

#### 4.3.1 Case files [REDACTED]

[REDACTED] has a case file feature, which allows the database as a whole to function as a secure, single storage solution for different types of evidence, as well as BWC footage. This allows all evidence, related to any given incident or event, to be saved together in the one, secure place, where retention periods can be automatically set to align with legislative requirements and then automatically removed and deleted, when required.

Approved YJNSW licenced users can collect and upload other types of evidence, such as CCTV footage, HVC footage, images, written reports, together with relevant BWC footage, into a case file. The case file can then be shared, with the approval of the required employees (section 8 of this *Policy*), internally or externally to assist with training, debriefing, police investigations and/or professional conduct.

## 5 Body Worn Cameras (BWC)

YJNSW will be [REDACTED] which is a small camera, attached to an employee's uniform, that has the ability to record both audio and visual footage at a much closer range than a CCTV camera. The BWC assists with capturing an objective account of an event, from the location of the employee wearing the device.

BWCs are mobile and form part of the security infrastructure utilised by YJNSW, to maintain control and good order and therefore minimise the risk of harm, abuse and occurrence of incidents.

### 5.1 YJNSW Employee Requirements and Access to [REDACTED]

All employees required to carry and use a BWC as part of their role are required to:

- wear the BWC, attached to the front of their uniform using an approved camera mount
- check the working order of the BWC before, during and after each shift
- dock, charge and upload any captured footage during their shift.

[REDACTED]

[REDACTED]



[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

	<ul style="list-style-type: none"><li>• [REDACTED]</li><li>■ [REDACTED]</li></ul>	
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[REDACTED]

[REDACTED]

### 5.2.1 Incidents and events

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

### 5.2.2 Serious Incidents

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

### 5.2.3 Circumstances where body-worn cameras must not be used

Under no circumstances are the following incident or events to be recorded by a BWC:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

## 5.2.4 Verbal Notification

Anytime an employee wearing a BWC is required to activate and turn on the camera to record, the following statement must be said to inform employees, young people or visitors that their conversation and actions are being recorded:

**I am wearing and have activated a body-worn camera, which is recording our conversation and your actions.**

## 5.3 Unintentional recordings

A BWC operator might unintentionally record something of no evidentiary value by:

- inadvertently pushing the BWC camera record button, or
- forgetting to return a BWC camera to standby mode

If an operator becomes aware that they have unintentionally recorded something, they may notify their BWC supervisor. [REDACTED]

[REDACTED] request is waiting to be assessed, the BWC supervisor may lock the footage [REDACTED]

## 5.4 BWC Functions

The primary function of the BWCs is to record an employee's response to a call for assistance, both planned or unplanned, capturing both visual and audio footage. Each BWC has additional features, detailed below, that are activated by the push of a button.

An employee can record an incident/event immediately through touch activation of the record button. [REDACTED]

Once activated the recorded footage will start from 30 seconds prior to the activation button being pushed.

### 5.4.1 Standby 'buffering' mode

When worn and turned on the BWC is set in the standby, also known as buffering mode. This mode only records rolling video of up to one minute, [REDACTED]

### 5.4.2 Sleep Mode: Unintentional Recordings

Sleep mode is a setting that can be activated by an employee that stops both buffering and recording settings on a BWC. Sleep mode must only be activated in circumstances that must

not be recorded or to pre-emptively avoid making an unintentional recording (section 5.2.1 of this policy).

### 5.4.3 Charging and Maintenance

Each BWC has its own individual docking station, connected to the large bay of docks, which charge and automatically upload any footage captured throughout the operators shift onto Evidence.com. BWC Operators who are offsite are able to use an alternate mechanism for uploading footage when it is required immediately following an incident.

Once the upload is completed and therefore safely stored [REDACTED] footage will automatically be deleted from the camera and a 'blinking green' light will signal that the camera is ready for use.

The bay of [REDACTED] docking stations must be placed in an area of the centre [REDACTED]

[REDACTED] be checked and maintained regularly so that they are switched on, charged and ready to use at the start of every shift. [REDACTED]

## 6 [REDACTED]

[REDACTED]

### 6.1.1 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### 6.1.4 Reporting and Auditing Requirements

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

### 6.2 Training and Communications

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]

[REDACTED]

## 7 Closed Circuit Television (CCTV)

Closed-Circuit Television (CCTV), also known as video surveillance, are stationary cameras that capture 24/7 real-time visual footage of set areas of the YJNSW centres and other locations (such as Custody Units attached to Children’s Courts), to maintain control and good order.

The system of cameras provides centre employees with continuous visibility of the following areas of a centre, required under legislation:

- administration areas where young people have access, access-controlled doors, public counters, public areas, young person admissions, entry points and visitation areas
- observation rooms, confinement and segregation holding rooms
- programs and recreational areas
- Department of Education Unit classrooms
- all Clinic and Client Services waiting and observation areas only
- perimeter boundaries, external doors, vehicular and pedestrian entrances, outside the main front entry, employee and main public entrances
- Children’s Court courtrooms
- Court Logistics Unit vehicles

CCTV cameras are not and must not be installed in the following areas:

- amenities areas including toilets and showers
- clinic areas where medical treatment is provided
- areas where partially clothed body searches are conducted.

### 7.1 Monitoring CCTV Cameras

[REDACTED]

[REDACTED]

[REDACTED]

### 7.2 Training

Youth Justice provides onsite training for all relevant employees in the use of the CCTV system. All employees required to operate CCTV also have access to the manufactures operating manuals to assist them. YJNSW employees are encouraged to consult their supervisor if further assistance or training is required.

## 7.3 Maintenance

CCTV must be checked and maintained regularly to ensure surveillance footage is being captured continuously. [REDACTED]

# 8 Handheld Video Cameras (HVC)

A HVC offers improved oversight on uses of force with audio and greater display resolution than CCTV footage. Capturing live, subjective video and audio from the initial briefing session, through to the beginning, during, and end of an incident, can provide valuable information for investigative and / or approved use for debriefing and training purposes (see section 10 of this policy for *Employee Training and Support* and section 12 for *Operational Debrief and Review*).

As outlined in the *Use of Force, Protective Equipment and Instruments of Restrain Policy*, all planned uses of force must be recorded with a HVC.

## 8.1 Rules for use of the HVCs within a centre, and Custody Units attached to Children's Courts

YJNSW employees must adhere to the following rules to ensure HVCs are in good working order and used appropriately to gain best footage recordings:

### 8.1.1 Equipment readiness:

- Video camera batteries are charged and regularly checked by allocated employees each week.
- Each location has 2 batteries for each camera.
- Video cameras are kept in a secure location but easily accessible to all allocated responsible employees.

### 8.1.2 During the recording of a pre-planned use of force:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

YJNSW has developed the *Tips for Shooting Stable Handheld Video Camera Footage* resource document linked to this policy, in the YJNSW Operations Manual (TOM). The resource provides 5 tips to enable the operator to provide useful footage for investigative, training and debriefing purposes.

## 8.2 Training

Youth Justice provides training for all employees in the use of HVC equipment. All employees required to operate HVC equipment also have access to the manufactures operating manuals to assist them.

YJNSW employees are encouraged to consult their supervisor if further assistance or training is required. A *Tips for shooting stable handheld video camera footage* resource can also be found in the *YJNSW Operations Manual (TOM)*.

## 9 Acceptable purposes to view surveillance footage

BWC, CCTV and HVC footage can be accessed and viewed by the approved level of employee and following this policy's directions, for the following acceptable purposes:

- Incident review or operational formal debrief
- to detect, investigate or prosecute any unlawful activity
- for professional conduct purposes
- employee training and development purposes

Once approved, access to and viewing of any type of footage must be documented in the centre/unit *Surveillance Devices Footage Access and Viewing Register*. [REDACTED]

### 9.1 YJNSW employee access to footage

The below list of DCJ employees are approved to initially access and view footage, to determine whether captured footage can be used for any acceptable purpose (section 9 of this Policy):

- Executive Director
- Director, Custodial Operations
- Centre Manager
- Manager, Court Logistics, Classification and Placements Unit
- Senior Manager, Organisation Development and Training Unit
- Senior Manager, Security & Intelligence Unit
- Director, Human Resources
- Professional Conduct Committee members



Once assessed and approved by the appropriate employee (as listed above) the following employees may have access for the specific reasons as noted below:

Secondary Access (requires approval to view footage)		
Employee Role	Rational to view footage	Approving Employee
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]

## 9.2 Employee Conduct

Footage may be used to detect, investigate, or prosecute any unlawful activity or misconduct. In this regard, employees must be mindful to always maintain professional and ethical conduct.

When Footage is used in an investigation, regarding the conduct of an employee, that employee and/or other witnesses may be provided with an opportunity to access the recordings, where it is deemed appropriate by the Executive Director or Director Custodial Operations.

During any investigation this access may only be provided with the advice and permission of Workplace Relations. Employees may be provided with viewing access only and must not be provided with electronic copies of recordings.

## 9.3 Viewing locations

[REDACTED]

## 10 Access by external agencies

Footage may only be accessed by external agencies with the appropriate approval and in compliance with privacy or other relevant legislation. (Section 12 *References; Legalisation of this policy*)

## 10.1 Viewing and listening access

External agencies must request viewing access to footage in writing and approval must be granted by the following parties, before access is provided:

- Director, Custodial Operations
- Director, Human Resources
- Principal Investigator (Child Protection), Conduct & Professional Standards Unit

## 10.2 Viewing and listening access locations

Viewing access to footage may only occur in designated confidential areas in the following locations:

- Central Office
- Community Directorate Offices
- Workplace Relations
- Youth Justice Centres
- Court Logistics, Classification & Placements Unit
- Security and Intelligence Unit
- Children's Courts where the relevant event took place

## 10.3 Obtaining Copies of Footage

External agencies are generally provided with viewing access only. Where a request has been made to obtain an electronic copy of footage or other records (e.g. incident reports), the requestee must do so in a written request, warrant, subpoena, summons or statutory notice/order.

All requests, with or without a written request, warrant, subpoena, summons or statutory notice/order must be forwarded onto the Department of Communities and Justice (DCJ) Legal team, [REDACTED] for consideration on a case by case basis. DCJ Legal will determine whether there is an exemption under *the Privacy and Personal Information Protection Act 1998* or the *Children (Detention Centres Act) 1987* to provide a copy of the requested footage. DCJ Legal will then advise and coordinate any necessary actions, together with the relevant YJNSW centre or unit.

## 10.4 Footage requested by NSW Police

To assist with necessary reviews or investigations of incidents, NSW Police may be granted access to Footage in line with the following circumstances:

### **Where a young person commits an offence whilst in Youth Justice Custody:**

- Where an offence occurs while in Youth Justice Custody and the young person is currently detained in a YJC, YJNSW must report the incident to NSW Police, irrespective of whether it is considered a serious indictable offence or not.
- Youth Justice has an obligation to report the incident to NSW Police if the matter is a serious indictable offence.
- As part of any disclosure to NSW Police, YJNSW employees should disclose details about the offence and provide a statement to NSW Police if requested to do so

- YJNSW employees may permit NSW Police to view BWC, CCT or HVC footage or access to other youth justice records, to assist NSW Police to make a determination about whether or not an offence has been committed.
- NSW Police **may be** provided with copies of information including footage **without** a subpoena or search warrant by virtue of Section 102 of the *Children's (Detention Centres) Act 1987*, as the offence was committed while the young person was in a Youth Justice Custody.

**Where a young person commits an offence but is no longer in a YJC:**

- Where an offence occurs while in Youth Justice Custody and the young person is no longer detained in a YJC, Youth Justice should report the incident to NSW Police, irrespective of whether it is considered a serious indictable offence or not.
- Youth Justice has an obligation to report the incident to NSW Police if the matter is a serious indictable offence.
- As part of any disclosure to NSW Police, Youth Justice Employees should disclose details about the offence and provide a statement to NSW Police, if requested to do so.
- Youth Justice Employees may permit NSW Police to view BWC, CCT or HVC footage, or other Youth Justice records to assist NSW Police to make a determination about whether or not an offence has been committed.

## 11 The use of Footage for formal debriefing, training and development purposes.

BWC, CCTV and HVC footage are important tools for conducting comprehensive formal operational debriefs, supporting professional development and promoting best practice. However, it is vital that YJNSW adheres to the *Privacy and Personal Information Protection Act 1998* (PPIP Act), to ensure legislative compliance.

### 11.1 Footage assessment for training and development purposes.

The Centre Manager (Role) and the Manager, Court Logistics, Classification and Placements Unit are responsible, in consultation with the Senior Manager Organisational Development and Training Unit (ODTU), are responsible for viewing and making an initial assessment of any Footage, as to its appropriateness for debriefing and training purposes. [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

The following list of YJNSW employees have the authority to review and assess whether Footage can be utilised for debriefing and training purposes:

- Executive Director
- Director Custodial Operations
- Centre Manager
- Manager Security and Intelligence Unit
- Manager, Court Logistics, Classification and Placements.
- Senior Manager, Organisation Development and Training Unit

Whether or not the footage is appropriate for training purposes will ultimately fall to the Senior Manager Organisation, Development and Training Unit (ODTU) making the assessment based on the training needs of YJNSW. The Organisation Development and Training Advisor (YJNSW Lead Protective Tactics Trainer) can then be provided access as per approval by the Senior Manager, ODTU.

## 11.2 Documenting Footage use and approval

When Footage has been reviewed and assessed as meeting a particular debriefing or training need of YJNSW and approved, it must be identified as such in accordance with entering the details into the *Surveillance Devices Footage Access and Viewing Register*.

Once Footage is approved for debriefing purposes, the Footage must be labelled (date and incident number) and digitally stored [REDACTED]

Once footage is approved for training purposes, the Organisation, Development and Training Unit must individually label and number the footage and keep a record of the decision to select the particular footage for training purposes alongside the consent of each individual that has been captured or heard in the Footage (if required).

## 11.3 Employee and young person consent for the use of Footage for debriefing and training purposes.

YJNSW must gain the consent of all YJNSW and external agency employees as well as young people (individuals) visually captured or heard in Footage prior to assessing for formal debriefing or training purposes.

There are five elements to consider in relation to consent which are the:

- individual gives consent voluntarily
- individual is adequately informed before giving consent
- consent is specific
- consent is current
- individual has the capacity to understand and communicate their consent.

YJNSW must be satisfied that in receiving evidence of written consent the above elements have been met, given the sensitive nature of the personal information captured.

[REDACTED]

[REDACTED]

[REDACTED] be recorded in written form by each individual captured in the incident Footage by completing the *CCTV, BWC and HVC Consent Form*. The form must be completed following each incident and not carried over from previous consent given.

Footage that includes external responding officers to an incident (e.g. NSW Police, Corrective Services NSW Officers) will also require written consent from the external responding officers involved, before the Footage can be used for training purposes.

## 11.4 Footage use consent revoked

An individual can revoke consent at any time. If consent is initially provided and later revoked the relevant footage will no longer be able to be used for debriefing, training and development purposes unless it is de-identified as per the below section 11.5.

## 11.5 Footage use consent not given

If consent is not given by an individual, YJNSW must de-identify the personal information contained in the Footage which will result in the Footage no longer containing personal information for the purposes of the *PPIP Act*. De-identification includes facial pixilation and voice distortion or muted audio.

The de-identification process must ensure that the identities of the individuals are no longer apparent or can be 'reasonably ascertained' from the Footage.

There are 12 information protection principles (IPPs) contained in the *PPIP Act* that impose obligations relating to the collection, storage, access, use and disclosure of personal information held by NSW public sector agencies which includes YJNSW.

If footage is not de-identified through either pixilation and voice distortion or muted audio, the information contained in the footage is considered personal information under the *PPIP Act* and therefore the 12 IPPs under the *PPIP Act* applies.

Therefore, YJNSW must not use the footage which has not been de-identified for secondary purposes such as debriefing, training and development as it is not directly related to the purpose for which it was collected (investigation) unless written consent has been provided by the individuals identified in the footage for the specific use.

YJNSW is also bound by secrecy provisions contained in the *Children (Detention Centres) Act 1987 (CDC Act)* which makes it an offence to disclose any information obtained in connection with the administration or execution of the *CDC Act* unless an exception in section 102 applies.

Further information about de-identification of personal information can be found on the Information and Privacy Commission's website [\[REDACTED\]](#)

# 12 References

## 12.1 Legislation

*Children (Detention Centres) Act 1987*

*Children (Detention Centres) Regulation 2015*

*Privacy and Personal Information Protection Act 1998*

*Privacy and Personal Information Protection Regulation 2014*

*State Records Act 1998*

*Functional Retention and Disposal Authority – DA222*  
*Surveillance Devices Act 2007*  
*Workplace Surveillance Act 2005*

## **12.2 Policies**

*Incident Management: Reporting, Debrief and Analysis Policy*  
*Objective Classification System Policy*  
*Department of Communities and Justice (DCJ) Records Management Policy*

## **12.3 Procedures**

*Body Worn Cameras Procedure*  
*Closed Circuit Television and Handheld Video Camera Procedure*  
*Incident Reporting Procedure*  
*Objective Classification System Procedure*

## **12.4 Forms**

*Body Worn Camera Docking and Uploading Register*  
*Body Worn Cameras (BWC), Closed Circuit Television (CCTV), and Handheld Video Camera (HVC)*  
*Footage Use – Consent and Withdrawal Form*  
*CCTV, BWC HVC Footage Consent Form*  
*CCTV, BWC HVC Footage withdrawal Consent Form*  
*Electronic Communication Device Policy Consent Form*  
*Evidence.com System Access Request Form*  
*Police Inquiry Outcome*  
*Police Interview Book*  
*Request for Deletion of BWC Recording Form*  
*Security CCTV Access (Court Logistics) Request Form*  
*Surveillance Devices Footage Access and Viewing Register*

## **12.5 Resources**

*Tips for shooting stable handheld video camera footage (TOM)*  
*Axon User Manual*

## 13 Document Information

<b>Title:</b>	Centre Audio Visual Surveillance and Footage Policy
<b>Business Centre:</b>	Operations Unit, (Custody)
<b>Author:</b>	Senior Project Officer
<b>Approvers:</b>	Director, Policy & Practice: Director, Custodial System Reform: Director Custodial Operations:
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<b>Key Words:</b>	BWC, CCTV, HVC, handheld, video, camera, access and viewing, Footage, debriefing, training, body worn

## 14 Document History

Version	Date	Reason for Amendment
4	April 2022	Change of policy name to <b>YJNSW Audio Visual Surveillance &amp; Footage Policy</b> . Additional information input regarding the use of BWC, as well as the use of CCTV and HVC for training and debriefing purposes.
3	August 2017	<b>CCTV and Radio Communication Policy</b> : Content in line with Crown Solicitor's advice regarding NSW Police obtaining CCTV footage and copies.
2	July 2015	<b>CCTV and Radio Communication Policy</b> : Structure, formatting and terminology reviewed and updated. Content updated in line with current practice and requirements.
1	September 2011	<b>CCTV and Radio Communication Policy</b> : First version.