

## Custodial Operations Policy and Procedures

### 13.9 Video evidence

#### Policy summary

Video and audio recordings of incidents are necessary for the effective care, control and management of correctional centres and inmates.

Video recordings of incidents are often used as evidence in administrative, civil, or criminal proceedings. This policy lists the types of incidents that must be recorded where possible.

The use of hand-held video (HHV) and body-worn video (BWV) cameras can be beneficial for de-escalating incidents, deterring offending behaviour, and reducing vexatious or frivolous complaints against staff.

Maintaining the integrity of video recordings is essential. They must be registered and stored securely, retained, and disposed of in accordance with this policy.

Video recordings must not be disclosed or used by anyone other than an officer or member of a law enforcement agency and only for a relevant purpose. Relevant purposes include detection of offences, investigations, prosecutions, managerial and disciplinary actions, legal proceedings and training purposes.

Each correctional centre must have a Local Operating Procedure (LOP) for video evidence detailing the system procedures and processes required for operating CCTV, HHV, and BWV cameras and the staff authorised to access or manage video evidence.

#### Management of Public Correctional Centres Service Specifications

Service specifications	Professionalism and accountability
	Safety and security

## Scope

This section applies to all correctional centres and other facilities administered by or on behalf of Corrective Services NSW (CSNSW).

Requirements to upload data to evidence.com or share evidence from evidence.com may not apply to privately-managed correctional centres who may have their own evidence management system and processes in place.

While it is not mandated that privately-managed correctional centres use evidence.com, other aspects of this policy document must be complied with. If there is any conflict with process related matters described in this document, and where there is reference to specific CSNSW business units, privately-managed correctional centres should seek further advice from the relevant contract management team.

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# 1 Mandatory recording of incidents

## 1.1 Purpose and Benefits

Video and audio recordings can be used to capture an event or occurrence. Recordings provide impartial evidence which can assist in a variety of administrative, legal, disciplinary, or complaint resolution processes.

Video evidence may provide the following benefits to custodial operations:

- deter persons from committing offences
- provide compelling evidence
- modify the behaviour of persons and de-escalation of incidents
- a more comprehensive presentation of evidence to all parties to assist in decision making
- decrease in frivolous or vexatious complaints against staff
- assist in resolving complaints against staff
- enhance transparency and accountability

## 1.2 Mandatory recording requirements

Correctional officers must use a video recording device to record incidents and events wherever possible including but not limited to:

### Serious incidents and events

- violence and threats of violence against any person
- deaths in custody
- death of an employee
- escapes and attempted escapes
- riots and disturbances
- fires and substantial damage to property
- discovery of evidence connected with a serious incident
- hostage taking

### Other incidents and events

- use of force and situations with a high potential for use of force
- exercising stop, detain and search powers (except routine visitor screening)
- trafficking activity and discovery of substantial contraband
- exercising arrest powers
- emergency responses including calls for urgent assistance, duress alarms and cell call alarms
- targeted searches of cells or cubicles
- questioning an inmate about an incident or speaking to them about their behaviour (subject to subsection 1.3 *Direction not to carry a video camera below*)
- entering a cell where an incident is foreseeable
- refusal by an inmate or other person to comply with a lawful request or direction
- any person committing or attempting to commit an offence against any Act or other statutory instrument

Refer to the relevant **COPP chapter 13 serious incident reporting** policy for any specific recording requirements. For restrictions and instructions on recording of strip searches refer to **COPP sections 17.1 Searching inmates**.

Where practical an event should be recorded on multiple devices to provide different perspectives.

Protecting persons from serious or fatal injury has priority over the obligation to record an incident.

**Note:** A BWV camera may be detached and used instead of a HHV if necessary.

### **1.3 Direction not to carry a video camera**

There are circumstances when the carriage or activation of video cameras may be counterproductive. Governors of correctional centres may direct staff not to assign video cameras to posts, or not to carry or activate video cameras when performing certain duties. The Governor of the correctional centre may direct staff not to carry or activate a video camera after assessing whether the benefit of carrying or activating a video camera outweighs the detriment on a post or while undertaking a particular duty. A Governor may consider directing staff not to carry or activate video cameras:

- in units where inmates are at risk of self-harm or suicide and/or are mentally unwell
- during case management/classification interviews with inmates or any other conversations or interviews with inmates where candour is encouraged
- in any other circumstances following an assessment by the Governor as described above.

A Governor's direction not to activate a camera must comply with subsection 1.2 *Mandatory recording requirements* above.

Governors must make all correctional centre staff aware of these directions, and ensure records of the directions are kept on EDRMS. Alternatively, directions may be included in LOPs and/or post duties.

### **1.4 Commencement and duration of recording**

An officer should commence recording with a BWV or HHV camera when they believe an incident may be about to happen or when they are first alerted to an incident. This will capture the response and incident scene upon arrival. This usually occurs when an officer hears a call for assistance over the radio or is otherwise called to an incident, e.g. duress alarm. If a Pan Tilt Zoom (PTZ) CCTV system is within range of an incident control room operators should, where possible, redirect PTZ cameras to the incident.

When commencing recording the officer should state their name, especially if they are wearing a pool camera. To assist those reviewing footage later, officers should state for the camera the reason they are leaving an area.

During a serious incident or other event, all communications, interactions or contact between staff and the inmate or other person must be recorded. Recording must continue uninterrupted until the incident is resolved.

Officers activating their body-worn video camera are not expected to alter their trained response to an incident, however officers carrying a HHV should position themselves and operate the camera to safely capture relevant footage.

If an officer fails to record a relevant occurrence, ceases recording early, or causes a break in continuity of recording, then they may be asked to justify this to their manager or in any disciplinary or legal proceedings which might follow. Officers may be excused for a failure to activate their camera in emergency circumstances when it is not reasonably practicable to do so (e.g. where an officer is immediately required to preserve life or prevent an imminent assault).

## **1.5 Standby mode**

When worn, BWV cameras must be turned on and set in the standby mode. An officer can record an event immediately through touch activation of the record button.

In standby mode, BWV records video (not audio) on a rolling buffer of 30 seconds. When the camera is activated by the operator, video and sound recording starts and automatically includes the back-captured video. This feature also ensures that any private conversation, which may have taken place before operator activation, is not recorded.

# **2 Safeguards**

## **2.1 When video recording devices must not be used**

Video recording devices including CCTV, HHV, and BWV cameras must not be used in staff toilets, showers or bathing facilities, locker rooms or change rooms.

HHV and BWV cameras also must not to be used in the following circumstances:

- general surveillance or covert recording
- conversations between CSNSW staff or staff from other agencies which is unrelated to an incident or event
- recording material unrelated to the lawful exercise of the officer's duties
- in a court room (unless a direction has been given by a judicial officer)
- during AVL court proceedings (unless an incident is occurring – refer to 1.2 Mandatory reporting requirements). Note: Permission from the Judicial Officer to record with BWV camera during an incident in an AVL suite is not required.

## **2.2 Use of body worn video on Court premises and during AVL court proceedings**

Officers must follow the operating protocol outlined in the *Joint Protocol for the Carriage of Body Worn Videos by Correctional Officers on Court Premises in NSW*. As outlined in the protocol:

- Before entering Court premises, CSNSW Officers carrying a BWV camera are required to turn the BWV camera onto 'Standby Mode' and make sure it stays in 'Standby Mode' while on Court premises.

- The BWV camera must be turned 'off' prior to entering a Courtroom and to remain 'off' throughout their time in a Courtroom.
- A CSNSW Officer who is responding to an incident within a Courtroom may only activate the BWV to 'record mode' if directed by a Judicial Officer.
- A CSNSW Officer who is responding to an incident within an AVL suite located within a correctional centre, transit centre or police / court cells may activate the BWV in line with CSNSW policy and procedures (see subsection **2.1** *Circumstances where video recording devices must not be used above*)

If any issues related to the Joint Protocol occur these should be resolved as efficiently as possible. Any issues that occur should be reported to the General Manager, Transport and Court Operations or the General Manager Custody & Regional Operations using the *Court Proceedings BWV Issues Report* form. Urgent issues should be reported as soon as possible after the issue is identified and before the end of an officer's shift. Non-urgent issues should be reported within 72 hours of being identified. The General Managers will collate and escalate issues as needed under the Joint Protocol.

### **2.3 Signage requirements for CCTV recordings**

Where CCTV or other video recording equipment is in use at a CSNSW premises there must be signs clearly visible at each entrance notifying people that they may be under surveillance. Any cameras used in an area must be clearly visible.

### **2.4 Advice to person being recorded**

Immediately after a correctional officer has activated a HHV or BWV camera, the officer should, where reasonably practicable, advise the inmate or other person that their conversation and actions are being recorded. The following statement is recommended for this purpose:

**I am using a camera which is recording our conversation and your actions. Do you understand that?**

### **2.5 Vulnerable persons visiting correctional centres**

Correctional officers may have to record incidents or events involving the following vulnerable persons visiting correctional centres:

- Children and young people
- People with a cognitive impairment or disability
- People with a physical impairment or disability

If a person appears not to understand an officer's advice that they are being recorded, then the officer should seek the assistance of an accompanying adult or support person where practicable.



## 2.6 Serviceability Checks

CCTV, HHV and BWV cameras must be kept serviceable. Serviceability checks must be carried out in accordance with **COPP section 16.14 Daily security reporting**.

## 2.7 Intentional misuse of camera

If the Governor or Manager of Security (MOS) suspects that a staff member has intentionally misused a camera for a purpose not authorised by policy, the matter should be referred to Professional Standards and Investigation (PSI).

# 3 Hand-held video cameras

## 3.1 Minimum standards for HHV

HHV cameras purchased after the date this policy is issued must meet the following minimum standards:

- Full HD video recording (1920 x 1080/50p)
- MP4 recording format
- Low-light recording capability and image stabilisation
- 2.7 inch (6.7 cm) LCD monitor
- 64GB SD memory card capacity
- Rechargeable battery
- USB 2.0 cable connectivity with USB charge capability
- Tripod socket

Most video cameras purchasable through NSW Government contracted providers meet these minimum standards. Cameras with higher specifications may be purchased.

## 3.2 HHV Settings

HHV cameras must be set to record video and audio at recommended levels (generally 720 p). The time and date settings must be accurate. They may be adjusted by the camera operator where necessary to reflect Eastern Standard Time or Daylight Savings Time.

# 4 Transferring and registering recordings

## 4.1 Transferring, uploading, naming and categorising

A video recording must not be altered, damaged or disposed of except in accordance with this policy.

Where CCTV footage captures a relevant incident or event an authorised officer should upload, name and categorise the footage in evidence.com.

All HHV and BWV footage must be uploaded in evidence.com, named, and categorised accordingly by each camera operator without delay for footage relating to an IRM and before the end of an officer's shift for non-IRM footage.

Footage uploaded by camera operators who do not have a user account in evidence.com, must be named and categorised by an authorised officer or supervisor without delay for footage relating to an IRM and before the end of an officer's shift for non-IRM footage.

Where the camera operator or authorised officer have no reasonable opportunity to name and categorise non-IRM footage on a B, C or N watch the authorised officer must inform the officers who captured the footage. This does not include the A Watch where non-IRM naming, and categorisation must be completed before ceasing duty. The officers who captured the footage must complete in full the annexure, *Handover of video recording details*, and give it to the incoming authorised officer during watch handover. The incoming authorised officer must name and categorise the footage in evidence.com as soon as reasonably practicable and without delay.

An authorised officer can request access for a new user by completing the Evidence.com Access Request Form available on the Body Worn Video Cameras: Resources and Forms page of the intranet. Where possible a licence should be allocated from an inactive user instead of a new licence being requested.

If an officer cannot upload HHV or BWV footage before the end of their shift (e.g. SOG operations on the road) they **must** do so within 72 hours of the recording.

Officers must ensure naming and categorisation is correct and complete in accordance with *Guideline for naming and categorising video footage*.

Recordings will be retained as required under the *State Records Act 1998* (refer to **subsection 5.1 Access controls** of this policy for more information).

## 4.2 Recordings of evidentiary value

Recordings are of evidentiary value when they contain video footage or single images of an incident or event which could be of value for an investigation or legal proceedings. All recording of evidentiary value must be transferred from the relevant recording device (including CCTV, HHV, BWV cameras) to evidence.com.

Video recordings where an incident does not appear to have occurred at the time and which do not fit into a mandatory category still need to be labelled and stored in evidence.com.

## 4.3 Erasing original recordings from HHV cameras

HHV camera memory or the SD card which initially stored a recording must be erased by the authorised officer after transfer to evidence.com to prevent unauthorised access to or use of a recording.

## 4.4 Viewing footage to prepare reports

An officer may seek approval from a Governor or MOS to view CCTV or HHV video recordings to assist them to write accurate inmate misconduct or incident report. Officers do not need the Governor or MOS in charge's permission to view their own

BWV footage. Officers must only review the recording after it has been stored appropriately in evidence.com. Staff who are required to view footage and prepare reports must consult their supervisor to coordinate relief of their post, if necessary. It should be noted that an officer should be relieved to download the BWV and to write the report.

If an officer reviews a video recording to prepare a report they must note this as a comment in their report. Where relevant they should also note that approval to review the footage was provided by the Governor or MOS in charge. Officers should distinguish between any statement in their report which is based on their honest belief and any statement which is derived from viewing footage.

If an officer fails to record a relevant occurrence, ceases recording early, or there is a break in continuity of recording, then this must be explained in their incident report.

Officers must write their reports from their own recollection of events and independently from each other.

Officers **must not** view a video recording to assist them to write their report if the incident led to a person sustaining life-threatening or fatal injuries.

#### **4.5 Review of recordings for serious incidents and complaints**

A video recording of a **serious incident must be reviewed** by an authorised reviewing officer to determine whether:

- there is any evidence of a person committing an offence against any Act or statutory instrument
- the conduct of staff members was appropriate
- any issues need to be addressed in an After-Action Review (AAR) or training.

A recording must also be reviewed by an authorised reviewing officer when a **complaint** is made about the conduct of staff.

Reviewing officers must note when available recording devices were not used during an incident or event. They should comment on the impact the lack of recording had on their review. They should also outline any actions taken in response to the staff member not appropriately recording the incident or event (training etc).

Video recordings must be reviewed impartially by an authorised reviewing officer who was not involved in the incident.

A video recording of a strip search must only be reviewed by an officer of the same sex as the inmate searched.

The outcome of a review must be recorded in the relevant IRM.

#### **4.6 Unintentional recordings**

An officer may unintentionally record footage by inadvertently putting a camera in record mode or when an officer has forgotten to turn it off after an incident or event.

If an officer, incident reviewing officer or auditing officer becomes aware that footage has been recorded unintentionally, they may request deletion by emailing [bwc@dcj.nsw.gov.au](mailto:bwc@dcj.nsw.gov.au) with the *Request for deletion of body-worn video recording form*

if the footage contains private or sensitive information that is not of evidentiary value. Accidental recordings that do not contain such information can be categorised as “accidental recording” and be subject to normal deletion retention period.

#### **4.7 Technical issues with footage or data on evidence.com**

If staff are experiencing technical issues with footage or data on evidence.com e.g. accessing footage or modifying metadata, they must contact the Technical Security Unit (TSU) at [bwc@dcj.nsw.gov.au](mailto:bwc@dcj.nsw.gov.au). Staff must not contact Axon Support to assist. TSU staff will assist staff with their issue.

## **5 Information and records management**

### **5.1 BWV access controls**

BWV systems do not allow the operator to delete or alter recorded footage. Each recording automatically generates metadata including camera identification and the time and date of recording. Metadata will be retained indefinitely.

User, supervisor and local systems access rights for evidence.com and BWV issued will be determined by the relevant Assistant Commissioner, Security & Custody or Custodial Director for correctional centres and CESU. For a specialised unit this will be determined by the Deputy Commissioner, Security & Custody.

A person must not access a recording, create a copy of a recording, or possess a copy of a recording unless authorised by this policy.

### **5.2 Disclosure of information and recordings**

Video recordings, any data stored on evidence.com, or a *Register of Video Recordings* extract must not be copied or disclosed except as provided for by this policy.

**Inmate disciplinary hearings:** A video recording may be used in evidence for the hearing of charges pursuant to the *Crimes (Administration of Sentences) Act 1999*, pt 2 div 6.

#### **Law enforcement purposes:**

Upon receiving a *Request for Evidence form* staff delegated by the Commissioner under clause 326(a) of the *Crimes (Administration of Sentences) Regulation 2014* in the *Commissioner's Instrument of Delegation* may approve the disclosure of video evidence to a law enforcement or investigative agency if doing so is necessary for the agency to fulfil its lawful functions.

A copy of a video recording may be provided electronically via evidence.com, by email or by removable media, such as USB memory stick, portable hard drive or DVD to a member or officer of a law enforcement agency for a relevant purpose. Law enforcement agencies include but are not limited to:

- Corrective Services NSW
- Department of Communities and Justice
- NSW Police Force
- Australian Federal Police
- Independent Commission Against Corruption
- NSW Crime Commission
- Australian Criminal Intelligence Commission

**Relevant purposes are:**

- a coronial investigation or the detection, investigation or prosecution of an offence
- a purpose that is directly or indirectly related to the taking of proceedings for an offence or a coronial inquest
- disciplinary or managerial action or legal proceedings against an employee of a law enforcement agency as a consequence of any alleged misconduct or unsatisfactory performance by the employee
- A request for records from DCJ Legal related to an application under the *Government Information Public Access Act 2009* or *Privacy and Personal Information Protection Act 1998* in response to a subpoena, summons or statutory order/notice
- a purpose that is directly or indirectly related to the taking of such disciplinary or managerial action or legal proceedings
- in connection with the training of law enforcement members or officers.

**NSW Ombudsman’s inquiries and Inspector for custodial services:** A copy of a video recording may be given to the NSW Ombudsman for any preliminary inquiry that is directly or indirectly related to alleged misconduct or unsatisfactory performance by an employee. Only Governance and Continuous Improvement may handle such requests.

A copy of a video recording given to an external law enforcement agency, from a correctional centre, must be registered in the centre’s **Exhibit Register** and signed for in the same manner as any other exhibits taken by police.

Only staff delegated to disclose information under section 326(a) of the *Crimes (Administration of Sentences) Regulation 2014* may share footage or images externally for a relevant purpose.

Physical media may be used to transfer recordings to other agencies under section clause 326(a) of the *Crimes (Administration of Sentences) Regulation 2014* for a relevant purpose when a request is made for evidence on a hard copy. Otherwise, evidence.com should be used to transfer media.

Copies of video recordings for Professional Standards Branch should be sent via Kiteworks or evidence.com.

### 5.3 Responsibility for sharing footage

Purpose for sharing	Responsible
<p>Law enforcement purposes including:</p> <ul style="list-style-type: none"> <li>Immediately following an alleged offence</li> <li>After time has passed since the alleged offence</li> </ul> <p>To:</p> <ul style="list-style-type: none"> <li>Department of Communities and Justice</li> <li>NSW Police Force</li> <li>Australian Federal Police</li> <li>Independent Commission Against Corruption (ICAC)</li> <li>NSW Crime Commission</li> <li>Australian Criminal Intelligence Commission (ACIC)</li> </ul> <p>Also, any other agencies not listed above.</p>	<p>Immediately following an alleged incident: Correctional centres or other locations where the footage was filmed</p> <p><u>After time has passed since alleged incident:</u></p> <p>Investigations Branch</p> <p>OR</p> <p>Correctional centres or other locations where the footage was filmed where appropriate (Investigations branch must be consulted prior to release particularly in relation to requests from ICAC, ACIC or the NSW Crime Commissioner).</p>
Ombudsman inquiries	Security and custody operations
Inspector inquiries	Security and custody operations
A coronial investigation	Investigations Branch
A purpose that is directly or indirectly related to the taking of proceedings for an offence or a coronial inquest	Investigations Branch
<p>Disciplinary or managerial action against an employee of a law enforcement agency as a consequence of any alleged misconduct or unsatisfactory performance by the employee</p> <p><b>or</b></p> <p>A purpose that is directly or indirectly related to the taking of such disciplinary or managerial action or legal proceedings</p>	<p><b>Tier 1 use of force:</b> Use of Force Review Committee (if not referred to PSB by centre management / location management)</p> <p><b>Other use of force where misconduct suspected:</b> Correctional centre management /location management</p> <p><b>Non-use of force matters:</b> Correctional centre management to consult PSB.</p>
Legal proceedings against an employee of a law enforcement agency as a consequence of any alleged misconduct or unsatisfactory performance by the employee	Investigations branch

Purpose for sharing	Responsible
A request for records from DCJ Legal related to an application under the <i>Government Information Public Access Act 2009</i> or <i>Privacy and Personal Information Protection Act 1998</i> in response to a subpoena, summons or statutory order/notice	Business area where the footage was recorded in consultation with DCJ Legal Privacy and Information.
In connection with the training of law enforcement members or officers.	For sharing of footage within CSNSW only, in consultation with SOG.

## 5.4 System, licence, and equipment audits

Local system audits must be conducted by correctional centres and other Security and Custody managed units and locations at least quarterly. Audits should be completed more regularly at centres with a higher volume of video recordings. For large centres local system audits should be conducted monthly. The audit should be completed using the *Video recordings audit checklist* form which, when completed, must be saved in a dedicated EDRMS folder. It must include the following:

- User profiles – to help determine how often users are accessing their account. This will help determine if the user licence is no longer in use and can be re-assigned to another user. Each user incurs a monthly licence fee irrespective of whether or not the licence is being used.
- Equipment – list of equipment assigned to a centre, when it was last used and how often it is used. This will help to determine whether the correctional centre or operations unit has excess cameras to allow reassignment of BWVCs to avoid inefficiency. It will also help identify any maintenance issues which need to be addressed. Each BWVC also incurs a monthly fee irrespective of whether it is being actively used.
- Naming & Categorising – ensure that all footage is named and categorised correctly. Each category is linked to a retention period in evidence.com and archives accordingly. If footage is not named appropriately, it makes identifying footage for sharing and properly disposing of evidence difficult. Any unintentional recordings should be identified during this process and categorised as “accidental recording”, and, if containing private or sensitive information of no evidentiary value, forwarded to [bwc@dcj.nsw.gov.au](mailto:bwc@dcj.nsw.gov.au) for deletion.
- Run a report of days lapsed between recording and uploading. This will assist to identify compliance issues and officers who are not uploading, naming and categorising evidence accordingly to policy.
- Check all recordings stored on a physical storage device such as a DVD, USB memory stick, or portable hard drive are accounted for and note this check has been completed in the *Register of Video Recordings*.

The report required for centres to conduct audits are generated and forwarded by the TSU.

## 5.5 State-wide monitoring and review

Quality Assurance, Custodial Support (QACS) will monitor evidence that has been shared with external parties. QACS may conduct reviews of evidence.com to ensure compliance with this policy. The Governor/MOS must provide any documents or access to electronic records to facilitate QACS's review within 5 business days of the request.

## 5.6 Retention and disposal

Disposal of records in accordance with this table is considered normal administrative practice and complies with *Functional Retention and Disposal Authority: FA408* (see table below) issued by the State Archives and Records Authority.

Description	Retention / disposal
<ul style="list-style-type: none"> <li>• Death</li> <li>• Near death</li> <li>• Escape</li> <li>• Significant damage to property</li> <li>• Significant injury to staff or other persons</li> </ul>	Required as State Archives
<ul style="list-style-type: none"> <li>• Use of force</li> <li>• Correctional centre offences</li> <li>• Minor injury to staff or other persons</li> <li>• Deliberate damage to property</li> <li>• Discovery of contraband</li> <li>• Trafficking in drugs or alcohol</li> <li>• Unintentional recordings that capture an important event or incident</li> <li>• Recordings of interactions with inmates (noting that BWC must not be used for general surveillance or covert recording)</li> <li>• Entering inmate cells when no incident occurs that is of evidentiary value</li> </ul>	Retain for seven (7) years after last action, then destroy
<ul style="list-style-type: none"> <li>• Video recordings of inmate transfers and movements etc. where the use of force has not occurred</li> <li>• Video recordings where an incident has not occurred</li> <li>• Recordings of interactions with inmates where no notable incident or event occurred</li> <li>• Entering inmate cells when no incident occurs that is of no evidentiary value</li> <li>• Training videos</li> </ul>	Destroy after five (5) years

Video recordings stored in evidence.com will automatically be retained and disposed of depending on the categorisation.



## 5.7 Sending records to State Archives & Records NSW

CSNSW may send video recordings of evidentiary value saved on storage media outside of evidence.com to State Archives & Records NSW **prior** to the 25-year period specified in the 'Retention / disposal' column above if the video recording is:

- not in use, and
- highly unlikely to be requested by a law enforcement agency.

## 5.8 Use of recordings for training purposes

A video recording must not be used for training purposes if it relates to a matter currently subject to:

- active inquiries or investigation for managerial or disciplinary action
- active inquiries or investigation by a law enforcement agency
- legal proceedings.

Video recordings that are to be used for training purposes must be:

- redacted (face pixilation and voice distortion for privacy purposes if consent has not been provided by the individuals identified in the footage)
- contain appropriate warnings for content that may cause distress or offence
- contain appropriate warnings for cultural sensitivities.

Training sessions may be recorded as a quality assurance and safety measure. Before the commencement of the training session the instructor should ensure that all participants provided signed consent for the session to be recorded. Where possible the consent should be sought 14 days before the training session.

# 6 Acquiring equipment and licences

## 6.1 Efficient use of resources

Body-worn video cameras and licences are paid for by CSNSW on a subscription basis. Any cameras or licences that are not utilised continue to incur cost for CSNSW. Refer to subsection 5.4 *System, licence and equipment audits*.

Therefore, before any new cameras or licences are ordered, CSNSW will strive to reassign underutilised resources to minimise cost.

## 6.2 Requesting cameras and licences

A request for new cameras or licences must be made to the Custodial Director of the region for correctional centres, the relevant Assistant Commissioner for the CESU and the Deputy Commissioner for the Security Operations Group (SOG). A request must only be made after it has been confirmed that existing cameras and licences at the correctional centre, location or unit do not have existing underutilised assets.

A request for new cameras or licences must be made with the *Request form for additional body worn camera equipment and evidence* (available on the intranet page

– see link to *Body worn video cameras: resources and form* on COPP policy landing page) and emailed to:

Correctional centres – the regional Custodial Director

CESU – the relevant Assistant Commissioner, Security and Custody

Security Operations Group – the Deputy Commissioner, Security and Custody

### **6.3 Issue of cameras and licence**

A correctional centre, location or unit's request for additional cameras or licences will be fulfilled by reassigning assets existing at other correctional centres, locations or units first, and if there are none available, the Technical Security Unit will arrange for more cameras and licences to be ordered.

## 7 Quick links

- [Related COPP](#)
- [Forms and annexures](#)
- [Related documents](#)

## 8 Definitions

Authorised officer	The officer authorised by the Assistant Commissioner, Governor, or General Manager to perform the functions set out in this part of the COPP.
Authorised reviewing officer	The manager of security or other officer authorised by the Governor to review reportable incidents
BWV	Body-worn video
CCTV	Closed Circuit Television which includes fixed camera and pan-tilt-zoom (PTZ) cameras
COPP	Custodial Operations Policy and Procedures
Correctional centre	Any place of detention including a correctional centre, correctional complex, police or court cell complex or residential facility where inmates are in Corrective Service NSW custody.
CSNSW	Corrective Services NSW
DVD	Digital Versatile Disk
EDRMS	Electronic Data and Records Management System
Governor	For this policy a Governor includes (unless otherwise stipulated): <ul style="list-style-type: none"> <li>• a general manager of a contract managed correctional centre; or</li> <li>• a general manager in charge of an operational unit; or</li> <li>• a Manager of Security (MOS) in charge of a correctional centre</li> </ul> Also see the definition of <i>Governor at section 3 of the Crimes (Administration of Sentences) Act 1999</i> and subsection 233(3).
HHV	Hand-held video
IRM	Incident Reporting Module
Law enforcement agency	Refer to section 3 of the <i>Workplace Surveillance Act 2005</i> and the list at <b>subsection 5.2 Disclosure of information and recordings</b> of this policy.
LOPs	Local Operating Procedures
Metadata	System and/or user generated information about a recording including time, date, camera number, and user identification.
OIC	Officer in charge: the on-duty ranking correctional officer who is in charge of the correctional centre or operational unit in the absence of the Governor or General Manager, e.g. Manager of Security or Night Senior.

PTZ camera	A CCTV camera with pan, tilt and zoom function.
Reportable incident	Refer to <a href="#">Table of reportable incidents</a>
Significant damage	Any damage to correctional centre property which resultantly renders a cell, unit or other area unserviceable, e.g. significant wilful damage to cell plumbing or other fittings which puts the cell out of use pending substantial repairs.
Serious incident	A serious incident is any incident that includes: <ul style="list-style-type: none"> <li>• escape or attempted escape</li> <li>• death in custody</li> <li>• death of an employee</li> <li>• serious assault of any person resulting in hospital treatment</li> <li>• riot</li> <li>• hostage taking</li> <li>• major fire.</li> </ul>
Significant injury	Any serious injury which requires immediate medical treatment or hospitalisation, e.g. serious head injury, serious eye injury, fractures, laceration requiring sutures, etc.
Storage media	DVD, USB flash drive, portable hard drive, network hard drive.
Video recording	Any visual recording obtained through an optical surveillance device such as a CCTV, HHV or BWV camera. This includes a sound recording if the camera also has that function.
Video recording device	A CCTV, HHV or BWV camera.

## 9 Document history

<b>Business Centre:</b>	Custodial Operations	
<b>Approver:</b>	Kevin Corcoran	
<b>Date of Effect:</b>	12 November 2018	
<b>EDRMS container:</b>	18/7557	
Version	Date	Reason for amendment
1.0		Initial publication ( <i>Replaces section 13.9 of the superseded Operations Procedures Manual</i> ).
1.1	2/07/19	New policy regarding officers viewing video footage inserted at [4.2]. Officers may view CCTV and HHV footage while completing reports if approved by the Governor.
1.2	5/07/19	Amended [4.2] to clarify that Governor approval is not required for an officer to view their own BWV footage.
1.3	12/03/20	General formatting update and improvements
2.0	22/03/23	Section updated to merge the former <b>COPP section 13.12 <i>Body-Worn Video</i></b> into this section after BWV proceeded from trial to BAU.
2.1	05/12/23	Amended [5.1] to clarify that only an Assistant Commissioner, Security & Custody or Custodial Director (including director for CESU) is authorised to determine access rights for evidence.com. The Deputy Commissioner, Security & Custody will provide authorisation for specialised units.