

APPENDIX D

BWC activation framework and footage retention periods

FIGURE D1: **Victoria Police's expectations for activating BWCs**

Expectation	Requirement
When a BWC recording must be made	<p>Police officers wearing a BWC must start a recording:</p> <ul style="list-style-type: none"> when exercising legislated or common law powers, including: <ul style="list-style-type: none"> arresting/detaining person/s for any offence or when exercising family violence holding powers vehicle interceptions or random breath tests person or property searches conducted with or without a warrant attending private premises, including to address residential noise complaints issuing infringement notices process servings, including summons, intervention orders or family violence safety notices interactions with the public where police officers are otherwise required to record the contact legislated inspections of premises, such as those related to liquor and firearm control to capture an incident occurring, likely to occur or which has occurred, including: <ul style="list-style-type: none"> when attending tasks dispatched by emergency call takers that result in a public contact a police pursuit where it is safe to do so or when they deploy devices that immobilise vehicles when approached/hailed by the public in need of police assistance when observing and/or attending to members of the public in need of assistance during public order events as directed.
When a BWC recording should be made	<p>Police officers should start a BWC recording on any other occasion if they believe it would assist in:</p> <ul style="list-style-type: none"> providing transparency during a public interaction or police activity collecting evidence, including recording summary offence interviews conducted in police stations.
When to stop recording	<p>When a police officer has started a BWC recording, they should only stop recording when:</p> <ul style="list-style-type: none"> an interaction ends an incident is resolved or otherwise ends (for example, all evidence is collected and parties have moved on) directed to stop by a supervisor in accordance with policies or by a police officer in charge of a critical incident. <p>Police officers must record their entire interaction with a person who is in custody or detained until they are:</p> <ul style="list-style-type: none"> released from custody or the interaction ends

- transferred to another police vehicle
- formally transferred to a correctional facility or the care of another agency (for example, a hospital)
- brought into a police station, room or cell with the intention of interviewing them or continuing their custody.

If a recording is not made or is muted or stopped prematurely outside of this framework, police officers must record the circumstances in one of 3 of their official record keeping logs, or on the recording itself prior to it being stopped, to provide enough detail to later account for the omission.

When a recording must not be made

Police officers must not record:

- when they are acting outside of their police duties or functions
- when they are conducting a formal indictable offence interview
- to covertly capture conversations with other police officers
- during a full or intrusive search
- during a conversation with a police officer engaged in undercover activities or with a human intelligence source (if known)
- when engaged in conversation away from the public (for example, a private police conversation or a formal digital evidence capture interview)
- when dealing with a particularly distressed victim or witness or a person apparently afflicted by a mental illness where the presence or use of a BWC may escalate the situation, unless a recording is operationally required

Police officers should not start or should stop a BWC recording when there is a reasonable expectation of privacy, such as in a changing room or toilet, unless they are exercising police powers or the duty or function outweighs the privacy/human rights being limited.

Source: VAGO, adapted from the *Victoria Police Manual* and BWC Operational Guidelines.

FIGURE D2: **Footage categories and retention periods**

Retention period	Category	Details
Permanent	Fatality (all types)	For all reportable deaths, including homicides, road, rail or industrial accident deaths and other reportable deaths, such as historic/public interest matters
	Pending review	Temporary holding category only
	Professional Standards Command	For footage related to the investigation of a complaint or of police officer conduct or behaviour. For use by Professional Standards Command, the ethical and professional standards officer and officers in charge only
	Sex offences	For sex offences, except offences relating to threats to or distribution of intimate images and those involving offensive behaviour
100 years	Hazmat	For serious hazard material incidents (involving potential/ongoing specialist involvement), such as fires (including structure or non-structure fires), clandestine laboratories, chemical leaks, asbestos and natural disasters (including pandemics, floods and bushfires)
50 years	Major crime	For serious offences, including homicides (also fatality all types), rapes (also sex offences), aggravated burglaries and armed robberies, and clandestine laboratories (also Hazmat)
	Serious injury incident/collision	For incidents involving a serious injury (where a person is admitted to hospital), including workplace accidents, rural accidents and road or rail collisions
20 years	Family violence	For all interactions involving a report of family violence, including DRECs, offender processing, and serving intervention orders and family violence safety notices
	Use of force	For any incident when a 'use of force' form must be submitted in line with

Retention period	Category	Details
		policies
10 years	Indictable other	For indictable offences processed by uniform police officers, including burglaries, thefts, criminal damage and assaults. Also processing offenders and executing warrants for these offences
8 years	Summary brief	For summary offences and traffic offences proceeding by summons
7 years	Other summary	For matters dealt with by immediate action, including council and other infringements, Environment Protection Authority notices and defects
1 year	RSA Impairment	For incidents involving the conduct of a drug impairment assessment only
90 days	Non-evidentiary	Where none of the other categories apply, including inadvertent footage
Police officers not to use	xDO NOT USEx	Generic category

Note: RSA stands for responsible service of alcohol.

Source: VAGO, adapted from Victoria Police's BWC Operational Guidelines.