



## AFP Practical Guide on hand held digital recorders (ACT Policing)

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### 1. Disclosure and compliance

This document is classified **UNCLASSIFIED** and is intended for internal AFP use.

Disclosing any content must comply with Commonwealth law and the [AFP National Guideline on](#)

[disclosure of information](#).

## Compliance

This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on Professional Standards \(CO2\)](#) outlines the expectations for appointees to adhere to the requirements of the framework. Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the [Australian Federal Police Act 1979](#) (Cth).

## 2. Acronyms

<b>ACT</b>	Australian Capital Territory
<b>AFP</b>	Australian Federal Police
<b>CPO</b>	Chief Police Officer for the ACT

## 3. Definitions

**Primary evidentiary recordings** - means an audio/audiovisual recording which will or may be tendered as evidence in judicial proceedings.

**Recorder** - means, in this guideline, a hand held digital recording device able to record and save sound and/or images onto any electronic media, including disks, internal memory or memory cards.

## 4. Guideline authority

This guideline was issued by the Chief Police Officer for the ACT using power under s. 37(1) of the [Australian Federal Police Act 1979](#) (Cth) as delegated by the Commissioner under s. 69C of the Act.

## 5. Introduction

This Practical Guide outlines how AFP members should use hand digital recorders to create and manage audiovisual records for official purposes within the ACT.

## 6. Policy

Recordings produced on a recorder to perform a member's official duties are official records and are therefore subject to legislative rules and AFP procedures for retention and disposal as outlined in the [AFP National Guideline on managing records](#). Digital records must be handled in accordance with AFP information policies, regardless of whether records are primary evidentiary recordings or general recordings.

Records, including metadata, may be publicly accessible through the [Freedom of Information Act 1982](#) (Cth).

## 7. Traffic matters

Recordings made relating to functions conducted under, or the investigation of offences against, road transport legislation, which do not involve any criminal offences are excluded from the requirements in this guideline. However, nothing precludes a member or a team from observing this guideline for traffic matters, particularly if the matter concerned is of a more serious nature or the member wishes to do so.

Members should consider that, regardless of this exclusion, the provisions under Part 1C of the *Crimes Act 1914* (Cth) may still need to be applied in certain cases when traffic offences are being investigated.

## 8. Compliance with legislation

Members using a recorder primarily for evidentiary recording must be familiar with, and ensure compliance with, relevant legislation such as:

- [Crimes Act 1914](#) (Cth)
- [Crimes Act 1900](#) (ACT)
- [Telecommunications \(Interception and Access\) Act 1979](#) (Cth)
- [Listening Devices Act 1992](#) (ACT).

Where relevant, members should familiarise themselves with state laws (where not a Commonwealth or ACT offence).

## 9. Obtaining best quality records

Members should be aware that digital recorders are limited in comparison to analogue recording.

### Data compression

Most digital recorders use data compression (e.g. MP3, WMA), to reduce the size of audio files. This allows longer recordings and easier movement of files on a computer. However, data compression is **always** at the expense of audio quality.

Data compression is usually designed for popular music or for voice recorded close to a microphone in a quiet room (e.g. dictation). It works poorly for other kinds of sound, such as low-level voices with high-level background noise.

Recordings made for operational policing are more often made in uncontrolled, noisy environments, with target voices at varying levels. Using data compression on these kinds of recordings often causes much of the target signal to be discarded as irrelevant background noise. Data compression severely limits the ability to enhance recordings.

Members using recorders should:

- use the highest quality setting on the recorder when using a compressed audio format (e.g. MP3)
- record in stereo if the option is available

- place microphones as close as possible to the target voice, and as far as possible from other noise sources
- always use the pause function on the digital recorder to suspend interviews (to limit number of audio files created)
- try to create one recording file per interview to assist downloading
- use an external powered microphone, if available, to enhance recording quality
- only burn Field Interviews on to official AFP Digital Interview DVD/CD packs. The packs are identified by a disk serial number and each contains:
  - red - master DVD (8 hours capacity)
  - green - working DVD (8 hours capacity)
  - yellow - master CD (60 minutes capacity)
  - white - working CD (60 minutes capacity)
  - blue - interviewee CD (60 minutes capacity)
- only burn interviewee copies (blue CD) of field recordings from the investigator's working CD (white). If more than one interviewee CD is required this must be obtained from another official AFP Digital Interview
- recording pack.

## 10. Procedure for primary evidentiary recordings

Members must attempt to adopt any admissions made during a field interview in a formal office based taped record of interview process, as per Part 1C of the [Crime Act 1914](#) (Cth).

After completing a field interview and returning to AFP premises, the interviewing officer must transfer the recorded conversation by burning 2 copies to AFP CDs as follows:

- A 'master' disk must be created using a yellow CD. Relevant metadata and disk labels must be completed.
- A 'working' disk must also be created as an investigating officer's copy using a white CD. Relevant metadata and disk labels must be completed.

In the DVD/CD burning program both copies are to be recorded using 'record once' (or 'disk at once'). 'Track at once' or multiple recording sessions **must not** be used.

Data must be verified by selecting 'verify data' options in the burning program.

## 11. Master copy

The master copy (red DVD and yellow CD) must be treated as an original copy and an exhibit per the [AFP National Guideline on property and exhibits](#). The details of the disk should then be entered onto PROMIS and the disk sealed and lodged with the Exhibits Management Centre.

Master disks must be used where the authenticity of the recording is challenged or questions concerning the conduct of the interview are raised. Scientific and/or technical examination may be used to validate the recording.

Master recordings must not be enhanced or edited.

## 12. Working copy

The investigator's working copy (green DVD and white CD) can be copied for transcription, playback, enhancement, editing or an interviewee copy. An unaltered working disk should be retained with the case file for brief preparation.

Creating disks is part of the exhibit continuity chain and the member must sufficiently document it to ensure police statements can be prepared to satisfy evidentiary continuity requirements.

## 13. Storing digital recordings

After successfully copying a disk, any information stored in the recorder itself should be deleted with the recorder's delete function.

Information from a field recording must never be saved or stored on a common drive or personal drive within the AFP LAN system.

Field recordings and transcripts, however accessed on a laptop computer, must never be saved directly to the laptop computer drive(s).

Storing general recordings must comply with the [AFP National Guideline on managing records](#).

## 14. Device specifications

Information Communications Technology Services approved brand is the Olympus Digital Voice Recorder.

## 15. Purchase of digital recorders

All digital recorders should be purchased centrally by ACT Policing Finance via email address [ACT-Financial-Services@afp.gov.au](mailto:ACT-Financial-Services@afp.gov.au).

## 16. Further advice

Queries about the content of this guideline should be referred to Superintendent Criminal Investigations.

## 17. References

### Legislation

- [Crimes Act 1900](#) (ACT)
- [Crimes Act 1914](#) (Cth)
- [Listening Devices Act 1992](#) (ACT)
- [Telecommunications \(Interception and Access\) Act 1979](#) (Cth).

### AFP governance instruments

- [AFP National Guideline on property and exhibits](#)
- [AFP National Guideline on managing records](#).

