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# Tasmania Police Body Worn Camera Guidelines

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# 1. Background

These Guidelines apply to members of Tasmania Police who use body worn cameras (BWC) in the performance of their duties.

The introduction of BWC technology is aimed at improving the safety of police officers, and to provide the means by which to obtain, securely store and retrieve quality contemporaneous evidence. In turn these capabilities will provide greater efficiency in the provision of police services to the Tasmanian community.

The use of BWC by police officers will also further contribute to high levels of professionalism and accountability across the Department of Police, Fire and Emergency Management (DPFEM).

## Key Definitions

<b>Body Worn Camera (BWC)</b>	A BWC is any overt device with the primary purpose of making an audio and/or visual recording. Equipment such as smartphones, digital cameras, handheld video cameras and covert devices do not fall into this policy.
<b>Critical Incident</b>	As defined in Section 1.30.5 of the TPM
<b>Impractical</b>	Where an incident has commenced or escalated at such a pace an officer has been unable to commence a recording prior to responding, e.g. an officer is assaulted without warning and is required to immediately defend themselves or apply a use of force.
<b>Performance of duty</b>	A police officer acting in the normal course of their duty.
<b>Members</b>	For the purpose of these Guidelines, 'members' refers to sworn members of Tasmania Police.
<b>Must</b>	Indicates a mandatory action.

<b>Restricted Access</b>	Indicates that viewing is granted to staff who have specific operational necessity
<b>Serious Incident</b>	As defined in Section 13.3.2 of the TPM
<b>Should</b>	Indicates a recommended action to be followed unless there are sound reasons for taking a different course of action
<b>Supervisor</b>	Means a member of the rank of sergeant and includes a member acting at the rank of sergeant.
<b>Senior officer</b>	Means a member of the rank of inspector or above and includes a member acting at the rank of inspector.
<b>General user</b>	Means a member who performs frontline uniform and/or road and public order duties, and who uses a body worn camera to record and upload footage in the performance of those duties.
<b>Unclothed Search</b>	Replaces the term 'Strip Search' and means a search, other than a body cavity search, in which the person searched is required to remove most or all of his or her clothes.
<b>Youth</b>	'Youth' has the same meaning as the <a href="#"><u>Youth Justice Act 1997</u></a>

## 2. Specific operational scenarios

### 2.1

Members must commence BWC recording in the following specific circumstances unless there are legal or operational reasons not to do so:

- when a member could be reasonably expected to act in an enforcement capacity, including attendance at all operational incidents
- when a member decides to use statutory powers to stop a motor vehicle in order to engage with one or more of the occupants
- when a member engages in a pursuit or is involved in a situation where a person uses a vehicle to evade police
- when a member is going to use force, to effect an arrest, or to take someone into custody (e.g. mental health and breath analysis)
- prior to entering, with or without a warrant, any privately owned land, building, structure, premises, aircraft, vehicle or vessel in pursuance of any legal power in order to search those premises
- when a member decides to conduct the search of a person, land, building, structure, premises, aircraft, vehicle or vessel in accordance with any Act or any other statutory power, with the exception of an unclothed search of a youth which is to be audio recorded (see section 21 of these Guidelines)
- when a member stops a person in a public place due to a reasonable suspicion that they have committed, are committing, or are about to commit an offence
- when a member believes an interaction presents, or is likely to present a risk to the safety of the member or other persons present, or
- where a member gives a direction to an individual or group under any statutory power (for example, a formal direction to leave an area).
- The BWC guidelines are to be used in conjunction with Section 2.7.9 of the *Tasmania Police Manual*.

### 2.2

Members are not required to verbally announce the fact that they are recording an interaction, however, may use their discretion to do so. Making a verbal announcement may, in some circumstances, assist to calm a volatile situation.

### 2.3

Should a member cite legal or operational reasons for not recording an event as outlined above, or where the member otherwise decides that making a BWC recording

is not appropriate, the member must record the justification for that decision in their police notebook, tablet or other record of the incident. Members may be called upon to justify their actions.

## 3. Other scenarios

### 3.1

Section 11 of the *Court Security Act 2017* (TAS) prohibits the use of recording devices within court rooms. Members giving evidence or otherwise present within a sitting court room must ensure that BWC devices are not used unless the prior permission is granted by the presiding magistrate or justice.

### 3.2

Members must be mindful to respect legal privilege and should not record material that is, or is likely to be, subject to such protections. Legal privilege is a rule of law protecting communications between legal practitioners and their clients from disclosure under compulsion of court or statute. Legal privilege may also involve, for example, a patient's right to privacy in respect of their discussions with a medical practitioner.

### 3.3

Members should be mindful of recording in environments where it could be reasonably expected that members of the public should be afforded a higher degree of privacy, or where material of a highly sensitive nature may be captured without reason. In such cases, members should consider if the need to record events in such circumstances is outweighed by the reasonable right to privacy of the individuals or groups concerned.

### 3.4

Recording in the following situations (not exhaustive) may require additional consideration and assessment by individual members prior to recording:

- where a member attends an operational incident at a public toilet block or at public changing room facilities
- where a member attends an operational incident at a childcare centre or school
- where members are in attendance at emergency treatment areas at public or private hospitals

- where members attend military establishments in the performance of their duties
- where members are present at parliamentary premises.

### **3.5**

Recording in environments outlined in 3.3 should, where practicable, be restricted to those individuals and areas where it is necessary in order to provide evidence or intelligence relevant to the incident. It is important that, where practicable, members minimise collateral intrusion on those not involved in the incident.

### **3.6**

There may be other operational environments where the continuous recording of BWC footage may not be practicable. Such situations may include, but are not limited to:

- performing prolonged periods of point duty
- guarding crime scenes for prolonged periods of time
- conducting 'fire watch' for prolonged periods.

### **3.7**

Should members not record an incident for any reason, the reasons why the recording has not occurred must be documented by the member in their police notebook or other record of the incident (for example, within the incident report).

### **3.8**

When initially attending an incident where death or serious injury to police, the public or substantial damage to property has occurred, is occurring or is likely to occur, BWC recording should be continuous until directed otherwise by a senior officer or supervisor.

### **3.9**

Where specialist tactics or equipment may be required to disperse a crowd or resolve an incident, members should continue recording until directed otherwise by a senior officer or supervisor, or the device runs out of recording space or power, whichever occurs first.



### **3.10**

There may be circumstances where selective capture of parts of the incident may be necessary. This may be at particularly lengthy incidents where nothing of evidential value is likely to occur, for example when conducting fire watch or point duty for extended periods. Members should be mindful that such selective capture could lead to potential challenges at court if care is not exercised, therefore justification for such actions should be recorded verbally prior to ceasing recording, or in the member's police notebook.

### **3.11**

It is the preferred option that recording is continuous. Members will have the ability to redact footage within Evidence.com at a later stage if required.

### **3.12**

In line with 3.10, a member must make a written record of any selective BWC capture in their police notebook or on the relevant incident report. Prior to any temporary suspension of recording the member should make a verbal announcement explaining the reason for the suspension and obtain the other person's consent if applicable. The video should then be recommenced with any persons present confirming they express no concerns with police actions during the pause in footage.

### **3.13**

On recommencing recording, the member should announce to those present that video and audio recording has restarted.

### **3.14**

There may be occasions where the recording is inadvertently stopped during an incident. Examples may include:

- the BWC device becomes dislodged during a struggle
- technical failure
- the view of the camera becomes obscured or the microphone becomes covered.

In these circumstances, members should be prepared to explain the circumstances and make a written record in their notebook or within the relevant incident report, e.g. within the fire report; use of force report etc.

### 3.15

Should members wish to use still images or a clip from BWC for a forensic or identifying procedure then the existing provisions and processes will apply.

## 4. Exemptions

### 4.1 On request

#### 4.1.1

Members may encounter individuals or groups who specifically request that any encounter or interaction is recorded, even if the member does not feel that there is any evidential reason to do so. In such cases, members should record such an encounter, but should remind the person requesting the recording that, unless there is an evidential reason to retain the footage, the footage will be automatically disposed of in line with existing guidelines after 12 months.

### 4.2 Objections to recording

#### 4.2.1

There may be occasions where a person objects to being recorded, or withdraws their consent. Members may record overt video and audio without consent in the performance of their duties. The decision to continue recording will remain with the member, who should consider the objections made by the person in respect of the recording. Recording should continue unless the objections made outweigh the need to record the encounter.

#### 4.2.2

Members may, at their discretion, advise persons they are interacting with that the interaction is being recorded.

#### 4.2.3

Members should be aware of section 5 of the *Listening Devices Act 1991 (TAS)* and the provisions of the *Police Powers (Surveillance Devices) Act 2006 (TAS)*.

## 5. Instructions/procedures

### 5.1 Departmentally approved BWC devices

#### 5.1.1

The departmentally approved BWC device issued to members is the 'Axon Body 3', 'Axon Body 2', 'Axon Flex 2' and the approved web-based evidence management system is 'Evidence.com'.

### 5.2 Prior to recording

#### 5.2.1

Members must be aware that BWC is an overt recording mechanism and must be worn at the front of the Multi-Purpose Integrated Protection Vest (MIPV) or on the chest if a member is in plain clothes. If used in a covert manner without necessary authorities, then there is a risk of evidence being ruled inadmissible and being excluded by the court, or the officer being in breach of legislative requirements.

#### 5.2.2

Members should only use BWC devices that have been assigned to them via Evidence.com. Whilst attached to a particular station (for example, Hobart Uniform), members must only use their assigned BWC device. When members transfer between stations, divisional sergeants must re-assign BWC devices accordingly within Evidence.com.

The following image provides the overt mounting position at the front of the MIPV:



## 6. Cessation to recording

### 6.1

The decision to stop recording rests with the individual member. However, members should be satisfied that, in making the decision to stop recording, the risk of not capturing evidential material is minimised.

### 6.2

Members should cease recording where:

- the incident has concluded
- they are directed by a senior officer or supervisor to stop recording in accordance with section 3.8 or 3.9 of these Guidelines
- a fixed recording system such as Watch House Closed Circuit Television (CCTV) is present. Such a system takes primacy for recording the encounter with the subject. Where no CCTV facilities are available at the police station (i.e. country stations) BWC should be used
- a member decides to stop recording after consideration of circumstances of an objection, including in situations listed in section 3 of these Guidelines, or
- there are sound reasons to stop recording – e.g. if, following a preliminary investigation, there is no likelihood of evidential material being recovered or used.

### 6.3

Members may face criticism or challenge if they cease recording too early or prior to the conclusion of an incident or encounter. Therefore, recording should continue until it is clear from the footage that the points above are satisfied – e.g. by members recording themselves clearly leaving the scene; by making an announcement that a different recording system has taken over; or by documenting the reason why the recording ceased.

### 6.4

In response to serious incidents where a Forward Commander has been appointed, members at the scene should continue to record until directed otherwise by that member

### 6.5

BWC must not be used by members to record conversations and other activities within a Police Forward Command Post or Police Operations Centre.

### 6.6

If a member's lawful authority to enter premises ceases to be valid then the recording should cease once the member has left the premises. For example, if entry was gained under the provisions of the *Justices Act 1959* to prevent a breach of the peace and grounds for remaining on the premises no longer exist, members should cease recording once they have departed from the scene.

### 6.7

If members enter premises lawfully only with consent of the owner or lawful occupier, and that consent is subsequently withdrawn, members should not cease the use of BWC until they have departed the scene.

## **7. Conclusion of duty**

### **7.1**

At the conclusion of duty the member in possession of the BWC device must dock the device in the supplied docking station for charging and data upload.

## **8. Family violence**

### **8.1**

The use of BWC can be beneficial for victims, children and members of Tasmania Police in responding to incidents of family violence. The benefits of capturing evidence of demeanour, language, the scene and the behaviour of those present can be used to support family violence investigations and associated prosecutions.

### **8.2**

Members should record any account of victims or witnesses to a family violence incident to establish what occurred. Should a more detailed account be required, consideration should be given to obtaining a formal, written statement in line with existing procedures.

### **8.3**

This recording may provide evidence to support grounds for a prosecution where a victim or witness is reluctant to provide a written statement or is otherwise unwilling to assist in a prosecution.

### **8.4**

Members must be mindful that BWC footage may also be required as evidence in civil proceedings. Members should seek advice if necessary from their supervisor to determine whether such footage needs to be retained in these cases.

## 9. Victim/Written Statements

### 9.1

BWC recordings do not replace the need for formal written statements from victims and witnesses, but shall rather be used as supporting evidence for written statements and other evidence obtained.

### 9.2

Witnesses should not be asked if they wish to 'attend court' as a witness and there should not be any referral to them wishing to have a person 'charged'.

### 9.3

Audio visual statements should not include personal information of the witness such as address, phone number or other personal particulars that are not already known to a suspect.

### 9.4

BWC recordings may provide valuable evidence of a victim's emotions and the existence of any injuries.

### 9.5

Should members be recording victims of offences, the member should seek the victim's explicit permission for the BWC recording of such an account. Evidence of this consent should, unless impractical, be recorded. This is to ensure police are cognisant of the victim's rights and compassionate to those who require police services.

### 9.6

The admissibility of evidence obtained by BWC devices is subject to the provisions, exceptions and limitations imposed by the *Evidence Act 2001* (TAS) and relevant case law.

## 9.7

In certain cases under the provisions of the *Evidence (Children and Special Witnesses) Act 2001 (TAS)*, audio visual statements may be admitted to evidence, including for family violence matters.

## 9.8

In situations with multiple victims and/or witnesses, members should, where practicable, separate the individual accounts by adding 'markers' to the footage.

## 9.9

Subsequent to an incident, witnesses may be shown footage directly relevant to them in order to refresh their memory of the encounter. This should occur only once a witness has already provided an account based on their recollection. Witnesses should only be shown footage where they are directly concerned and no other footage should be shown. This is not to be undertaken in an attempt to conduct a street identification of suspects.

## 9.10

A record of any such viewing, including the time frames of any video, should be made. It is strongly recommended that, wherever practicable, such viewings take place under controlled conditions and with the subsequent approval of a senior officer or supervisor. This may minimise any allegations that witnesses were coached or shown other footage.



# 10. Suspect interviews

## 10.1

Records of interview should be conducted where possible with the use of existing electronic interview machines at police stations. BWC may, however, be used to record an initial account from suspects, including admissions under caution, away from a police station.

## 10.2

Suspects who are under arrest must be given their right to communicate in accordance with the *Criminal Law (Detention and Interrogation) Act 1995* (TAS) prior to official questioning, unless otherwise being held 'incommunicado'.

## 10.3

Where a suspect is held incommunicado, questioning can only occur where a suspect has acknowledged that he/she does not wish to contact anyone prior to such questioning occurring (*Tasmania v Hudson and Whiting* [2012] TASSC 31). Otherwise questioning should be deferred until the holding of the suspect incommunicado has been lifted and the suspect has been able to communicate as he/she has requested.

## 10.4

BWC may, at the discretion of a senior officer or supervisor, be used to record interviews for serious crimes or offences where there has been a malfunction with standard electronic interview equipment.

In such cases, members must take care to ensure that no other persons in custody are recorded and provide an introduction to the BWC recording that clearly explains the reasons why the interview was not conducted in line with standard practice.

## 10.5

CCTV, where available at police stations should take primacy over BWC recordings, including for breath analysis procedures and processing of prisoners. At stations where CCTV is not available, such activities should be recorded using a BWC device.

# 11. Search warrants and investigations

## 11.1

So as not to cause conflict with existing policy, all use of BWC in relation to search warrants must be conducted in accordance with the provisions of the *Search Warrants Act 1997* (TAS) and instructions contained within the *Tasmania Police Manual (TPM)*.

## 11.2

In the absence of existing recording equipment used at searches, it is recommended that members keep BWC devices running through the entirety of a search and each member present should wear a BWC device (if issued), unless impractical to do so. If a specific work area or members are not issued with BWC devices, then these Guidelines do not apply to those members.

## 11.3

The use of BWC to support criminal investigations and prosecutions is encouraged. Where relevant, investigators should inform prosecutors of the presence of BWC footage at an early stage, by entering details into the relevant section of the 'Combined Brief and Fact Form'.

# 12. Management of serious or critical incidents

## 12.1

Any footage relating to a serious incident should be marked as evidentiary regardless of its status within an investigation.

## 12.2

Footage recorded during a serious or critical incident should be categorised as 'restricted access' (as per Section 3 of the guidelines) as early as practicable by either the member, Professional Standards or the OIC, Forensic Services.

## 13. Use of force

### 13.1

At incidents where members use force, or where there is a likelihood that the use of force may be necessary, the use of BWC is an effective means of corroborating the facts of the incident for later presentation as evidence and can also demonstrate transparency in respect of police actions.

### 13.2

Where it is not possible to commence recording prior to force being used – e.g., when members face spontaneous or unexpected violence, the member should commence recording as soon as it is reasonably practicable to do so.

In such circumstances, members must appropriately document and explain why the recording of events was impracticable in the subsequent IAPro (Blue Team) Use of Force Report. These details should be documented within the field relevant to BWC recordings.

### 13.3

Members capturing police use of force incidents on BWC must appropriately categorise the footage as 'use of force', which will apply the minimum retention period to that recording in the event it is required as evidence.

### 13.4

BWC devices are configured to continually operate in 'buffering' mode, meaning that all BWC devices will 'back-capture' 30 seconds of visual recording, from the time the 'record' button is activated. Members must be mindful, however, that BWC are unlikely to capture the whole circumstances of any incident.

### 13.5

BWC recordings cannot justify, in isolation, any use of force. Members must still justify their actions, perceptions and decisions based on their beliefs at the time of the incident and the availability of other evidence.

## 14. Professional Standards

### 14.1

Complaints against police will be dealt with under the *Tasmania Police Abacus Model*.

### 14.2

BWC footage can assist in resolving complaints against police and may be used to expedite the process to resolve complaints.

### 14.3

Senior officers and supervisors have a responsibility to conduct preliminary enquiries and attempt to resolve complaints against police, including internally raised matters in the first instance.

Members conducting these enquiries should view any relevant BWC footage at the earliest opportunity in an attempt to ascertain if the matter can be resolved at an early stage, or the necessity exists to re-categorise the complaint in accordance with Abacus.

### 14.4

The monitoring of an individual member's footage, which is not connected to a specific investigation must not be commenced without the approval of the Commander, Professional Standards. Where an individual member's footage is monitored, the member must be notified in writing that this has occurred, unless doing so would likely compromise any investigation that may arise as a result of that monitoring.

### 14.5

Where police officers have been involved in a serious incident, they ***should not*** be provided access or review their BWC footage prior to providing their initial account of what occurred.

### 14.6

Although all activities within Evidence.com are captured as an audit log event, any viewing of footage by persons outside of DPFEM should be recorded separately by the investigating member in a notebook or the 'comments' section within Evidence.com. In such circumstances, consideration should be given to whether non-connected persons

captured on the recording should be obscured or redacted, prior to the viewing by the complainant.

## **14.7**

If the matter is to be treated as a formal complaint against police, any relevant BWC footage should be secured immediately, marked as evidence and treated accordingly.

## **14.8**

Supervisors and senior officers may consider reviewing BWC footage relating to their members as a supervision tool and as a means of improving performance, or to identify training needs. Access solely for these purposes must not occur without the consent of the member involved.

## **14.9**

BWC footage of an unclothed search should only be reviewed where a complaint (including internally raised matters) has been raised.

## **14.10**

When reviewing footage in the circumstances outlined in 14.8, supervisors should make a note of the fact they have done so and a brief reason for reviewing the particular piece of footage on the member's performance assessment document.

## **14.11**

All activities within Evidence.com are captured as an audit log event and may be subject to audit to ensure member compliance regarding Systems Access.

# **15. Right to Information**

## **15.1**

Members of the public requesting access to BWC footage will have the release dealt with under the current requirements of the *Right to Information Act 2009* (TAS).

## **15.2**

BWC footage is considered 'information' pursuant to the *Right to Information Act 2009* (TAS) and as such, all footage captured by a BWC device is subject to the disclosure and protection provisions specified under that Act.

# **16. Prosecution disclosure**

## **16.1**

Disclosure of BWC footage to charged persons will be conducted in accordance with the existing protocols established in prosecution divisions, and the requirements of the *Right to Information Act 2009* (TAS).

## **16.2 Represented persons**

### **16.2.1**

BWC footage may be disclosed to the legal representative of a defendant via an electronic link to an email address. This link will allow access to the footage for a specified period.

### **16.2.2**

Footage will be watermarked, and an audit trail will be created each time the link is accessed.

### **16.2.3**

Disclosure personnel should record the disclosure of the footage on the court file in line with existing procedures.

## **16.3 Unrepresented persons**

### **16.3.1**

A charged person who has no legal representation will be able to view BWC footage by making an appointment with disclosure personnel, within regional prosecution

services and viewing the footage at a police station, on a case by case basis. Such arrangements will be made within normal business hours, Monday to Friday.

## **17. Intelligence**

### **17.1**

BWC footage and related metadata may be used for intelligence purposes.

### **17.2**

Members should be mindful that, depending on the category assigned to a piece of BWC evidence, evidence will be disposed of in accordance with retention schedule requirements.

## **18. Data Protection and Access to Footage**

### **18.1**

DPFEM employees must only access BWC footage for work related purposes and in accordance with existing information access policies. In accordance with established DPFEM procedures, all employees' activities relating to the access of BWC footage will automatically be captured as a system event and subject to audit.

### **18.2**

Members of the public requesting access to BWC footage should be directed to follow routine processes through Right to Information Services.

### **18.3**

Members are to be aware of the requirements Tasmanian Government Information Security Policy and the DPFEM Information Security Policy. Members are not to release BWC recordings to persons outside of DPFEM, unless acting on the advice of Right to Information Services. This does not apply to Prosecution Services in the course of routine disclosures relevant to criminal proceedings.

## **18.4**

BWC footage must not be copied onto non-authorised portable media devices (except for circumstances outlined in 19.11) and members must not record the playback of footage from the BWC with a personal video recorder, including a mobile phone device.

## **18.5**

To support staff health and wellbeing, graphic or confronting BWC recordings, including recordings of serious and critical incidents, shall be access restricted as soon as practicable following upload to Evidence.com. Access to view such recordings must only be granted to staff who have specific operational necessity. Exposure to such recordings should be minimised wherever possible to reduce the psychological impact and mitigate the risk of vicarious trauma.

## **18.6**

All BWC footage should have the 'redaction' process applied where necessary, on the advice of Prosecution Services or Right to Information Services, as the case may be.

## **18.7**

Failure to comply with the above may leave members open to allegations of impropriety and may constitute an offence.

# **19. Storage/classification of footage**

## **19.1**

All BWC footage, including all data captured by BWC devices and stored within Evidence.com, is in its entirety, owned by Tasmania Police.

## **19.2**

Non-evidential material must be categorised appropriately as '*non-evidentiary*' and will be automatically disposed of at the expiration of twelve (12) months.

## **19.3**

The BWC technology prevents the deletion or editing of all recordings prior to upload, ensuring the highest levels of integrity and accountability are maintained. Should an



upload be interrupted in any way, the upload process and footage will not be compromised.

## **19.4**

The collection, management and release of images from BWC to the public and external stakeholders is governed by the *Right to Information Act 2009* (TAS) and associated Information Privacy Principles (IPP). Any requests for images or information from BWC made by the public or other external agencies must be directed to Right to Information Services, Strategy and Support.

## **19.5**

Members must decide whether footage captured is likely to be required as evidence at a future point and allocate a 'category' to the footage, which will automatically apply the associated retention policy. Evidential footage should be marked accordingly. For example, evidence of an assault would be categorised as such and Evidence.com will then automatically apply the appropriate retention period in accordance with the *Archives Act 1983* (TAS).

## **19.6**

Where an unclothed search has occurred the BWC footage must be clearly identified within the Evidence.com system and titled to include the wording 'unclothed search'. Members must upload the footage under the 'unclothed search' category which will restrict viewable access following upload.

## **19.7**

General footage of no evidentiary value should be categorised as 'non-evidentiary' (automatically disposed of at the expiration of 12 months).

## **19.8**

All BWC footage should be uploaded during or at the end of each shift, or in cases where this is not possible, as soon as practicable. This will ensure that the footage and evidential continuity is secure.

## **19.9**

All recorded data is police information and is subject to the requirements relating to the management of information.

## **19.10**

Where an investigation is taken over by another member the responsibility as to whether the continued retention of footage is required will pass to that member.

## **19.11**

Simply retaining footage as 'evidentiary' in case it may be required is not a satisfactory justification and the investigating member, in each instance, must be able to justify why footage needs to be retained on a case by case basis.

## **19.12**

Any working copies of BWC evidence that are produced during the course of an investigation should be retained until the conclusion of proceedings (including any known appeals process, if applicable). When no longer required, such copies should be securely disposed of in line with current policy and procedure.

## **19.13**

It is not necessary to produce a 'master' copy on each occasion. The master copy is the first complete viewable footage of any upload and should be retained on the server. If required by the court, a copy of the original footage must be produced (to DVD or USB) and provided as required.

## **19.14**

In order to prove the authenticity of recordings required as evidence in a criminal proceeding, it may be necessary for members to provide evidence of continuity in their proof of evidence or Statutory Declaration. Such evidence confirms that any securely stored master copy (as above) has not been tampered with in any way. Examples are available to members via the body worn camera intranet page.

## **19.15**

Members must be mindful that all metadata associated with BWC recordings, including titles and notes added by members in free-text fields, are subject to disclosure and RTI provisions. Members must take care to ensure that any metadata added to BWC or other footage could not be construed as inappropriate, offensive or discriminatory.

### **19.16**

The release of BWC material to the media will be the sole responsibility of Tasmania Police Media and Communications, in consultation with the inspector responsible for the member/s involved.

### **19.17**

Prior to the release of any BWC material to the media, Professional Standards are to be consulted to ensure the footage does not form part of an ongoing investigation.

### **19.18**

Media and Communications may release BWC footage, including still images, to assist with the identification of persons or property, and to otherwise assist investigations.

## **20. Documentation**

### **20.1**

The use of BWC does not replace the need to take statements or complete records of encounters such as notebook entries.

### **20.2**

Notes relating to incidents that have been recorded on BWC should clearly state this fact and should also include whether the footage has been reviewed prior to the writing of any notes.

### **20.3**

Where a person is unclothed searched as part of the police custody process, and that search is recorded on BWC, the custody officer must make a notation within the Online Charging Record.

# 21. Strip searches/Unclothed searches

## 21.1

Members must upload the BWC footage of an unclothed search under the 'unclothed search' category within Evidence.com.

## 21.2

BWC devices should not be used to capture visual recordings of unclothed searches of youths. Members conducting unclothed searches of a youth should remove the BWC device and turn the device away from the person being searched, enabling audio recordings to still be captured where possible.

When a parent or guardian is present, members should consider the need to audio record the search of a youth against the risk of potential allegation(s).

Members must notify the individual being searched that the search audio is being recorded.

## 21.3

BWC devices may be used to capture visual recordings of unclothed searches of adults.

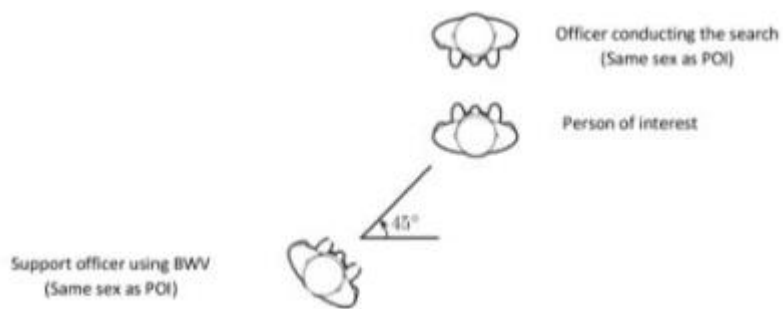
Members must notify the individual being searched that the search is being filmed.

## 21.4

When an unclothed search is being conducted in a police station where CCTV footage is active and it is not practicable to disable the CCTV, such as a Watch House, the officer in charge is to ensure that the vision produced during the search is not being monitored by a person that would not otherwise be authorised to assist directly with the search.

## 21.5

Where possible, an unclothed search of an adult should be recorded by a supporting officer of the same sex as the adult being searched. The support officer should position themselves to the rear and side of the adult as shown in the diagram below. The 45-degree angle ensures integrity of the search without unnecessary recording of a person's private areas.



## 22. Suspect devices

### 22.1

BWC devices may transmit Bluetooth and/or wireless signals similar to mobile and other electronic devices.

### 22.2

BWC must not be used at the scene of suspect explosive devices without the approval of the Bomb Response Group (BRG). The same distances as for DPFEM handheld radios should be maintained unless members are advised otherwise by BRG.

## 23. Auditing

### 23.1

Districts and divisions must maintain appropriate records of BWC devices assigned to their areas. An audit of BWC devices must be completed as part of routine quarterly equipment inspections, currently undertaken within each division. Members undertaking such inspections must ensure all allocated BWC are accounted for.

### 23.2

Members who use BWC devices and transfer to another station, must not retain possession of their assigned BWC device.

### 23.3

BWC devices and docks are station assets, not personal issue. Whilst attached to a particular station (for example, Burnie Uniform), members should only use their

assigned BWC device. When members transfer between stations, divisional sergeants or administrators are responsible for re-assigning devices to incoming members accordingly within Evidence.com.

## **24. Faulty, damaged, lost or stolen BWC devices**

### **24.1**

The following procedures should be followed in the event a member identifies a faulty or damaged BWC device or dock, or a BWC device becomes lost or is stolen:

### **24.2**

If a device is identified as faulty or damaged, members should:

- Speak to a designated super user within their division
- If possible, return to their station to exchange the BWC for a properly working device
- Report the fault or damage to a supervisor
- Email [bodyworncameras@police.tas.gov.au](mailto:bodyworncameras@police.tas.gov.au) and outline the details of the fault or damage. Further instruction and assistance will be provided by the support team who will arrange for replacements under existing warranty arrangements.

### **24.3**

If a device is lost, members should:

- Make all reasonable attempts to locate the BWC device
- Notify their supervisor of the circumstances
- Follow existing procedures regarding lost departmental property
- If the BWC device is unable to be located, email the BWC support team on the following email [bodyworncameras@police.tas.gov.au](mailto:bodyworncameras@police.tas.gov.au).

Note: Unless the BWC is docked within a configured Tasmania Police docking station, data cannot be accessed by external parties.

### **24.4**

If a BWC device is stolen, members should:

- Make all reasonable attempts to recover the BWC device

- Notify their supervisor immediately
- Follow existing procedures relating to theft (Offence Report etc)
- Email [bodyworncameras@police.tas.gov.au](mailto:bodyworncameras@police.tas.gov.au)

## 25. Contact

### 25.1

The designated contact for any matters relating to BWC is the BWC Support Team. To ensure currency of information, contact and support details will remain updated on the Body Worn Camera Intranet page. This page will also contain updated phone numbers and information relevant to the BWC Support Team.

### 25.2

To assist members with technical aspects of the Axon Body 3, Evidence.com and other procedures relating to the use of BWC, the BWC Support Team has created 'Fact Sheets', which are available on the BWC intranet page. Fact Sheets should be referred to by members in the first instance if they have any questions or doubt regarding a practical function or procedures.

## 26. Additional Resources

### 26.1

See BWC intranet site and the DPFEM Electronic Learning System to assist members:

- BWC and Evidence.com training material, including videos
- Axon Body 3 and Evidence.com Fact Sheets and User Manuals

## 27. Document information

### General information

Content Manager No.	A18/124101
Version	6.0
Document status	Under review
Date approved	Click or tap to enter a date.
Next review	Click or tap to enter a date.
Scope of application	Department of Police, Fire and Emergency Management – all staff
Content owner	Forensic Services
Approval authority	Deputy Commissioner

### Approval

	Name	Position/Division Area	Date
Prepared by	M S Ghedini	Senior Sergeant Business Improvement Unit	17 July 2018
Through	R C G Blackwood	Inspector Business Improvement Unit	17 July 2018
Cleared	M Mewis	Director Strategic Projects	18 July 2018
Supported by	R Cowling G R Frame S A Tilyard	Assistant Commissioner (Specialist Support) Deputy Commissioner of Police Commissioner of Police	19 July 2018 20 July 2018 31 July 2018
Approved by	D L Hine	Commissioner of Police	2 August 2018



## Revision history

Version	Approved by (Name)	Approved by (Title)	Date approved	Amendment notes
1.0	Richard Cowling	Assistant Commissioner (Specialist Support)		Consultation Draft - approved for consultation
2.0	Darren Hine	Commissioner of Police		Version 2 - post-consultation
3.0	Joanne Stolp	A/Assistant Commissioner (Operations)		Version 3 – post-consultation 12-month review
4.0	Adrian Bodnar	Assistant Commissioner (Specialist Support)		Version 4 – Axon device update
5.0	Jonathan Higgins	Deputy Commissioner		Version 5 – Non-evidentiary category retention period updated to 12 months (A23/251212)
6.0	Robert Blackwood	A/Deputy Commissioner		Version 6 – Unclothed searches and recording and uploading instructions. (A24/444690)
7.0	Jonathan Higgins	Deputy Commissioner		Auditing and restrictions around serious incident recordings updated (A25/348641)