

Tasmania Police

Body Worn Camera Policy

Ref: A18/124070

Version 2.0

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1. Background

The Department of Police, Fire and Emergency Management (DPFEM) continually strives to provide the most appropriate safety equipment and technology to its members, to ensure the safest possible working environment. The introduction of body worn cameras (BWC) for frontline police officers further contributes to this commitment, and provides the means to securely capture and store quality contemporaneous evidence.

Enhancements to the way in which evidence is gathered will positively impact upon successful prosecutions and in turn, contribute to the provision of efficient and effective policing services to the Tasmanian community.

The use of BWC by police officers will further contribute to high levels of professionalism and accountability across DPFEM.

This policy applies to sworn members of Tasmania Police who use BWC in the performance of their duties, and should be read in conjunction with the associated *Body Worn Camera Guidelines*.

Members must also complete all mandatory training requirements prior to using BWC devices in the performance of their duties.

2. Objective/s

The policy's objectives are to ensure:

- The correct use of BWC by members of DPFEM, enabling Tasmania Police and the community to gain maximum benefit from the use of the technology, and
- That all members of DPFEM coming into contact with either the BWC equipment or the data contained within, or captured by, the devices comply with legislative and policy requirements.

3. Implementation

This policy is effective and will remain in place from the date of approval, until superseded by subsequent revisions. Revision numbers and dates will be clearly marked on each page of this policy.

3.1 Policy Responsibility and Amendments

Proposed amendments to this policy must be approved by the Assistant Commissioner of Police (Specialist Support).

3.2 Review and Audit

This policy shall be reviewed at the expiration of twelve (12) months from the date of commencement.

4. Values and/or Principles

This Policy will operate in accordance with the values of DPFEM:

- **Integrity:** We value integrity because we believe in honest, professional, transparent and ethical behaviour in all aspects of our business.
- **Equity:** We value equity because we believe in fair, consistent and inclusive behaviour when interacting with our people and our community.
- **Accountability:** We value accountability because we believe in being answerable for our decisions and action, behaving professionally and being responsible for outcomes.

5. Key Definitions:

Body worn camera (BWC)	A BWC is any overt device with the primary purpose of making an audio and/or optical recording. Equipment such as smartphones, digital cameras, handheld video cameras and covert devices do not fall into this policy.
Impractical	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.
Performance of duty	A police officer acting in the normal course of their duty.
Members	For the purpose of this Policy, 'members' refers to sworn members of Tasmania Police.
Must	Indicates a mandatory action.
Should	Indicates a recommended action to be followed unless there are sound reasons for taking a different course of action.
Supervisor	Means a member of the rank of sergeant, and includes a member acting at the rank of sergeant.
Senior officer	Means a member of the rank of inspector or above, and includes a member acting at the rank of inspector.
General user	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.

6. Mandatory Requirements

6.1 Type of device to be used

6.1.1 Members **must** only use BWC devices and mounts that have been approved and supplied by DPFEM.

6.2 When to start recording

6.2.1 **It is the policy of Tasmania Police that BWC must be activated prior to, and during, any situation where a member exercises a legislated or common law police power in the performance of their duty, unless there is a genuine reason not to do so.**

6.2.2 BWC **should** also be used in any circumstance where it may assist in providing a record of evidence in respect of the commission of an offence, or where a member believes an offence is about to be or likely to be committed.

6.2.3 BWC **should** also be used at a member's discretion on any other occasion where the member believes a recording may be of some future evidentiary value and to make a recording is proportionate and lawful in the circumstances (e.g. where a member anticipates a complaint against police arising out of police actions or inactions).

7. Buffering / Pre-Record

7.1 BWC devices **must** always be carried and operated in buffering mode when not recording. Buffering mode allows for the back-capture of an incident once a member commences recording.

7.2 It is the policy of Tasmania Police that an automatically configured period of **30 seconds** back-capture applies to all BWC devices.

7.3 The function described in 7.2 will back-capture 30 seconds of visual recordings only, and not audio.

8. General Instructions

8.1 When not present at an operational incident or otherwise exercising a police power, BWC **must** not be used to capture recordings of private conversations between police officers or other members of DPFEM, including State Service employees. This includes private environments such as a muster room, or within police vehicles as part of routine patrol.

8.2 When responding to an incident involving contact with a member of the public, in line with policy requirements, members **should** commence recording at the earliest possible opportunity in order to maximise the opportunities to capture evidence. Best practice **should** involve activation of recording shortly before arriving on scene.

- 8.3 Where the member decides that a recording is not appropriate, or where recording does not take place in the circumstances as outlined, members **should** record the justification for that decision in their police notebook, tablet or other record of the incident, as necessary (see section 3 of the BWC Guidelines 'Other Scenarios').
- 8.4 BWC is an additional tool, and does not replace existing requirements, procedures or policies in respect of recording admissions, statements or declarations.
- 8.5 DPFEM is of the view that the capturing of unnecessary evidence is outweighed by the benefits of capturing evidence that may later prove to be valuable.
- 8.6 Members **must** be conversant with relevant legislation, including relevant provisions of the [Listening Devices Act 1991 \(TAS\)](#) and the [Police Powers \(Surveillance Devices\) Act 2006 \(TAS\)](#).
- 8.7 All recordings captured by BWC **must** be overt. To ensure the overt recording is obvious to members and to the community, BWC **must** be worn at the front of the Multi-Purpose Integrated Protection Vest (MIPV) or if a member is in plain clothes, the front of the member's shirt. All BWC devices are configured to display a red flashing light when recording.
- 8.8 BWC devices can be switched to 'stealth mode', which will disable the flashing light and audible 'recording tone' when recording. Members **must** only operate devices in stealth mode in situations where there is an increased and unacceptable risk of injury, or in situations where not doing so may result in the loss or destruction of evidence, or the escape of a suspect. **EXEMPT PER S30 (1) (C) OF THE RTI ACT.**
- 8.9 Whilst BWC is a useful means for recording corroborative, contemporaneous evidence and for demonstrating transparency in respect of police actions at an incident, it must not replace the need to obtain evidence from other sources such as police members and eye witnesses.

9. Roles and Responsibilities

- 9.1 Senior Officers and Supervisors **must**:
- apply and follow this Policy
 - as necessary, monitor the use of BWC by members under their supervision in accordance with this Policy.
- 9.2 General Users **must**:
- only use departmentally approved BWC devices and mounts
 - apply and follow this Policy
 - ensure all measures are taken to protect the security and integrity of evidence obtained

- appropriately tag and categorise captured BWC footage as soon as practicable
- at the end of their shift ensure the BWC device is docked for recharging and upload of data
- ensure the security and integrity of the BWC device at all times
- ensure that any damage caused to, or detected on BWC devices is reported to a supervisor as soon as practicable, and
- ensure that any BWC device fault, malfunction or theft identified is reported to a supervisor as soon as practicable.

10. Legislation and/or Related Documents

10.1 Legislation

- [Criminal Code Act 1924 \(Tas\)](#)
- [Evidence Act 2001\(Tas\)](#)
- [Right to Information Act 2009 \(Tas\)](#)
- [Police Service Act 2003 \(Tas\)](#)
- [Listening Devices Act 1991\(Tas\)](#)
- [Police Powers \(Surveillance Devices\) Act 2006 \(Tas\)](#)
- [Search Warrants Act 1997 \(Tas\)](#)
- [Criminal Law \(Detention and Interrogation\) Act 1995 \(Tas\)](#)

10.2 Related Documents

- Tasmania Police Body Worn Camera Guidelines
- [Police National Code of Ethics](#)
- [Tasmania Police Manual \(TPM\)](#)
 - Body Worn Cameras
 - Complaints Against Police
 - Exhibits and Miscellaneous Property
 - Identification of Suspects
 - TPM and Operational Skills Manuals - Operational Safety and Use of Force
 - Internal Investigations
 - Prosecution Policy and Process
 - Questioning and Investigations
 - Search Warrants
 - Surveillance Devices

11. Document Information

General Information

HP Records Manager No.	A18/124070	Replaces document	
Effective from	Date of approval	Review date	12 months from date of approval
Business Owner	Strategic Projects		
Applies to	DPFEM - Tasmania Police		
Information Security Classification	UNCLASSIFIED		

Approval

	Position, Division/Area	Date
Prepared by	Senior Sergeant Business Improvement Unit	17 July 2018
Through	Inspector Business Improvement Unit	17 July 2018
Cleared	Director Strategic Projects	18 July 2018
Supported by	Assistant Commissioner (Specialist Support)	19 July 2018
	Assistant Commissioner (Operations)	26 July 2018
	Deputy Commissioner of Police	31 July 2018
Approved by	Commissioner of Police	2 August 2018

Revision History

Version	Approved (Title)	By	Amendment Notes
1	Assistant Commissioner (Specialist Support)		Consultation Draft - approved for consultation
2	Commissioner of Police		Version 2 - post-consultation