

Section 4: Field audio and video recordings

4.1 Use of portable recording devices

Portable recording devices (PRD) (see SMD) allow officers to collect audio and video recordings away from police stations or establishments. For the purposes of this policy, items such as mobile telephones, laptop computers, tablet computers etc. which include a video and audio functionality are not a portable recording device.

User-accessible recorder settings impact the quality of a recording and the capacity for enhancement of the recording. When using a PRD officers should:

- (i) when using audio only recorders:
 - (a) use the highest audio quality setting available;
 - (b) prior to the commencement of an interview, confirm the recording quality by conducting and replaying a brief test recording at the interview location; and
 - (c) consider the use of an external (lapel) microphone to improve the audio quality of a recording; and
- (ii) when making video recordings, including using a body worn camera (BWC) or in-vehicle camera:
 - (a) record with a minimum setting of 720p or 720i. Officers should consider data transfer and data storage requirements where higher image resolution capture settings are available; and
 - (b) where available, use advanced video features such as automatic exposure or image stabilisation.

Whenever practicable, other than conducting initial interviews at an incident, PRD should not be used to conduct formal records of interview for indictable offences. Such recordings should only be made by officers who have the appropriate training and professional level equipment to perform this task (e.g. scenes of crime officers).

Officers should ensure whenever a PRD is used to record a field record of interview or other matter, the PRD is of sufficient quality to provide a true and accurate record of the event and an intelligible record of all conversations conducted.

Prior to the use of any recording device, officers should be familiar with the operation and limitations of the equipment. Prior to submitting any audio and/or video material as evidence, the investigating officer should check the quality of the recorded material and ensure the recording format used is suitable for court reproduction. The investigating officer should contact the relevant prosecution agency if required (see also s. 3.8.15: 'Checking briefs of evidence' of the OPM).

Use of privately-owned PRD

ORDER

Where Service-issued PRD, including BWC, are available, officers are to use those devices in preference to privately owned devices.

Where an officer does not have access to a Service-issued PRD and wishes to use a PRD while on duty, the officer is to:

- (i) ensure the device has been set-up using all available security options, including encryption and password protection to minimise the risk of unauthorised access to recordings on the device;
- (ii) ensure the recording format is compatible with:
 - (a) court recording playback equipment;
 - (b) Service computer equipment; and
 - (c) Service-approved storage facilities;
- (iii) ensure any recordings are:
 - (a) where practicable, downloaded daily; and
 - (b) deleted from the device as soon as it has been transferred to a Service-approved storage facility; and
- (iv) ensure there is no unauthorised access to, or viewing of, recordings made on the device.

Where privately owned PRD are used, the equipment is to be operated in accordance with the provisions of this Manual. Unless exceptional circumstances exist, equipment which does not conform to Service policy or procedures should not be used for recording evidence (e.g. poor-quality PRD).

Where officers have privately owned Axon BWC, the device is to be operated in 'on-line' mode with all data ingested into Evidence.com either by a BWC docking station or using Evidence SYNC desktop software.

Where a PRD has been privately purchased by an officer for operational duties, the device should:

- (i) when the device is not in use, be securely stored to protect any residual data that may be on the device;

(ii) whenever practicable, not be used for personal activities. As a minimum, a separate data storage device (e.g. SD card, should be used for personal activities); and

(iii) be destroyed or cleansed of all data when the device has reached the end of its useful life, no longer for operational use, is sold or is otherwise disposed of.

4.2 Responsibilities of OICs of stations and establishments

Where digital portable recording devices (PRD) are used by officers in the performance of their duties, the retention of digital recordings is to be identified as a risk for that work unit's risk management plan (see also s. 3.5: 'Business continuity planning' of the MSM).

Officers should only use privately owned PRD in the performance of their official duties if:

- (i) the officer does not have access to Service-issued PRD;
- (ii) the device is of sufficient quality for its intended purpose;
- (iii) the device conforms with s. 2.3: 'Portable recording device specification guidelines' of this Manual; and
- (iv) any third-party software associated with the device has been approved in accordance with s. 4.17.1: 'Prevention of computer virus infection' of the Information Management Manual.

An officer may contact the Electronic Recording Section, Forensic Services Group for assistance in determining the suitability of a privately owned PRD.

4.3 Storage, retention and production of portable recording device recordings

The Service-approved storage facility for portable recording device (PRD) recordings is provided by Evidence.com.

PRD recordings, including body worn camera (BWC) (see s. 4.4: 'Body worn cameras' of this Manual) and in-vehicle camera (see s. 4.5: 'In-vehicle cameras' of this Manual) recordings should be uploaded to Evidence.com and deleted from the device on a daily basis. Where evidential recordings cannot be removed from a PRD by the end of shift, the device should be securely stored until the recordings can be uploaded into Evidence.com.

PRD recordings should be uploaded into a Evidence.com in accordance with the:

- (i) BWC Good Practice Guide; and
- (ii) Support Materials and Reference Guides,

published on the BWC webpage on the Organisational Capability Command (OCC) website on the Service Intranet.

Officers should use the correct file naming protocols for the approved storage facility and in accordance with s. 5.10: 'Naming protocols' of this Manual.

Where PRD digital evidence has been recorded at an incident which is recorded in QPRIME, the officer who made the recording should make a relevant notation within the relevant QPRIME occurrence of the fact a PRD recording is available, including any reference numbers or file name.

ORDER

PRD recordings are to be uploaded:

- (i) into Evidence.com at the termination of the officer's shift, unless exceptional circumstances exist; and
- (ii) saved in full. No editing of the recording is to be made on the PRD prior to saving.

PRD recordings are not to be saved onto privately owned storage facilities e.g. portable hard-drives.

Retention and production of portable recording device recordings

The Service is bound by the provisions of the *Right to Information Act* and the *Information Privacy Act (IPA)*. PRD recordings are a 'document' containing 'personal information' under the IPA and the Service, as an agency for the purposes of the Act, must comply with Information Privacy Principle 4: 'Storage and security of personal information'. Any request to access or view a PRD recording is to be dealt with in accordance with:

- (i) s. 5.7: 'Right to information and privacy' of the Management Support Manual (MSM); or
- (ii) s. 3.14: 'Disclosure of information to defence (relevant proceeding)' of the Operational Procedures Manual.

PRD evidential recordings are to be retained in accordance with s. 5.5: 'Records retention and disposal' of the MSM.

Officers are to comply with:

- (i) s. 5: 'Management of recordings';
- (ii) s. 6: 'Processing and copying of media';
- (iii) s. 7: 'Court presentation'; and
- (iv) s. 8: 'Disposal of recordings',

of this Manual, as appropriate with respect to PRD evidential recordings.

When saved PRD recordings are required for investigation, court production or other lawful purposes, members should comply with the published procedures for retrieving the relevant file/s from Evidence.com (see the BWC 'Support materials and Reference Guides' webpage on the Service Intranet).

ORDER

PRD recordings made by an officer whilst on duty are the property of the Service, irrespective of whether a Service-issued or privately-owned PRD is used.

Access to Service-approved storage facility

To lodge, view or retrieve recordings within Evidence.com, members are granted a user role and access type, which are detailed in the:

- (i) BWC Good Practice Guide; and
- (ii) Support Materials and Reference Guides,

published on the BWC webpage on the OCC website on the Service Intranet.

OIC of police stations/establishments are responsible for managing members' access to the Service-approved storage facility.

To receive access to Evidence.com, members are to make application via the ICT Customer Portal.

4.4 Body worn cameras

For the purpose of this section officer means:

- (i) police officers, protective service officers and watch-house officers; and
- (ii) other staff members who have been approved to use and issued a Service body worn camera (BWC).

The use of BWC (see SMD) provides audio-visual evidence of officer's interactions with members of the community and can reduce the incidence of violent confrontations, use of force and false or malicious complaints against officers.

Other staff members who are approved to use and issued a service BWC are to utilise the device when performing a function of the Service (i.e. checking on and interacting with prisoners).

A BWC provides audio-visual evidence of an event, however officers are to be aware BWC may not capture the full details of an incident and wherever practicable officers should seek other evidence such as witness statements or independent video recordings.

This section should be read in conjunction with the good practice guide available on the Body Worn Camera webpage on the Service Intranet.

Private conversations and BWC

Private conversation means any words spoken by one person to another person in circumstances that indicate that those persons desire the words to be heard or listened to only by themselves or that indicate that either of those persons desires the words to be heard or listened to only by themselves and by some other person, but does not include words spoken by one person to another person in circumstances in which either of those persons ought reasonably to expect the words may be overheard, recorded, monitored or listened to by some other person, not being a person who has the consent, express or implied, of either of those persons to do so.

Police officers, protective service officers and watch-house officers should make attempts to avoid recording interactions which may record the private conversations of another person; however, inadvertent, unexpected, and incidental conversations may be protected under s. 609A: 'Use of body-worn cameras' of the PPRA and s. 43: 'Prohibition on use of listening devices' of the *Invasion of Privacy Act* (IPA).

Staff members should make attempts to avoid recording interactions which may record the private conversations of another person, as staff members are not excepted from inadvertent, unexpected, and incidental conversations under s. 609A of the PPRA and s. 43 of the IPA.

Carriage of BWC

Officers are authorised to use a BWC in the performance of their duties (see s. 609A: 'Use of body-worn cameras' of the PPRA).

OICs are to assign Service-issued devices on a 'single user' basis. A Service-issued BWC is not to be swapped between officers without the BWC being reassigned by an OIC or supervisor. Where a Service-issued BWC has been allocated to an officer, they are to wear and use the device whilst 'on rostered duty' (as defined in s. 14.4: 'Service-issued weapons' of the OPM), to remove any doubt, this includes officers performing plain clothes duties, except for approved covert or surveillance operations and activities.

Where a Service-issued BWC is not available, OICs are to send an email to the BWC business email requesting a Service-issued BWC for any shortfall.

The Service no longer supports the use of privately owned BWC.

ORDER

Officers are to ensure their BWC is operational (buffering) at the commencement of their shift.

Placement and handling of BWC to ensure unobscured recording of video and audio

Wherever practicable, officers should place a BWC in a location that optimises the capture of video and audio recordings.

ORDER

Officers are to take reasonable steps to ensure the BWC lens and microphone remain unobstructed when a recording is being made (see 'When to use a BWC' of this section), unless a BWC is being used to make an audio recording (see 'When not to use a BWC' of this section).

Overt use of BWC

ORDER

A BWC is only to be used as an overt recording device, except for approved covert use (see below).

Covert use of BWC

ORDER

A BWC is not to be used for covert use unless authorised by a commissioned officer or as part of an approved investigative or intelligence practice.

When to use a BWC

ORDER

Officers allocated a BWC are to:

- (i) turn the BWC on (buffering mode) at the commencement of their shift;
- (ii) commence a recording as soon as practicable after an officer reasonably believes they may:
 - (a) exercise a power under legislation;
 - (b) apply a use of force (see s. 14.3.2: 'Situational Use of Force Model (2016)' of the OPM); or
 - (c) have any interaction with a prisoner, including:
 - the issuing of medication;
 - searching; and
 - conducting cell checks;
- (iii) make BWC recordings when the:
 - (a) recording might assist in providing a record of evidence which assists in the investigation of an offence or suspected offence; or
 - (b) officer believes the interaction should be recorded;
- (iv) only make BWC recordings in a court precinct, when authorised through a practice direction issued by the Chief Justice, Chief Judge or Chief Magistrate which includes:
 - (a) during a confrontation where use of force is imminent;
 - (b) whilst effecting an urgent arrest; or
 - (c) where the officer reasonably believes they may exercise a power under legislation; and
- (v) make BWC recordings when at the scene of a significant event that may be reasonably expected to be subject of later external review (e.g. fatal traffic incident, arson, terrorist event etc.) irrespective of whether they are investigating the incident. Such recordings may assist in identifying witnesses and other persons of interest; provide evidence or may assist in giving an appreciation of the event. Officers recording in these circumstances are to advise the investigator or incident commander of the BWC recording as soon as practicable after the event.

In regard to recording an exercise of power or use of force it would be considered 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). In these circumstances, a BWC recording should be made as soon as practicable thereafter.

When an officer commences a BWC recording, the officer should continue recording irrespective of whether the area is covered by a CCTV system including Service owned and operated CCTV until:

- (i) the incident is finalised;

- (ii) the need to record the incident is no longer required, (e.g. guarding a crime scene overnight);
- (iii) a senior officer or incident commander directs that a BWC recording can be ceased; or
- (iv) a trained officer starts taking a 'recorded statement' from a complainant for an alleged domestic violence offence (see s. 9.4.11: 'Recorded statements – Gold Coast and Ipswich districts only' of the OPM).

Prior to ending a recording, the officer should clearly state the recording will be stopped and the reasons for doing so.

When not to use a BWC

Officers should not make BWC recordings:

- (i) during routine contact with members of the community (e.g. casual conversations); or
- (ii) when the officer reasonably believes it is inappropriate to make a video recording.

There is no obligation for an officer to stop recording because a person does not wish to have a BWC operating unless taking a 'recorded statement' of a complainant for a domestic violence offence. The complainant must consent to the making of the 'recorded statement'. If consent is withdrawn by the complainant during the making of a 'recorded statement', the officer is to stop the recording and obtain a written statement instead.

ORDER

A BWC video recording is not to be made of an unclothed search, unless justified under s. 16.10.2: 'Unclothed searches of persons' of the OPM (see s. 632: 'If video cameras monitor place where person is searched' of the PPRA). An audio recording should be made.

Officers activating a BWC for an unclothed search are to:

- (i) comply with section 'Video recording of unclothed searches' of s. 16.10.2: 'Unclothed searches of persons' of the OPM; and
- (ii) categorise the recording as an 'unclothed search' as soon as reasonably practical.

When a recording is not made whilst exercising a power or applying a use of force, including for legal or operational reasons, the officer is to make a written record of the circumstances in their official police notebook or other Service record (e.g. QPRIME).

A BWC is not to be used:

- (i) in places where a reasonable expectation of privacy exists (e.g. changing rooms, toilets etc.);
- (ii) on Australian Defence Force facilities;
- (iii) within the precincts of a court, except when authorised by a Court Practice Direction (see above);
- (iv) when a medical procedure may be recorded at a medical facility;
- (v) in a correctional facility where CCTV is operational; or
- (vi) in police stations, police establishments or Service vehicles,

unless the recording is made in the performance of the officer's official duties.

Also, a BWC is not to be used:

- (i) when dealing with human sources, see the Human Source Management Policy available on the Specialist Operations site; and
- (ii) for non-policing activities.

BWC use should not replace written witness statements

Whilst initial statements at the time of an incident can be recorded on a BWC, wherever possible, written statements should also be obtained from witnesses in preparation for court proceedings unless being used to take a recorded statement for a relevant domestic violence offence in accordance with s. 9.4.11 of the OPM.

BWC categorisation

ORDER

To ensure appropriate retention, officers are to categorise BWC recordings as either 'Evidential' or 'Non-Evidential' as soon as practicable after the event.

Where a QPRIME record relating to a BWC recording exists, the investigating officer is to ensure the relevant QP or QI number is entered into the ID field of the Evidence.com file.

To ensure compliance, OICs or supervisors are to conduct monthly audits of Evidence.com to ensure officers are categorising and identifying their BWC recordings accurately. Where non-compliance is identified OICs or supervisors are to take steps to rectify it.

Reviewing BWC recordings

Unless directed not to review BWC recordings, (e.g. critical incident investigations conducted by ESC) officers may review BWC recordings to assist their recollection of events and identify further evidence.

A BWC recording should be relied upon to better understand the evidence presented in an officer's statement and should be used to corroborate, not replace, evidence from other sources such as officers and witnesses. The use of a BWC does not remove the necessity for officers to make written notes or conduct other investigations at an incident scene (e.g. request scenes of crime attendance).

Where a BWC recording is required for production in court, any irrelevant part of the recording is to be redacted prior to being downloaded and included in the brief of evidence (see ss. 6.2: 'ERS case file acceptance criteria' and 7.1: 'Edited recordings' of this Manual).

Where a BWC recording is a recorded statement of a complainant for a domestic violence offence and is required for production in court, officers are only to edit or redact the video file in accordance with s. 103O(1): 'Editing or otherwise altering recorded statements' of the *Evidence Act*.

Responsibility of Officers in Charge to ensure review of BWC recordings of domestic and family violence related occurrences

ORDER

OICs are to ensure all officers under their control who attend domestic and family violence occurrences meet with a designated senior officer to receive feedback in relation to a sample of their BWC recordings of those occurrences. The review is to occur at a minimum of at least once every six-month period.

The review is to be conducted and recorded in accordance with the provisions of the 'Review of Domestic and Family Violence Body Worn Camera Footage User Guide' available on the DFV Body Worn Camera Review webpage on the Service Intranet.

Restricting evidence in Evidence.com

ORDER

Evidence in Evidence.com is not to be restricted unless there is a corresponding QPRIME ACL restriction applied to the associated occurrence. The only exception to this is where an ESC restriction is applied (see 'Quick Reference Guide – Confidential/Restricted') available on the Body Worn Camera webpage on the Service Intranet.

Requesting access to a confidential/restricted file

Only users with the relevant level of access can see confidential/restricted files.

Where a member is seeking access to a confidential/restricted file in Evidence.com, the officer is to contact the Evidence.com item owner or the investigating officer. If the evidence owner is the subject of a complaint and they were not aware, contact may compromise the investigation.

Use of Axon Respond

A Body 3 camera has a livestream capability (Respond) which allows any member with an Evidence.com account to remotely access an officer's live recording.

Before a member uses Respond, the member is to:

- (i) ensure there is a lawful purpose to access the recording (see s. 4.13.4: 'System access principles' of the Information Management Manual);
- (ii) ensure they are accessing the correct recording; and
- (iii) if practicable, contact the officer and request access.

A member is to be mindful that unlawfully accessing a recording will be considered misconduct and will make the member liable to criminal prosecution.

Where a member has accessed the livestream from a BWC, the member is to record the reason for access in their daily ITAS activity log or the corresponding notes section in Evidence.com.

Issue and storage of BWC

The OIC of a station or establishment is responsible for the allocation of Service-issued BWC to individual officers (see Support materials and reference guides on the BWC webpage on the Service Intranet).

The OIC or shift supervisor should ensure BWC devices are downloaded, fully charged and the memory erased if the device is to be reissued to another officer.

At the conclusion of duty an officer is to disconnect and place the BWC in the ETM (dock).

A BWC is to be securely stored when not in use or docked.

Handling and storage of BWC recordings

In accordance with the *Information Privacy Act*, video and audio recordings made in the execution of an officer's duty are a 'document' and are to be retained by the Service.

A BWC evidential recording should be downloaded to a Service-approved storage facility and deleted from the device daily, in accordance with s. 4.3: 'Storage, retention and production of portable recording device recordings' of this chapter.

Faulty BWC

If a BWC experiences a fault, the officer allocated the BWC is responsible for:

- (i) initial troubleshooting (see 'Faulty cameras (etc.) handling' link on the Body Worn Camera webpage on the Service Intranet);
- (ii) approaching a super user to attempt further troubleshooting;
- (iii) if troubleshooting does not successfully resolve the problem, submitting a fully completed BWC Report Fault/Request Replacement form on the ICT Customer Portal; and
- (iv) advising their OIC to check the ICT Customer Portal for an approval task for the BWC Report Fault/Request Replacement form.

Once approved by an OIC, the BWC Report Fault/Request Replacement form will be emailed to Axon who will send a replacement BWC or BWC controller to the relevant station or establishment. The OIC will then allocate the replacement to the officer. See the Body Worn Camera webpage on the Service Intranet for instructions on the return of the camera.

4.5 In-vehicle cameras

In-vehicle cameras (IVC) (also known as dash-cams, but may also include manufacturer or purpose built systems) are recording devices (see SMD) generally fitted to the dash or windscreen of a vehicle. Power is supplied using the vehicle's existing power outlets and recorded footage is stored onto a removable secure digital (SD) card. IVC record:

- (i) activity forward of the fitted vehicle from a driver and front passenger perspective;
- (ii) the fitted vehicle's directional and dynamic responses to driver inputs; and
- (iii) when programmed, the estimated Global Positioning System (GPS) coordinates and speed of the fitted vehicle as well as internal and external audio.

Service in-vehicle camera requirements

Service use of IVC assists in the investigation of offences and incidents involving Service vehicles. The minimum technical specifications for the purchase of IVC are to comply with:

- (i) ability to record GPS coordinates;
- (ii) ability to record the fitted vehicle's speed;
- (iii) ability to disable audio recording;
- (iv) a video recording quality of Full High Definition or higher compatible with service replay software e.g. Windows Media Player or VLC media player; and
- (v) quality night recording capability.

To ensure consistent recording qualities and the ability to record for extended periods, SD cards are to have a minimum of 128GB storage capacity and speed class of U3 or better. To maintain quality recordings, SD cards are to be reformatted every 4 weeks using the internal IVC format SD card option.

Regions or commands may:

- (i) exceed the minimum specifications listed; or
- (ii) use previously purchased IVC that do not comply with the minimum specifications, however, are to ensure replacement units comply with this policy.

Where a member has concerns regarding the compatibility or effectiveness of an IVC media player, the assistance of the Electronic Recording Section should be sought.

The technical specifications do not apply to IVC that are purpose built or supplied by the manufacturer e.g. SERT specialist vehicles.

Use of in-vehicle cameras

Where an OIC has vehicles fitted with IVC, the OIC is to publish station instructions for the care and operation of IVC in accordance with this section and the manufacturers guidelines.

The driver of a Service vehicle is to ensure the IVC does not obstruct their vision whilst driving and is positioned as close as possible to the centreline of the vehicle.

The senior officer in a Service vehicle is to ensure the IVC:

- (i) operates and records when the ignition is turned on;
- (ii) time and date are correct;
- (iii) records for the duration of the shift;
- (iv) audio is turned off; and
- (v) speed and GPS coordinates are activated.

Where an IVC has a parking surveillance mode capability, this may be activated to enable recording whilst the vehicle is switched off. This may assist at incidents where damage to a Service vehicle may occur or where body worn cameras (BWC) may not be able to capture images when officers are away from their vehicle e.g. out of control parties.

Officers are not to use an IVC as a replacement for BWC use. Upon exiting their vehicle in relation to an incident or enforcement action, officers are to activate their BWC. Where an incident or enforcement action is being recorded by an IVC whilst driving, officers should activate their BWC to record audio events.

Officers are to be aware that IVC:

- (i) do not undergo calibration and certification and officers are to use the Service vehicles calibrated speedometer or fitted Ballinger device when relying on evidence of speed for court purposes;
- (ii) variations in design or set up e.g. wide-angle lens or frame rate settings may create distorted imagery;
- (iii) environmental conditions may affect GPS accuracy; and
- (iv) time and date accuracy are reliant upon user setting inputs.

Where an officer requires advice or analysis of an IVC recording (e.g. frame rate, resolution, presence of audio), the assistance of the Electronic Recording Section should be sought. Further information can be found on the Electronic Recording Section webpage of the Service Intranet.

Uploading footage to Evidence.com

Some IVC recordings do not have evidentiary value and are considered temporary, however all evidential recordings are to be uploaded to Evidence.com in accordance with s. 4.3: 'Storage, retention and production of portable recording device recordings' of this Manual.

For the purpose of this section, in addition to evidence, the uploading of IVC footage to Evidence.com is to occur:

- (i) for all Service vehicles involved in a pursuit response, irrespective if not the pursuing vehicle;
- (ii) in the investigation of an offence or suspected offence, e.g. evade police;
- (iii) if the officer believes the interaction should be retained, e.g. animal strike;
- (iv) for departmental accidents; and
- (iv) when directed by a senior officer.

As IVC are set for continuous recording, footage will eventually be overwritten. Footage is to be uploaded as part of end of shift procedures to negate the loss of evidence. An officer may upload footage prior to end of shift due to the evidentiary value or when directed by a senior officer.

When footage is to be uploaded, the IVC should remain in the vehicle and the SD card only removed. A USB memory card reader should be utilised to upload to Evidence.com.

Due to cyber security issues, WIFI download is not to occur. WIFI download also risks evidence loss if the download link is broken during transmission.

Naming conventions

When uploading to Evidence.com the following naming conventions are to apply.

- (i) TITLE is to commence with Dashcam with no space followed by event e.g. Dashcam-Evade-.....; and
- (ii) TAG is to include Service vehicle registration number with no space e.g. 123ABC

Replacement in-vehicle cameras and SD cards

Districts are to ensure spare IVC and SD cards are available as replacements for faulty or damaged devices or instances when seized for analysis after critical incidents.