

Attachment #68

Orange Police Department, Australia – PVRD Policy



CODE OF PRACTICE

Crime Prevention Through CCTV Project

**Funded by the Attorney General's Department
National Community Crime Prevention Program
and
Orange City Council**

As amended June 2008

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1 OVERVIEW

This Code of Practice for *The Crime Prevention through CCTV Project*, (hereafter referred to as the Project), was developed by Orange City Council (hereafter referred to as the Council) in consultation with the Canobolas Local Area Command (hereafter referred to as the Police), the Orange Chamber of Commerce and the community of Orange City. This Code of Practice was adopted at the meeting of Orange City Council on 21 February 2008.

1.1 Key Principles

- 1.1.1 This Code of Practice contains the basic standards in accordance with which Council's Project will be operated.
- 1.1.2 The Code of Practice is based on 15 key principles. In each section the key principle is stated, followed by further explanatory information.
- 1.1.3 The key principles are as follows:

Principle 1

The Project will be operated fairly, within applicable law, and only for the purposes for which it is established or which are subsequently agreed in accordance with this Code of Practice.

Principle 2

The Project will be operated with due regard to the privacy and civil liberties of individual members of the public, including the rights to freedom of religious and political expression and assembly.

Principle 3

The public interest in the operation of the Project will be recognised by ensuring the security and integrity of operational procedures.

Principle 4

The Council has responsibility for compliance with the purposes and objectives of the Project, for the maintenance, management and security of the Project, and the protection of the interests of the public in relation to the Project.

Principle 5

As the Police agree to assist with the Council's Project, the Police and any other parties agree to act in accordance with the Code of Practice

Principle 6

The Council will be accountable to the public for the effective operation and management of the Project.

Principle 7

The public will be provided with clear and easily accessible information in relation to the operation of the Project.

Principle 8

Regular monitoring and evaluation of the Project will be undertaken to identify whether the purposes of the Project are being complied with and objectives are being achieved.

Principle 9

If a Project control room is provided, staff employed to work in the control room, whether they be operators or managers, will meet the highest standards of probity.

Principle 10

Subject to Principle 9, access to the Project control room will be restricted to qualified operating staff and their managers and the control room will be protected from unauthorised access.

Principle 11

Information recorded will be accurate, relevant and not exceed that necessary to fulfill the purposes of the Project.

Principle 12

Information will be obtained fairly and in accordance with the privacy provisions of the Code of Practice.

Principle 13

The retention of, and access to data, photographs and recorded material will be only for the purposes provided by this Code of Practice. If the recorded data, photographs and material is not required for any court proceedings or by the Policy, it will be destroyed after the period of 30 days has lapsed.

Principle 14

Contact related to the Project between Council staff and the Police, will be conducted strictly in accordance with the Code of Practice.

Principle 15

The Project will address the interests of all who may be affected by it, and not be confined to the interests of the Council or the needs of the criminal justice system.

2 PRELIMINARY INFORMATION

2.1 Introduction

- 2.1.1 It is recognised that the threat of personal violence, vandalism and antisocial behaviour are an important factors in any public perception that the Orange Central Business District could be an undesirable area. In an effort to address these issues, Council developed its Community Safety and Crime Prevention Committee.
- 2.1.2 The camera coverage in general will be in the Orange Central Business District, with mobile units deployed to other parts of the city as identified by the Police in the pursuit of crime prevention and detection.

2.2 The Project

- 2.2.1 The Project comprises Council's public closed circuit television operation and is one of the initiatives that forms part of the Council's Community Safety and Crime Prevention Plan 2007-2011.
- 2.2.2 The Project is only one of several initiatives designed to assist in preventing crimes against the person in Orange. It is recognised, however, that such crime and anti social behaviour will never totally be prevented.

2.3 Code of Practice

- 2.3.1 This Code of Practice will be supplemented by a set of Protocols and Control Room Standard Operational Procedures giving instructions on all aspects of the operation of the Program. These documents will be based on the Code of Practice, to ensure that the principles and purposes on which the Project is based are realised.
- 2.3.2 Involvement in any aspect of the Project by relevant organisations or individuals will depend upon their willingness to comply with this Code of Practice, the Protocols and the Standard Operational Procedures.
- 2.3.3 This Code of Practice is subject to state and federal law.

2.4 System description

- 2.4.1 The program involves 10 cameras initially, which could be added to in future, connected to a central control space in the Orange Civic Centre by a wireless network. The system will record all images digitally from the cameras onto appropriate and secure recording equipment. The level of monitoring is considered as "passive". "Passive monitoring" is defined as no deliberate monitoring by security personnel. However, the Police will have access at all times to the system and will be able to manipulate the cameras in their pursuit of crime prevention and detection. This Project does not currently operate "active" monitoring. "Active monitoring" is defined as requiring the provision of security monitoring resources for known and regular periods of time during the week.

2.5 Camera Design

- 2.5.1 Cameras will be capable of pan/tilt/zoom. Cameras take colour images to enable effective monitoring. Each camera is housed in appropriate mounting,

protecting the camera from vandalism and weather.

- 2.5.2 State of the art technology has been used to ensure maximum resolution and picture quality. The technology used will be regularly reviewed to ensure the most up to date equipment appropriate to the purposes of the Project is used.

2.6 Camera locations

- 2.6.1 Cameras are installed in those areas of the Orange Central Business District subject to a high incidence of crimes against the person or property. These locations are determined on the basis of crime statistics provided by the Police. Environmental considerations are also taken into account. The Project will also involve mobile cameras.

2.7 Ownership of the Project

- 2.7.1 The Council is the owner of the Project. The Council retains ownership of and has copyright in all equipment, recordings, photographs and documentation pertaining to the Project but agrees to grant to the Police a licence at no cost to use the recorded data and photographs for the purposes of its investigations and prosecutions. The responsibilities of the Council in relation to the system are outlined in section 5.

2.8 Other Parties in the Project

- 2.8.1 The Police and the Orange Chamber of Commerce and Industry agree to assist each other with the Project. Other parties may also assist in the future. The responsibilities of the other parties in relation to the Project are outlined in section 6.

3 CHANGES TO THE PROJECT AND/OR THE CODE OF PRACTICE

- 3.1 A minor change to the Project or Code of Practice may be made with the agreement of both the Mayor and the General Manager of the Council. A minor change is such as may be required for the purposes of adjustment of the Project or clarification of the Code of Practice - for example, the replacement of one brand of camera with another or a change to the wording of a particular section of the Code of Practice where its meaning might otherwise be ambiguous.
- 3.2 A major change to the Project or to the Code of Practice will take place only after consultation with relevant interest groups and upon the agreement of Council. A major change is such as will have a significant impact upon the operation of the system or the Code of Practice, for example, a change to the purposes of the system or a proposal to install further permanent cameras.
- 3.3 The General Manager of the Council must approve temporary use of the Project for the purposes of city management during major events.
- 3.4 The General Manager of the Council or his/her delegate must approve the use of the Project during emergency situations, such as a siege or bomb blast. The General Manager will immediately inform the Mayor if a request to use the Project for such purposes is made and when approval is given.
- 3.5 The consideration and/or introduction of any major change to the Project or to the Code of Practice will be included in the regular audit report (see section 7).

4 PURPOSE

Principle 1

The Project will be operated fairly, within applicable law, and only for the purposes for which it is established or which are subsequently agreed in accordance with this Code of Practice.

Principle 2

The Project will be operated with due regard to the privacy and civil liberties of individual members of the public, including the rights to freedom of religious and political expression and assembly.

Principle 3

The public interest in the operation of the Project will be recognised by ensuring the security and integrity of the Project.

- 4.1 The primary purpose of Project is to assist in the prevention of crimes against the person, particularly but not limited to the following:
- assault;
 - assault occasioning grievous bodily harm;
 - assault occasioning actual bodily harm;
 - sexual assault; and
 - aggravated sexual assault.
- 4.2 The secondary purpose of the Project is to assist in the prevention of other serious criminal offences, particularly but not limited to the following:
- steal motor vehicle;
 - steal from motor vehicle;
 - other steal;
 - break and enter;
 - malicious damage to property; and
 - dealing, trafficking in drugs
- 4.3 The objectives of the Project are:
- to reduce crime levels by deterring potential offenders;
 - to reduce fear of crime;
 - to help ensure an effective Police response in emergency situations;
 - to assist in the detection and prosecution of offenders; and
 - to help secure a safer environment for those people who live in, work in and visit Orange's CBD
- 4.4 It is anticipated that the Project may also be of some benefit in the management of major or special events, such as the Orange Christmas Festival and other community celebrations. The temporary use of the Project for such purposes, including the use of temporary cameras must be approved in accordance with section 3 of this Code of Practice.

- 4.5 Temporary cameras may be installed for major or special events.
- 4.6 The Project will only be used to identify crimes occurring within the area covered by the Project, with the exception of dispatching mobile cameras to “hot spots” identified by the Police or during ‘events’.

5 RESPONSIBILITIES OF THE OWNER OF THE PROJECT

Principle 4

The Council has responsibility for compliance with the purposes and objectives of the Project, for the maintenance, management and security of the program, and the protection of the interests of the public in relation to the program.

- 5.1 The Council will be responsible for the introduction and implementation of the Code of Practice and for ensuring compliance with the principles contained within the Code.
- 5.2 The Council will comply with the requirements for accountability set out in this Code of Practice.
- 5.3 The Council will consult with and provide information to the public about the operation of the Project and about any proposed changes to the Program or Code of Practice.

6 RESPONSIBILITIES OF OTHER PARTIES TO THE PROGRAM

Principle 5

As a the Police agree to assist with the Council’s Project, the Police and any other parties agree to act in accordance with the Code of Practice.

- 6.1 Incidents that may involve or lead to a crime against the person or other serious threat to public safety, or other serious criminal offence will be reported to an arranged Police contact. The Police will assess the situation and determine an appropriate response to the incident.
- 6.2 The Project will include the placement of monitoring equipment and devices at the Orange Police Station. This monitoring equipment will be available for Police to use as they see fit in the course of their role in crime prevention. It is the responsibility of the Police to respond to Canobolas Local Area Command incidents identified on monitoring screens to the extent that its resources and priorities allow.
- 6.3 The Police will develop their own operational procedures in relation to the Project to complement those developed by Council.
- 6.4 A Memorandum of Understanding in relation to the Project will be entered into both by Council and the Police outlining in detail the respective roles of Canobolas Local Area Command. The Memorandum of Understanding and any variations to it, are to be approved by the General Manager or by Council, and are to be circulated to Councillors.

- 6.5 The Council may enter into partnerships or arrangements in the conduct of the Project with other parties . These partnerships maybe with the Orange Chamber of Commerce and Industry for the purposes of, but not limited to, promoting the Project, providing businesses with information, securing support of businesses to link their own CCTV coverage that covers public footpaths and streets in to the Project.

Other arrangements or partnerships may include businesses that offer to assist with an increased level of service in the Project by committing resources to assist in the achievement of the stated objectives.

Other arrangements or partnerships will require the commitment to, at least, a Memorandum of Understanding (MOU) between the organisation and Council. The MOU will detail the respective roles of the organisation and Council and require adherence to this Code of Conduct. The MOU and any variations to it, are to be approved by the General Manager or by Council, and are to be circulated to Councillors.

7 ACCOUNTABILITY

Principle 6

Council will be accountable to the public for the effective operation and management of the Project.

- 7.1 Council will establish and provide support to an Audit Committee comprising individuals independent of both the Council and the Police. The functions of the Audit Committee will be:
- i) To provide an independent and continuous review and checking mechanism for the Project
 - ii) To identify and report on any deviations from the Code of Practice, Protocols or Standard Operating Procedures that come to notice during audit, and
 - iii) To recommend action that will safeguard the program from abuse
- 7.2 Nominations of suitably qualified persons for membership of the Community Safety and Crime Prevention Committee's Audit Committee will be sought from organisations and individuals with an interest in the operation of the Project. Nominations will be called, by Council, on an annual basis for a period of twelve (12) months.
- 7.3 The Audit Committee will undertake a regular audit of the Project, its operations and Code of Practice. The audit will include examination of control room records, data recording histories, and the content of recorded data.
- 7.4 The Audit Committee will produce a report 6 months from operational commencement, then annually thereafter, on the operation and functioning of the Project. The report will be presented to the Community Safety and Crime Prevention Committee. A copy of the report will then be circulated to Councillors and made available to the public.
- 7.5 Both the Mayor and the General Manager or their delegate, independently, have an unfettered right of inspection of all facilities associated with external CCTV

monitoring, including files and registers, but not including viewing of the recorded data unless both are present or accompanied by a member of the independent Audit Committee. All such access shall be recorded in the register, including the identity of accompanying persons. Access to CCTV monitoring within the Orange Police Station will need to be authorised by the Local Area Command or its delegate.

8 PUBLIC INFORMATION

Principle 7

The public will be provided with clear and easily accessible information in relation to the operation of the Project.

- 8.1 Clearly visible signs that CCTV cameras are operating will be displayed at the perimeter of the area covered by the system and at other key points. These signs will:
- i) inform the public that cameras are in operation;
 - ii) allow people entering the area to make a reasonable approximation of the area covered by the system; and
 - iii) identify Council as the owner of the system and give a telephone number and address should further information be required
- 8.2 Copies of the Code of Practice will be made available to the public, including being available on the Council's web site. The availability of the Code of Practice will be publicised in connection with any publicity arranged for the Project.
- 8.3 Inquiries in relation to the Project and its operation can be made in writing to:
- The General Manager
Orange City Council
PO Box 35
ORANGE NSW 2800
- or, alternatively, can be made by telephone on (02) 6393 8000, or email.

9 ASSESSMENT OF THE SYSTEM AND CODE OF PRACTICE

Principle 8

Regular monitoring and evaluation of the Project will be undertaken to identify whether the purposes of the Program are being complied with and objectives are being achieved.

- 9.1 In consultation with the Police, Council will continuously monitor the operation of the Project and implementation of the Code of Practice.
- 9.2 The Council is responsible for ensuring that the Project is regularly subject to evaluation to identify whether its purposes are being complied with and whether objectives are being achieved. Resources committed to the system annually will include the cost of evaluation.

- 9.3 Evaluation will be conducted independently or carried out according to independently established criteria.
- 9.4 Evaluation of the Project should include as a minimum (where evidence can be obtained):
- i) assessment of its impact upon crime
 - ii) assessment of its impact on neighbouring areas
 - iii) the views of the public on the operation of the Project
 - iv) operation of the Code of Practice, Protocols and Standard Operating Procedures
 - v) whether the purposes for which the Project was established still exist, and
 - vi) consideration that the Project continues to be required in the Orange Community Safety & Crime Prevention Plan
- 9.5 The results of evaluation will be taken into account in the future functioning, management and operation of the Project.

10 MANAGEMENT OF THE CONTROL ROOM

Principle 9

If a Project control room is provided, staff employed to work in the control room, whether they be operators or managers, will meet the highest standards of probity.

Principle 10

Access to the camera control room will be restricted to qualified operating staff and their managers and the control room will be protected from unauthorised access.

- 10.1 A set of Standard Operating Procedures will be developed for control room staff. In pursuit of the objectives of this Project, the Council may choose to change the level of service from “passive” monitoring to “active” monitoring. This active monitoring may be undertaken by Council or contracted out to a suitably licensed security firm.
- 10.2 The Council will adopt, or require its contractor to adopt:
- i) effective and fair systems of recruitment and selection of staff which include measures to ensure that the selection process provides for thorough validation of the suitability of candidates and regular review of the suitability of employed staff;
 - ii) a requirement that staff must be licensed, qualified at a suitable level on appointment and be capable of meeting in-service training requirements;
 - iii) a procedure which makes plain to staff that they risk disciplinary proceedings (including dismissal) if they breach any of the provisions of the Code of Practice, Protocols or Standard Operational Procedures and Council's Code of Conduct;
 - iv) a requirement of confidentiality which can be enforced during and after termination of employment (see Appendix A); and
 - v) systems of monitoring and supervision that ensure compliance with the Code of Practice, Protocols and Standard Operating Procedures.

- 10.3 Procedures will be put in place to ensure that access to the control room is restricted to operating staff and their managers and that the control room is protected from unauthorised access, except as provided in Clause 7.5.
- 10.4 The circumstances in which Police or other visitors are able to access the control room will be carefully controlled and outlined in the Protocols and Standard Operating Procedures.
- 10.5 Access to the operation of equipment will be limited to Council staff with that responsibility.
- 10.6 A register must be kept detailing all instances of access to the Control room, CCTV facilities and associated property.

11 CONTROL AND OPERATION OF CAMERA

Principle 11

Information recorded should be accurate, relevant and not exceed that necessary to fulfil the purposes of the Project.

Principle 12

Information should be obtained fairly and in accordance with the privacy provisions of the Code of Practice.

- 11.1 The presence of cameras will be clearly apparent to the public.
- 11.2 All use of cameras will accord with the purposes of the Project as outlined in the Code of Practice, Protocols and Standard Operating Procedures.
- 11.3 Cameras will not be used to look into adjacent or nearby premises or buildings, unless it is explicitly for the purpose of following (in real time) participants in a crime, which originated in the public domain. Any misuse is to be treated as a breach of this code and subject to disciplinary action.
- 11.4 No sound will be recorded in public places.
- 11.5 'Dummy' cameras will not be used.
- 11.6 Operators of camera equipment will act in accordance with the highest standards of probity.
- 11.7 Only staff with responsibility for using the equipment will have access to operating controls (see Appendix B).
- 11.8 All control room staff will be made aware that recordings are subject to routine audit and that they may be required to justify their interest in a particular member of the public or premises.

12 PHOTOGRAPHS AND RECORDED MATERIAL

Principle 13

The retention of, and access to data, photographs and recorded material will be only for the purposes provided by this Code of Practice. If the recorded data, photographs and material is not required for any court proceedings or by the Policy, it will be destroyed after the period of 30 days has lapsed.

- 12.1 Access to and use of recorded material and photographs will only take place:
 - i) in compliance with the needs of Police in connection with the investigation of crime; or
 - ii) if necessary for the purposes of legal proceedings.
- 12.2 Recorded material and photographs will not be sold or used for commercial purposes or the provision of entertainment.
- 12.3 The showing of recorded material or photographs to the public will be allowed only in accordance with the needs of the Police in connection with the investigation of crime or in any other circumstances provided by law. Any such action must be formally approved by the Police.
- 12.4 Use of data and recorded material or photographs by the media should only occur to gain public information with respect to the identity of a person/s wanted in connection with a criminal investigation. Subject to the concurrence of the Police, the General Manager may approve such. In such cases the recognisable characteristics of other people in the footage shall be obscured.
- 12.5 Images from recorded material shall not, under any circumstances, be used to publicise the existence or success of the Project.
- 12.6 Appropriate security measures will be taken against unauthorised access to, alteration, disclosure, accidental loss or destruction of recorded material (see Appendix C).
- 12.7 Recorded material will be treated according to defined procedures to ensure continuity of evidence.
- 12.8 All data and photographs will be subject to random inspection by the Audit Committee.

13 CONTACT WITH POLICE

Principle 14

Contact related to the Project between Council staff and the Police will be conducted strictly in accordance with the Code of Practice.

- 13.1 Police officers will not be permitted to remove any data or photograph, operate any recording equipment or have contact with any data or photograph at any time unless under the terms of this Code of Practice, the Protocols or Standard Operating Procedures or subject to the execution of a search warrant or other relevant legal process.
- 13.2 Any change in existing arrangements for Police contact with and use of the

system will amount to a major change to the Code of Practice and must be agreed to in accordance with the Code of Practice before being implemented.

- 13.3 Any involvement in the Project by Police will be recorded by the Council and will be subject to audit.

14 BREACHES OF THE CODE

Principle 15

The Project must address the interests of all who may be affected by it, and not be confined to the interests of Council or the needs of the criminal justice system.

- 14.1 Prime responsibility for ensuring the Code of Practice is adhered to rests with the Council. This responsibility includes ensuring that breaches of the Code are investigated and remedied to the extent that breaches of the Code are within the ambit of Council's power to remedy.

- 14.2 Complaints in relation to any aspect of the management or operation of the system may be made in writing to:

The General Manager
Orange City Council
PO Box 35
ORANGE NSW 2800

By telephone on (02) 6393 8000, or by email

The General Manager will inform the Audit Committee (see 7.1) in writing of these complaints.

The Privacy and Personal Information Protection Act 1998 authorises Privacy NSW to receive and investigate complaints about alleged violations of privacy. Any member of the public is entitled to lodge a complaint with Privacy NSW. The contact details for Privacy NSW are as follows:

Privacy NSW
PO Box A2122
SYDNEY SOUTH NSW 1235
Tel: (02) 9268 5588
Fax: (02) 9268 5501

- 14.3 Council will cooperate with the investigation of any complaint by Privacy NSW.



Appendix A

Ref: Section 10

Draft

CONFIDENTIALITY AGREEMENT – OPERATION OF SAFETY CAMERAS

I an employee of
(Print Full Name)

..... agree to not disclose,
(Print Name of Employer)

unless lawfully directed or as a bona fide part of my employment, any matter or information which comes to my knowledge in relation to or emanating from the operation of the safety cameras owned by the Orange City Council.

I also acknowledge that this agreement is not limited to my current period of employment or to any time limit period.

I understand that failure to observe this confidentiality may result in legal action being taken against me and/or employment disciplinary action

(Signed)

(Date)

(Witness)

(Date)



Appendix B

Ref: Section 11

Draft

SAFETY CAMERAS CONTROL OPERATION JOURNAL

Date.....

Time Start

Time Finish

Camera Number/Location

Reason for operation of camera control.....

.....

.....

.....

Name (Please Print).....

Signature



APPENDIX C

Ref: Section 12

Draft

REQUEST FOR A COPY OF RECORDED IMAGES FROM ORANGE CITY COUNCIL SAFETY CAMERAS

I, of hereby request a
(Name - please print) (Organisation name – please print)
copy of images recorded by Orange City Council’s safety cameras for the period (state
specific date or a period commencing and finishing date)

.....
covering the location for the purpose of
.....
.....
.....

I hereby acknowledge that I will not make a copy of these images or disclose the images to
any other persons* or any other persons outside the organisation I represent*. I also
undertake to return this copy to Orange City Council as soon as practicable following the
completion for the need for the copy.

Signed by recipient..... Date
Witnessed by Public Officer / Nominee.....
(signature)

UPON RETURN OF COPY, THE FOLLOWING SECTION IS TO BE COMPLETED

The copy was returned on (date)
Signed by recipient..... Date
Witnessed by Public Officer / Nominee
(signature)

* (please delete one)