



## LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

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### SELECT COMMITTEE ON ESTIMATES 2022-2023

Mr James Milligan MLA (Chair), Mr Andrew Braddock MLA (Deputy Chair),  
Dr Marisa Paterson MLA

### ANSWER TO QUESTION TAKEN ON NOTICE DURING PUBLIC HEARINGS

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Asked by Andrew Braddock MLA on Monday, 29 August 2022: Neil Gaughan, Chief Police Officer – ACT Policing took on notice the following question(s):

[Ref: Hansard Transcript Monday, 29 August 2022 [PAGE 137-139]]

In relation to:

**MR BRADDOCK:** Thank you. I would just like to ask about body worn cameras, noting that the guidance has been in place for a little while now, I am particularly interested in terms of the accountability around when police may turn off the body worn camera, what measures do we have in place to ensure that that is being done for legitimate purposes and nothing ill will has happened during those times?

**Dep Commissioner Gaughan:** No, it is a good question. Obviously, it was a bit of a cultural change, if you like, in relation to the fact members had to remind themselves, if you like, to turn the body worn cameras on. Complying or compliance is very good, it is actually a breach of our professional standards if you do not turn the camera on when you are supposed to and I do not have the data in front of me in relation to how many people have been put forward for investigation in relation to that but we will take it on notice, unless Mr Whowell can find it for me.

But what it has led to, the fact that the camera is on and people know they are being filmed, it changes behaviour. It changes behaviour of my officers, to some extent, because they know what they are saying and what they are doing is being filmed, but it also changes the behaviour of the broader community who know their actions are being recorded and can be shown.

There has been a couple of instances recently where I have been more than disappointed in relation to the actions of some of my officers and the court has held them to account for that, as do professional standards. And we have referred a couple of matters in the last few months where members have overstepped the mark in relation to their use of force and they will be dealt with according to our professional standards system.

But what we have seen, the long-term trend, particularly, is that alleged breaches of our professional standards regime have continued to decrease and I would say, some of that is due to the implementation of the cameras and certainly, that is the evidence that is from other jurisdictions, is that the introduction of those cameras certainly saw a lot of police behaviour improve.

But overall compliance is excellent. I think the overall—particularly, I have got a very, very young police force compared to most other jurisdictions, we have, you know, a lot of new

people coming through who are embracing the technology, they understand the fact that, you know, it will show that 99.999 per cent of the time, they have done the right thing.

And that is why I encourage them, every time we talk to them, we remind them and encourage them to turn it on when they should. In fact, I have now said to them, you know, if you are going to a critical incident, turn it on, you know, on your way to the job, because then we will be able to hear your decision making in relation to prior you getting there.

So that when they are going to a, you know, a robbery in process or a violent—domestic violence matter, they are actually talking about how they are going to approach it and if things go badly, at least from every type of avenue, they will be defensible in relation to the way they actually thought about how they were going to approach the incident, so that is what they are now doing.

**MR BRADDOCK:** Excellent. Have there been any lessons learned about the body worn camera, in terms of guidelines or any—

**Dep Commissioner Gaughan:** Yes, look, a bit like legislation, we continue to review guidelines and there has been lessons learned because the fact that, you know, one of the things is storage for us, you know, we are storing a hell of a lot of data and it is now in the cloud and how we are going to continue to retrieve it down.

So we will continue to review our guidelines. Obviously, some decisions taken by courts in the future will obviously also impact on our guidelines and how we, you know, different case law comes out, et cetera, et cetera. So our guidelines are never set and concrete, they will continue to be reviewed.

Nothing particularly stands out, at this stage, but certainly, we will take on board, you know, what comes of different committees and different reviews, including this one. And we will take that on board and change things if we need to.

**MR BRADDOCK:** Thank you.


Mick Gentleman MLA, Minister for Police and Emergency Services: The answer to the Member's question is as follows: –

On 11 February 2022 changes to the *Crimes (Surveillance Devices) Act 2010* mandated police use their Body Worn Camera (BWC) when interacting with members of the public in most circumstances, in both public and private settings. As at 1 September 2022, for the period of 8 February 2022 to 31 August 2022, no complaints regarding the use of, or failure to activate a BWC have been submitted to PRS.

Further to this, no complaints were submitted to PRS which involved non-compliance or governance breaches against mandatory BWC use, based on the requirements under the *Crime (Surveillance Devices) Act 2010 (ACT)* or the *2022 Crimes (Surveillance Devices) Body Worn Cameras Guidelines Disallowable Instrument*.

PRS does not hold records regarding failure to record the reason for not using a BWC against the guidelines, unless a matter has been submitted to PRS as a complaint.

Approved for circulation to the Select Committee on Estimates 2022-2023

Signature: 

Date: 6/9/2022

By the Minister for Police and Emergency Services, Mick Gentleman MLA