

COMMUNITY LIVING DURHAM NORTH
ELECTRONIC SURVEILLANCE

Policy No: B-10 (Service Delivery)

Effective Date: January 15, 2010

Rationale:

To ensure that whenever electronic surveillance is in place, employees and supported people know that it is present and know its purpose.

Policy Statement:

Community Living Durham North will utilize electronic surveillance technology when it deems that such is necessary in order to protect the safety of supported people and employees, or in order to provide effective support and/or supervision, at reasonable cost. Only systems designed and installed by professionals specializing in the use of monitoring systems will be acquired and authorized for use.

In utilizing electronic surveillance, Management will be cognizant of people's expectations of privacy, whether or not these are based in law. Management will monitor decisions made by the federal privacy commissioner and by arbitrators in Ontario, and it will install surveillance only in situations where it believes that the tests applied by these authorities can be met.

All surveillance will be non-surreptitious. Its use will be contingent on the consent of supported people and their families, except in situations where the technology is at the core of the supports being provided. Staff will also be advised of the surveillance prior to working a shift in the location where surveillance is in place.

Management will establish procedures describing the different kinds of surveillance in use, and stipulating in each case operational detail such as when cameras will be in "on mode," which persons will be authorized to view the recorded images, how recordings will be stored and how long they will be saved.

Approved by: _____ Date: _____
for the Board of Directors

COMMUNITY LIVING DURHAM NORTH

ELECTRONIC SURVEILLANCE

Procedure No: B-10-1
Exterior Surveillance

Effective Date: October 31, 2010
Last Revision/Review: Jan. 16/17

- Some homes with video equipment have cameras trained on the exterior of the home. The purpose and positioning of these cameras varies. Certain rural properties face an element of risk insofar as they do not have benefit of street lights and emergency services will generally take longer to respond. In this situation, a camera that looks down the driveway provides some small measure of protection to both staff and supported people. These images are not sent to the monitoring station. Indeed, these homes have on-site overnight staff who are themselves the users of the system.
- A second purpose for exterior cameras is to help staff safely monitor the movements, outside of the home, of supported persons. Staff on site at Janetville, Mariposa and Island Road can use the system in this way.
- A third function is to compensate for the absence of overnight staff at Victoria, Cochrane, Low and 14701 Old Simcoe Road. Here, the exterior cameras are trained on windows and doors because the object is to help supported people refrain from engaging in certain dangerous behaviours.
- In the case of these homes without overnight support, electronic images are fed, at night, to a monitoring station and can be monitored (live) by an Awake night staff. At the time of writing, the monitoring station is our Reach Group Home, in Uxbridge. However, the group home known as Maple is equipped to assume this role upon short notice, if the Reach program experiences technical difficulties.
- All exterior surveillance is non-surreptitious; i.e. it is not a secret. Staff and supported people are made very aware that it exists.
- The live monitoring of cameras by direct care personnel is the main purpose of external surveillance.
- Recorded images can only be viewed by management and this will not be done routinely but only in response to a reported incident. In such a case, only directors and the appropriate manager(s) will be authorized to view the recordings.
- Unless already related to a reported incident (i.e. to an ongoing investigation), recorded images will be kept only for the duration of a normal record/over-write cycle, which is

approximately 24 days. If it is necessary to store (i.e. save) a recording, it will be backed-up onto a USB jump drive or DVD disk.

- Storage devices (i.e. recordings) will not be released to anyone else inside the agency, or to anyone outside of it, except upon presentation of a warrant or court order.

Procedure No: B-10-2

Effective Date: Oct. 31/10

Continuous Surveillance inside the Home - Janetville Last Revision/Review: Apr 30/16

- Interior cameras are integral to the supports we provide at Janetville - both upstairs and down. Upstairs, the person's family advocated for the installation of the surveillance. Downstairs, the use of A/V equipment has been recommended to us in view of the person's special needs. Both people receive one to one support which is inherently difficult to supervise. Because of this and other complicating factors, both employees and the people supported could be at risk.
- The supported people were informed about the surveillance prior to its installation and offered their consents.
- For staff, the surveillance is non-surreptitious. All employees are made aware of the surveillance before they begin to work in the home. An information sheet / sign-off form (H-30) is provided to staff upon hire, or upon transfer to the home, and staff will acknowledge its receipt, in writing. Also, notification that surveillance is in place will be posted just inside the entrance to the home.
- Upstairs, there is a single camera located in the living room. It is on at all times and live images can be viewed from the office that is located downstairs. Its recording capacity only activates (automatically) at 6:00 a.m. and it goes off (automatically) at 10:00 p.m. The electronic images captured on camera during this time frame may be viewed by staff, after the fact, to assist them in providing proper supports. There is no need for recorded images between 10:00 p.m. and 6:00 a.m.; they would be an unnecessary intrusion upon the O/N staff. Nor is there an audio component upstairs.
- Downstairs, two interior cameras are operational 24/7 and their recording is continuous. Also, the system includes an audio component. Live monitoring from the office area is essential in the downstairs unit as it is not always safe for the person's support staff to be with her.
- There is no feed from Janetville to the monitoring station(s).
- Management cannot view live images remotely and will not review recorded images routinely but only in response to a reported incident (for example, an *Incident Report* arising out of a behavioural episode, or an allegation made by either the supported person or by an employee). Typically, only directors and the appropriate manager(s) will be authorized to view the recorded images. However, where the trigger was a behavioural

episode on the part of a supported person, and the reason for viewing the footage is strictly clinical or educational, then, with the prior consent of the supported person, and of any employee(s) captured on the recording, the footage may be shared with other members of the support team and with the consulting behaviourist.

- Unless already related to a reported incident (i.e. to an ongoing investigation), recorded images will be kept only for the duration of a normal record/over-write cycle, which is approximately 24 days. If it is necessary to store (i.e. save) a recording, it will be backed-up onto a USB jump drive or DVD disk.
- Storage devices (i.e. recordings) will not be released to anyone else inside the agency, or to anyone outside of it, except upon presentation of a warrant or court order.

Procedure No: B-10-3

Effective Date: October 31, 2010

Continuous Surveillance inside the Home - Mariposa Last Revision/Review: Apr 30/16

- The interior camera in Mariposa is in the large downstairs living area. It feeds to a monitor in the upstairs kitchen. There is a second monitor in the office that captures both internal and external cameras. There is no audio component.
- Both monitors are only turned on when required in order to view the downstairs living area and so they are unlikely to capture the image of support staff.
- All employees are made aware of the surveillance before they begin to work in the home. An information sheet / sign-off form (H-30) is provided to staff upon hire, or upon transfer to the home, and staff will acknowledge its receipt, in writing. Also, notification that surveillance is in place will be posted just inside the entrance to the home.
- Mariposa's system has no recording capacity and cannot be used except in live mode. In its purpose, and in terms of the technology, it is much like a baby monitor. Its purpose is not to monitor the conduct of staff.
- The monitor in the kitchen can potentially be viewed by tradesmen or by anyone who visits that area of the home. Staff must protect people's privacy by turning off the monitor when guests are present. An access hole has been drilled into the monitor's protective cover for this purpose.

Procedure No: B-10-4

Effective Date: Apr. 14/15

Continuous Surveillance inside the Home - Cochrane Last Revision/Review: Apr 30/16

- The interior camera in Cochrane is in the downstairs living area. It feeds to a monitor in

the upstairs office where live images can be viewed. This monitor is always on; there is no audio component. Direct care staff cannot access recorded images.

- All employees are made aware of the surveillance before they begin to work in the home. An information sheet / sign-off form (H-30) is provided to staff upon hire, or upon transfer to the home, and staff will acknowledge its receipt, in writing. Also, notification that surveillance is in place will be posted just inside the entrance to the home.
- The supported people were informed about the surveillance prior to its installation and offered their consents.
- Management can view live images remotely and can also access recently recorded images. However, it will do neither routinely, but only in response to a reported incident (for example, an *Incident Report* arising out of a behavioural episode, or an allegation made by either the supported person or by an employee). Typically, only directors and the appropriate manager(s) will be authorized to view images. However, where the trigger was a behavioural episode on the part of a supported person, and the reason for viewing the footage is strictly clinical or educational, then, with the prior consent of the supported person, and of any employee(s) captured on the recording, the footage may be shared with other members of the support team and with the consulting behaviouralist.
- There is a feed from Cochrane to the monitoring station(s) that is viewed only between 10 p.m. and 8 a.m. (see B-10-8 below).

Procedure No: B-10-5

Continuous Surveillance inside the Home - Simcoe

Effective Date: Apr. 23/14

Last Revision/Review: Apr 30/16

- Management believes that the surveillance system in place at Simcoe is necessary to protect staff and, potentially, to protect supported people as well.
- The interior cameras in Simcoe are in the main living area, kitchen and north hallway. They continuously record to a DVR located at Simcoe. There is no audio component at Simcoe and no feed to the monitoring station(s).
- Management can view live images remotely and can also access recently recorded images. However, it will do neither routinely, but only in response to a reported incident (for example, an *Incident Report* arising out of a behavioural episode, or an allegation made by a supported person, employee or family member). Typically, only directors and the appropriate manager(s) will be authorized to view images.
- Supported people and family members were consulted prior to activating the surveillance system.

- For staff, the surveillance is non-surreptitious. All employees are made aware of the surveillance before they begin to work in the home. An information sheet / sign-off form (H-30) is provided to staff upon hire, or upon transfer to the home, and staff will acknowledge its receipt, in writing. Also, notification that surveillance is in place will be posted just inside the entrance to the home.
- Unless already related to a reported incident (i.e. to an ongoing investigation), recordings will be kept only for the duration of a normal record/over-write cycle, which is approximately 21 days. If it is necessary to store (i.e. save) a recording, it will be backed-up onto a USB jump drive or DVD disk.
- Storage devices (i.e. recordings) will not be released to anyone else inside the agency, or to anyone outside of it, except upon presentation of a warrant or court order.

Procedure No: B-10-6

Effective Date: Sept. 22/17

**Continuous Surveillance inside the Home and to
Provide Overnight Support – Hwy 7A**

Last Revision/Review:

- The interior cameras in Hwy 7A are in the large downstairs and upstairs living areas. The downstairs camera feeds to a monitor in the upstairs kitchen. The cameras continuously record to a DVR located at Hwy 7A. There is no audio component and its purpose is not to monitor the conduct of staff.
- The monitor is only turned on when required in order to view the downstairs living area and so they are unlikely to capture the image of support staff.
- All employees are made aware of the surveillance before they begin to work in the home. An information sheet / sign-off form (H-30) is provided to staff upon hire, or upon transfer to the home, and staff will acknowledge its receipt, in writing. Also, notification that surveillance is in place will be posted just inside the entrance to the home.
- The monitor in the kitchen can potentially be viewed by tradesmen or by anyone who visits that area of the home. Staff must protect people's privacy by turning off the monitor when guests are present.
- Management can view live images remotely and can also access recently recorded images. However, it will do neither routinely, but only in response to a reported incident (for example, an *Incident Report* arising out of a behavioural episode, or an allegation made by a supported person, employee or family member). Typically, only directors and the appropriate manager(s) will be authorized to view images.
- Hwy 7A has an overnight staff (on the lower level) but to guard against certain contingencies, the monitoring station, as of 10 p.m. each evening, will be able to monitor the main floor only.

- In the event that overnight staff are leaving the premises (because of an AWOL incident), they are to contact the monitoring station to advise them of their departure, and that the On-call Manager should be notified in the event of a further issue. Upon returning, the monitoring station must again be advised.

Procedure No: B-10-7

Effective Date: October 31, 2010

**Surveillance Technology used to provide
Overnight Support**

Last Revision/Review: Apr. 30/16

- This kind of surveillance is used in four homes (Victoria, Cochrane, Low, and 14701 Old Simcoe Road) as an alternative to having Overnight staff on site. It is appropriate for only certain people, with certain support needs.
- This surveillance involves multiple cameras and the arming of exterior doors. Cameras are then activated either by motion or by the opening of the armed doors. The system also includes an independent audio component that can be activated at any time, either by someone in the home that is monitored, or by staff at the monitoring station.
- Only common areas of the home will be monitored; cameras will not have a view of bedrooms or bathrooms.
- Supported people will be made aware that the cameras and recording devices are in place. How the system works will be fully explained to them. In fact, each person will have an opportunity to visit the monitoring station, view the inside of their home on camera, talk to their house-mates, etc.
- It is anticipated that supported people will feel that their privacy and their sense of ownership is improved by this system, in that the alternative is an Asleep staff installed on a couch or cot in their living room, or elsewhere in their house. However, supported persons may decide not to participate in this audio-video support system. In this case, they may elect to transfer into a group home that provides traditional overnight supports.
- In terms of transmitting images to the monitoring station, standard “on” and “off” cycles will be programmed into each system. At the time of writing, this is 10:00 p.m. (ON) to 8:00 a.m. (OFF) at Cochrane, Low, Victoria, 14701 Old Simcoe and Hwy.7A. However, it is possible to change or temporarily override these settings as the need arises.
- To be clear, even when the feed to Reach Street (or to Maple) is turned off, the system in each of these homes continues to function and images continue to be recorded. That is in the nature of the technology. However, images cannot be viewed during the day at Reach Street because the computer is turned off. Within the homes (i.e. within Victoria, Low, 14701, Cochrane and Hwy7A) live images can only be viewed on the monitor at Cochrane; they cannot be viewed at Low, Victoria or 14701 because the monitors in those programs are to be left off at all times. They are strictly for the use of our IT

Manager when it is necessary for her to deal with technical malfunctions. That said, if a complaint or some other situation compels management to review a tape, it may then be used as evidence in disciplinary proceedings. Similarly, access to recorded images will not be denied to investigating police services.

- The doors must be armed manually by entering a code into a key pad on the door. Staff will perform this task as they complete their shift. House specific information on how to activate and deactivate the door alarms is kept in the Program Information Binder.
- The electronic images are fed, at night, to the monitoring station where they will be monitored by the Awake night staff. Although based at Reach Street (or at Maple), this overnight staff (in programmatic terms) will be considered a part of the support team at the three locations that are monitored in this way. He or she will have to know all three sets of individuals and be familiar with all of their Support Plans. Only in this way can he or she have a good sense of where risk lies, how to communicate effectively with each person, etc.
- If an armed door is opened, the video screen will be activated and the image will be visible to the monitoring station's staff. Moreover, an email will be sent to the monitoring station's computer and to the staff's Blackberry which he or she will carry if temporarily away from the monitoring screen. The staff will be required to acknowledge the message, which can be done with a simple key stroke.
- In most situations, the monitoring staff will be able to problem solve the issue, with the supported persons, or dissuade the supported person(s) from indulging in risky behavior, via the audio component of the system. When this is not possible, or when faced with a different kind of emergency, the monitoring station's staff will call the on call manager and possibly also 911, if appropriate. Should the on call manager not respond, the monitoring staff will proceed in accordance with B-15 *Emergency Response and Reporting System*.
- If the problem is technical in nature (e.g. the camera system is not working) then the first call will go to the back-up site, i.e. Maple, which will then take over the monitoring function. The on-call Manager will be called only if imaging problems arise at both sites. On call Managers are equipped with a back-up computer that will also receive the video feed.
- In the event of a power outage, Reach has a generator and a battery pack with a 3 to 4 hour life span. Maple too has a generator.
- Recorded images will not be reviewed routinely, but rather only in response to a reported incident. Such an incident is unlikely to involve staff who will not typically be present during the overnight. The appearance at the door of uninvited guests is a more likely occurrence. Recorded images might also be used for educational purposes. By viewing how supported individuals responded to an emergency, support staff may gain more

insight into their skills and challenges. The individuals themselves might learn from viewing their own earlier responses. The viewing/hearing of any recorded images or voices, by any staff, will require the time specific approval of the supported persons concerned. Only the live monitoring performed by the monitoring station is routine and consented to in a more blanket way.

- Unless already related to a reported incident (i.e. to an ongoing investigation), recorded images will be kept only for the duration of a normal record/over-write cycle, which is approximately 24 days. If it is necessary to store (i.e. save) a recording, it will be backed-up onto a USB jump drive or DVD disk.
- Storage devices (i.e. recordings) will not be released to anyone else inside the agency, or to anyone outside of it, except upon presentation of a warrant or court order.

Procedure No: B-10-8
General Matters

Effective Date: October 31, 2010
Last Revision/Review: Apr. 30/16

- In the event that allegations are made about a program that has surveillance technology, and the allegations point to a possible criminal offense, management will not view the tapes. Policy/procedure B-19-3 states that the agency will refer such matters to the police and not conduct parallel investigations.
- The video systems are virtually maintenance free and group home staff are not required to learn about, or use, the software, or even to turn the systems on and off. Instructions on how to view recorded images, and even the remote used for this purpose, are intentionally kept off-site in order to better protect the privacy of all concerned.
- Any significant change in the nature of the equipment, or in the way it is to be used, will be discussed with the people supported, their families, and with our staff.
- Every employee assigned to work in a location where video is in place will have the system and its purpose explained to him or her. This very basic training will include specific reference to the rights of supported people and to the consent issues involved.
- The O/N Awake staff at the monitoring station(s) will receive a more in depth training, and this training will of course be shared by any staff who might potentially fill in for them.
- In the event of a power outage, all of the systems except Mariposa's have back-up battery packs (i.e. uninterrupted power supplies, or UPS). The battery packs have a life of three to four hours.

- The remaining strength of each battery pack will be monitored during the regular monthly compliance checks that are performed by an external contractor.

Approved by: _____
CEO

Date: _____