



INVERELL
SHIRE COUNCIL

Community Safety Camera Program

Code of Practice



Document Control Page

Project: Inverell Shire Council
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1. OVERVIEW

This Code of Practice for *Community Safety Camera Program*, (hereafter referred to as “the Program”), was developed by Inverell Shire Council (hereafter referred to as “Council”) in consultation with the Inverell Local Area Command (hereafter referred to as “the Police”) and residents of Inverell. This Code of Practice was adopted at the meeting of Inverell Shire Council on 28 September, 2010.

1.1 Key Principles

This Code of Practice contains the basic standards in accordance with which the Program will be operated. The Code of Practice is based on the following 15 key principles:

Principle 1 - Lawful Purpose

The Program will be operated fairly, within any 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 - Privacy of individuals

The Program 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 - Operational security

The public interest in the operation of the Program will be recognised by ensuring the safe custody of images captured by the program and adopting operational procedures that display the highest level of integrity.

Principle 4 - Council will act responsibly

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

Principle 5 - Stakeholder undertakings.

The Police and any other stakeholders in the program agree to act in accordance with this Code of Practice.

Principle 6 - Observance of legislative provisions

The Council will act in a professional manner and comply with all relevant legislation in respect of the effective operation and management of the Program.

Principle 7 - Right to know

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

Principle 8 - Regular Audit

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

Principle 9 - Operational probity

If a Program control room is provided, staff employed to work in the control room will display the highest standards of probity.

Principle 10 - Operational restrictions

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

Principle 11 - Operational integrity

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

Principle 12 - Operational congruency

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

Principle 13 - Retention period

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 Police, it will be destroyed after the period of 30 days has lapsed.

Principle 14 - Protocols

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

Principle 15 - Community Benefit

The Program 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 proactive management of potential elements of personal violence, vandalism and antisocial behaviour are important for public safety. To uphold the community's value and sense of security, safety, and wellbeing, specifically the Inverell Central Business District (CBD), Council has developed a Community Safety Committee for CCTV.

2.1.2 In general, camera coverage will be in the Inverell CBD, with mobile units deployed to other parts of the Shire, when identified by the General Manager and Police, that deployment will be in the interest of public safety, for example, public events.

2.2 The Program

2.2.1 The Program comprises Council's public closed circuit television operation and is one of the initiatives that forms part of the Inverell's Crime Prevention Plan 2017.

2.2.2 The Program is one of several initiatives designed to assist in the proactive management of public safety for all within Inverell Shire.

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 outlining instructions on all aspects of the operation of

the Program. These documents will be based on the Code of Practice.

2.3.2 Involvement in any aspect of the Program by relevant organisations or individuals will depend upon their compliance 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 43 cameras, with the potential for additional units if required in the future, connected to a central control centre in the Inverell Shire Council Administration Building by a secured private 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 in their pursuit to uphold public safety. This Program 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 recording up to 180 degree view. Cameras will record day and night images to enable effective monitoring. Each camera is housed in appropriate mounting, protecting the camera from vandalism and weather.

2.5.2 Available state of the art technology will be utilised at the time of purchase and installation to enable 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 Program are used.

2.6 Camera locations

2.6.1 Cameras are installed in areas of the Inverell CBD identified as requiring additional proactive management of public safety. These locations are determined on the basis of public safety statistics provided by the Police. Environmental considerations are also taken into account. The Program will also involve mobile cameras (refer 3.6).

2.7 Ownership of the Program

2.7.1 Council is the owner of the Program. Council retains ownership of and has copyright in all equipment, recordings, photographs and documentation pertaining to the Program, but agrees to grant 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 Program

2.8.1 The NSW Police Service and elected Council may also assist in the future. The responsibilities of the other parties in relation to the Program are outlined in section 6.

3. CHANGES TO THE PROGRAM AND/OR THE CODE OF PRACTICE

3.1 A minor change to the Program or Code of Practice will take place only after the agreement of both the General Manager and Director Corporate and Economic Services. A minor change is such as may be required for the purposes of adjustment of the Program 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 Program or to the Code of Practice will take place only after 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 must approve temporary use of the Program for the purposes of Shire management during major events.
- 3.4 The General Manager or his/her delegate must approve the use of the Program during emergency situations, such as a flood. The General Manager will immediately inform the Mayor if a request to use the Program for such purposes is made and when approval is given.
- 3.5 The consideration and/or introduction of any major change to the Program or to the Code of Practice will be included in the regular audit report (see section 7).
- 3.6 Temporary cameras may be installed for major or special events for proactive public safety management with the General Manager's approval.

4. PURPOSE

Principle 1

The Program 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 Program will be operated with due regard to privacy and civil liberties of 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 Program will be recognised by ensuring the security and integrity of the Program.

- 4.1 The aim of the Program is to assist in the proactive management of public safety through community partnerships.
- 4.2 The objectives of the Community Safety CCTV Program are:
 - i) To increase levels of public safety through adoption of technological advancements.
 - ii) To increase the sense of community security.
 - iii) To assist in the effective Police response in emergency situations.
 - iv) To assist further the Police in their commitment in maintaining community confidence and trust.
 - v) For those people who live in, work in and visit Inverell CBD to enjoy a safe environment.
- 4.3 It is anticipated that the Program may also be of some benefit in the management of major or special events, or for traffic management purposes during these events, such as the Grafton to Inverell cycle event. The temporary use of the CCTV program for such purposes must be approved in accordance with section 3 of this Code of Practice.
- 4.4 The Program will only be used to proactively manage public safety within the area covered by the Program, with the exception of dispatching mobile cameras to temporary areas identified by the Police or during 'events' to uphold community safety.

5. RESPONSIBILITIES OF THE OWNER OF THE PROGRAM

Principle 4

The Council has responsibility for compliance with the purposes and objectives of the Program, 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 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 Council will comply with the requirements for accountability set out in this Code of Practice.
- 5.3 Council will consult with and provide information to the community regarding the operation of the Program and any proposed changes to the Program or Code of Practice.

6. RESPONSIBILITIES OF OTHER PARTIES TO THE PROGRAM

Principle 5

The Police and any other parties agree to the Program to act in accordance with the Code of Practice.

- 6.1 Incidents that may involve or lead to the prosecution of an individual for an offence against a person and/or jeopardised public safety and/or breached government laws and/or regulation 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 Program will include the placement of monitoring equipment and devices at the Inverell Police Station. This monitoring equipment will be available for Police to use in the course of their role in maintaining public safety. It is the responsibility of the Police to respond to incidents identified on monitoring screens to the extent that its resources and priorities allow.
- 6.3 A Memorandum of Understanding in relation to the Program will be entered into by Council and the Police outlining in detail the respective roles of Council and the Inverell 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.
- 6.4 The Council may enter into partnerships or arrangements in the conduct of the Program with other parties. These partnerships may be with the Chamber for the purposes of, but not limited to: promoting the Program; providing businesses with information; and securing support of businesses to link their own CCTV coverage that covers public footpaths and streets in the Program.

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

Other arrangements or partnerships will require the commitment to 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 Practice. The MOU and any variations to it, are to be approved by the General Manager or by Council, and are to be advised to Council.

7. ACCOUNTABILITY

Principle 6

Council will act in a professional manner and comply with all relevant legislation.

- 7.1 The Manager Information Services will produce a report annually on the operation and functioning of the Program. The report will be presented to the Economic and Community Sustainability Committee. A copy of the report will then be circulated to Council and made available to the public.
- 7.2 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 either the Director Corporate and Economic Services, or Manager Information Services. All such access shall be recorded in the register, including the identity of accompanying persons. Access to CCTV monitoring within the Inverell 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 Program.

- 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 provide Council's telephone number.
- 8.2 Copies of the Code of Practice will be made available on Council's website. The availability of the Code of Practice will be publicised in connection with any publicity arranged for the Program.
- 8.3 Inquiries in relation to the Program and its operation can be made in writing to:

The General Manager Inverell Shire Council
PO Box 138 INVERELL NSW 2360 or, alternatively, can be made by telephone on (02) 6728 8288, or email (council@inverell.nsw.gov.au).

9. ASSESSMENT OF THE SYSTEM AND CODE OF PRACTICE

Principle 8

Regular monitoring and evaluation of the Program 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 Program and implementation of the Code of Practice.
- 9.2 Council is responsible for ensuring that the Program is regularly subject to evaluation to identify whether its purposes are being complied with and whether objectives are being achieved.
- 9.3 Evaluation will be conducted by the Community Safety Committee and the external auditors may be invited to participate in this evaluation and will be carried out according to the established criteria.
- 9.4 Evaluation of the Program 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 Program,
- iv) Operation of the Code of Practice, Protocols and Standard Operating Procedures,
- v) Whether the purposes for which the Program was established still exist; and
- vi) Consideration that the Program continues to be required in the Inverell Crime Prevention Plan 2017.

9.5 The results of evaluation will be taken into account in the future function, management and operation of the Program.

10. MANAGEMENT OF THE CONTROL ROOM

Principle 9

If a Program control room is provided, staff employed to work in the control room will meet the highest standards of probity.

Principle 10

Access to the camera control room will be restricted to qualified operating staff and responsible officer identified in the Community Safety Camera Program Protocols (schedule 2) and the control room will be protected from unauthorised access.

- 10.1 In pursuit of the objectives of this Program, 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 Community Safety Camera Program Protocols); 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 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 7.2.
- 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.
- 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 CCTV facilities and associated property, with the exception of preventative maintenance and or system housekeeping by key operational staff.

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 Program.

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 Program, as outlined in the Code of Practice and Protocols.
- 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 Community Safety Camera Program Protocols).
- 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 Police, 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. The General Manager may approve such use, subject to the concurrence of the Police. 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 Program.

- 12.6 Appropriate security measures will be taken against unauthorised access to, alteration, disclosure, accidental loss or destruction of recorded material (see Community Safety Camera Program Protocols).
- 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 Program 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 the system, 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 Program by Police will be recorded by Council and will be subject to an audit.

14. BREACHES OF THE CODE

Principle 15

The Program 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 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:
 - a) In writing to:

The General Manager
Inverell Shire Council
PO Box 138
INVERELL NSW 2360
 - b) By telephone on (02) 6728 8288, or
 - c) By email (council@inverell.nsw.gov.au).

The General Manager will inform the Community Safety Committee for CCTV (see 7.1) in writing of these complaints. The *Privacy and Personal Information Protection Act 1998* authorises the Information and Privacy Commission (IPC) to receive and investigate complaints about alleged violations of privacy. Any member of the public is entitled to lodge a complaint

with the IPC. Their contact details are:

Information and Privacy Commission

Email ipcinfo@ipc.nsw.gov.au

Phone 1800 472 679

Fax 02 6446 9518

Mail GPO Box 7011, Sydney NSW 2001

14.3 Council will cooperate with the investigation of any complaint by the IPC.