

# Tasmania Police Manual



The Tasmania Police Manual (the TPM) is provided as a compendium of orders, instructions and guidelines to assist members of Tasmania Police in fulfilling their responsibilities.

This version of the TPM has been developed for viewing by the general public.

Some parts of the TPM contain information that is not appropriate for disclosure to the general public. Therefore, in developing this version of the TPM, exemptions pursuant to the *Right to Information Act 2009* have been applied to some of the content.

In particular, the following exemptions have been applied:

***Section 30 - Information relating to enforcement of the law***

*(1) Information is exempt information if its disclosure under this Act would, or would be reasonably likely to –*

*(c) disclose methods or procedures for preventing, detecting or investigating, or dealing with matters arising out of, breaches or evasions of the law, the disclosure of which would, or would be reasonably likely to, prejudice the effectiveness of those methods or procedures; or*

*(d) endanger the life or physical, emotional or psychological safety of a person, or increase the likelihood of harassment or discrimination of a person.*

***Section 36 - Personal information of person***

*(1) Information is exempt information if its disclosure under this Act would involve the disclosure of the personal information of a person other than the person making an application under section 13.*

Relevant annotations appear where content has attracted the aforementioned exemptions.

Amendments are occasionally made to the TPM. Any such amendments will also be added to this public version of the TPM.



**D L HINE**

Commissioner of Police

Secretary, Department of Police, Fire and Emergency Management

16 June 2017

## COMMISSIONER'S FOREWORD

The orders, guidelines and procedures contained in this Manual are issued for the guidance of all personnel in the performance of their duties and the effective management of Tasmania Police.

The [Police Service Act 2003](#) requires police officers to act in accordance with the orders in this Manual. While the Manual is designed to provide guidance to all personnel, in some cases non-compliance may be dealt with as a breach of discipline.

As the Manual is not all encompassing, members should seek advice in cases of uncertainty or situations not addressed herein. In any event, members should observe our core values of integrity, equity and accountability and are expected to exercise common sense and discretion to resolve situations and incidents by making decisions that are ethical, lawful and fair in furthering the objectives of Tasmania Police.

We are committed to providing the people of Tasmania with a professional and accountable policing service, and strive to improve our performance in all areas. To assist our members in providing such a quality service, my desire is for the Tasmania Police Manual to be regarded as a practical, contemporary and valued operational tool.

The Tasmania Police Manual is currently in a period of transition, and I would encourage all members to take ownership of the content and provide comment or recommendations where appropriate.

**D L HINE**  
Commissioner of Police  
2017

## INSTRUCTIONS FOR USE

The Tasmania Police Manual (TPM) is provided as a compendium of orders, instructions and guidelines to assist Tasmania Police members in fulfilling their responsibilities.

Content outlining procedures and guidelines is provided to assist members in the discharge of their duties and responsibilities. These additional provisions are not intended to be prescriptive and may not necessarily provide the optimum solution in all circumstances. Members are expected to apply judgement and discretion and, on all occasions, must be able to demonstrate any action taken was reasonable and justifiable in the circumstances.

Although the Manual is primarily aimed at providing guidance for sworn police officers, it may also be used as a guide by Department of Police, Fire and Emergency Management (DPFEM) State Service Employees and State Emergency Service volunteers where applicable and considered appropriate.

The Manual allows members to navigate between related sections, and other relevant documents, by using 'hypertext' linkages, which are highlighted in blue.

A search engine is also provided that allows the user to search on single or multiple words. Search results will highlight the word, or words, of interest.

Members are encouraged to identify opportunities for improvement to the TPM by forwarding comment to Strategy and Support.

Members are reminded that they must comply with all orders contained within the TPM in accordance with section 42 of the [Police Service Act 2003](#) (Code of Conduct).

## NATIONAL POLICE CODE OF ETHICS

Tasmania Police endorses and subscribes to the National Police Code of Ethics. The National Police Code of Ethics consists of the following principles.

- Police officers have a duty to their country and to their Police Service to serve the community by protecting life and property, preserving the peace and detecting and apprehending offenders.
- Police officers should carry out their duties with integrity and honesty and should at all times make every effort to respect the rights of all people in the community regardless of colour, social status or religion, enforcing the law justly without fear, favour, malice or ill will.
- It is incumbent upon all police officers to keep confidential matters of such a nature which they may learn in their official capacity, unless revelation is necessary for the administration of justice.
- By their conduct and performance police officers should give high priority to enhancing the reputation of their profession. Police officers should practice self-discipline and restraint and should strive to improve their knowledge of the law and contemporary police practice applicable to their community.
- In the pursuit of their responsibilities, police will resort to the use of force only when strictly necessary and to the extent required for the performance of their duty.
- Police officers should be aware of these ethics and should accept the desirability of them as an integral part of their personal and professional life.

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## 1.1 CALL-OUT PROCEDURES

### 1.1.1 ACTIVATION

- (1) Where members are required to be available for call-back after hours, Radio Dispatch Services is to be advised of the after-hours contact number/s of:
  - (a) the member's supervisor, if the member is required to obtain authority from their supervisor prior to being called back; or
  - (b) the member to be called back where no such authority is required.
- (2) Radio Dispatch Services is only required to make one telephone call to call-back a member to duty.
- (3) Where off-duty supervisors are required to be notified of any call-back that supervisor is to personally activate the call-back.
- (4) A member called back to duty, other than by that member's supervisor, shall notify their supervisor as soon as practicable, outlining the time of the activation, reason for the activation, the amount of overtime incurred and any other matter concerning the call-back the supervisor requires.
- (5) Supervisors, when selecting a member to be in receipt of availability or standby allowances, need be mindful of the location of that member should they be the subject of a call-back. Time calculated to be capable of commencing duty or resuming duty, does not include travel time.

### 1.1.2 AVAILABILITY

#### **ORDER**

**MEMBERS IN RECEIPT OF AVAILABILITY ALLOWANCE AND ROSTERED OR DIRECTED TO BE AVAILABLE FOR THE PURPOSE OF RETURNING TO DUTY AT ANY TIME OUTSIDE NORMAL ROSTERED HOURS, ARE TO:**

- **ENSURE SUITABLE ARRANGEMENTS ARE MADE FOR THEM TO BE READILY CONTACTED;**
- **BE CAPABLE OF COMMENCING DUTY WITHIN 20 MINUTES OF BEING CONTACTED; AND**
- **ABSTAIN FROM CONSUMING INTOXICATING LIQUOR.**

### 1.1.3 STANDBY

#### **ORDER**

**MEMBERS IN RECEIPT OF STANDBY ALLOWANCE AND DIRECTED TO REMAIN AT HOME OR AT SOME OTHER LOCATION TO MONITOR TELEPHONE CALLS AND/OR TO RETURN TO DUTY AT SHORT NOTICE, ARE TO:**

- **BE CAPABLE OF COMMENCING DUTY WITHIN FIVE (5) MINUTES OF BEING ADVISED; AND**
- **ABSTAIN FROM CONSUMING INTOXICATING LIQUOR.**

**1.1.4 OVERTIME**

**ORDER**

**UNLESS IT IS NOT PRACTICABLE TO DO SO, MEMBERS SHALL NOT WORK OVERTIME  
UNLESS AUTHORISED BY THEIR SUPERVISOR.**

## 1.2 FUNERALS

- (1) Subject to the consent of the next-of-kin or relatives, the Commissioner may approve a police funeral for a deceased member.
- (2) Commanders are responsible for ensuring appropriate arrangements are made for police funerals involving members under their command.
- (3) A senior member should be appointed as member in charge of the funeral detail.
- (4) Members who are assigned responsibility for a police funeral shall refer to the document [Guidelines for the Conduct of Police Funerals](#).

## 1.3 TRANSFER APPLICATIONS

- (1) All relevant information associated with applying for gazetted vacancies, including application guidelines, can be located on the [Transfer Applications](#) police intranet homepage.

## 1.4 GRIEVANCES

This section contains the following topics:

### COMMISSIONER'S ORDER

#### 1.4.1 REPORTING

#### 1.4.2 DETERMINATION

#### 1.4.3 ADVERSE COMMENTS AGAINST MEMBERS

### ORDER

Members shall not protest openly against a decision, determination, order or recommendation of a senior officer, or comment publicly concerning any work matter about which they are aggrieved.

#### 1.4.1 REPORTING

- (1) Members who consider they have a justified grievance may lodge a report to the immediate supervisor of the senior officer whose decision is the subject of the grievance.
- (2) A copy of the report should be supplied to the senior officer who is the subject of the grievance.
- (3) Complaints or representations concerning matters of discipline are to be individually made by personnel and no correspondence on such matters is to be signed by two or more persons.

#### 1.4.2 DETERMINATION

- (1) A member to whom a grievance is submitted or referred for determination should:
  - i. promptly investigate the complaint and take appropriate action;
  - ii. if the matter is considered one that should be dealt with by a higher authority, refer it for attention to such person; and
  - iii. advise the member concerned of the outcome of the investigation.
- (2) The complaining member may continue to submit grievance reports through each level of the chain of command if they remain dissatisfied with the resolution of the grievance.

#### 1.4.3 ADVERSE COMMENTS AGAINST MEMBERS

- (1) Members who make adverse comments, in any official document or report, about the work performance of a subordinate member, are to bring those comments to the attention of the member about whom they are made. This practice includes adverse comments made on applications for transfer. It does not include the following:
  - (a) An [Abacus](#) matter; or
  - (b) an operational debriefing.
- (2) Where a member makes adverse comments in a document or report about a member of the same rank, then the immediate senior officer to the member making the comment is to bring the comment to the attention of the member about whom it is made.



(3) All documents bearing adverse comments should be endorsed to the effect that the comments have been brought to the member's attention.

(4) If members find themselves the subject of vexatious or malicious rumours and, as a direct result of those rumours, consider that their career or promotional opportunities with the police service have been affected, they may apply in writing to the Deputy Commissioner to have the matter investigated.

- (a) if the matter is considered one that should be dealt with by a higher authority, refer it for attention to such person; and
- (b) advise the member concerned of the outcome of the investigation.

## 1.5 DISCIPLINE AND GENERAL CONDUCT

### 1.5.1 CHARACTER AND EMPLOYMENT REFERENCES

A character reference is a personal reference that speaks to a person's personality and character. Members may provide a character reference for purposes including employment provided that the reference is clearly of a personal nature and is not for a current or ex-member (TPM 13.6).

Departmental letterheads, logos and contact methods are not to be used within character references other than references for positions or roles within DPFEM.

### 1.5.2 COMMUNICATION WITH COMMISSIONERS AND OTHERS

Members desirous of a personal interview or of bringing some particular matter to the notice of the Commissioners, should do so through official correspondence channels.

Members are encouraged to communicate openly through the command structure where all matters raised will be given due consideration subject to the exigencies of the Service.

#### ORDER

**UNLESS ACTING UNDER THE PROVISIONS OF THE [PUBLIC INTEREST DISCLOSURES ACT 2002](#), MEMBERS SHALL NOT MAKE AN ANONYMOUS COMMUNICATION TO THE COMMISSIONER, THE MINISTER OR ANY MEMBER.**

1.5.3 REMOVED 01/03/2018

1.5.4 REMOVED 01/03/2018

1.5.5 POLITICAL

#### ORDER

**MEMBERS SHALL NOT COMMENT PUBLICLY ON POLITICAL MATTERS EXCEPT AS PROVIDED FOR IN SECTION 1.46, [POLICE USE OF SOCIAL MEDIA](#).**

Members who occupy elected positions with the Police Association of Tasmania are, if speaking on behalf of the Police Association of Tasmania, entitled to speak critically of laws or government policy related to policing and to comment publically on political matters. The member must make it clear that they are speaking on behalf of the Police Association of Tasmania.

### 1.5.6 PLACE OF RESIDENCE

Where it is specifically required that a member reside within a geographic district or division, the Gazette notice advertising the position should state that fact.

Where a member ceases to occupy a police residence which has previously been allocated for a position, that position may become vacant and the position re-gazetted.

### 1.5.7 SALUTING

- (1) A member who is in uniform shall salute:
  - (a) Her Majesty and members of the Royal family;
  - (b) the Governor-General; and

(c) commissioned officers on ceremonial occasions.

**1.5.8 REMOVED 01/03/2018**

**1.5.9 SERVICE DELIVERY STANDARDS**

- (1) As a professional policing service our [Values](#) underpin our expected service delivery standards.
- (2) Members are to be familiar with the [Service Charter](#).

**1.5.10 COMMISSIONER'S DIRECTIONS FOR ALCOHOL AND DRUG TESTING**

- (1) Members are required to comply with the [Commissioner's Directions for Alcohol and Drug Testing](#).

## **1.6 LEAVE**

### **1.6.1 LEAVE ROSTERS**

- (1) The member in charge of each division is to draw up a roster of all recreational leave due to each member in the division for the ensuing year.
- (2) A member is to notify the member in charge of the division the dates on which recreational leave for the following year is requested. The period requested is to cover the full yearly recreational leave entitlement of the member and is subject to the exigencies of the service.
- (3) Any subsequent variation to the dates supplied requires approval from the member in charge of the division.
- (4) The total number of hours of recreation leave that may be accumulated by a member is not to exceed the total hours of recreation leave the member is entitled to in a period of two years, unless the Commissioner determines otherwise.
- (5) The commander of the district is to be notified of any subsequent variation in the roster.
- (6) Prior to granting recreational leave to a member, the member in charge of the division is to be satisfied that proper arrangements for business continuity and the carrying out of the duties of that member during their absence, are maintained.

### **1.6.2 RESPONSIBILITIES OF MEMBERS APPLYING FOR RECREATIONAL LEAVE**

- (1) Members are not to commence recreational leave until they have completed an application for leave and it has been authorised.
- (2) Applications for recreational leave that do not comply with the approved leave roster will be considered in accordance with the current exigencies of the Service.

### **1.6.3 RESPONSIBILITIES OF MEMBERS DURING RECREATIONAL LEAVE**

- (1) Members shall not take any firearms or other appointments with them while on recreational leave, or use a departmental vehicle, without the approval in writing of the Commissioner.
- (2) Members should notify their member in charge of their division, of any change of address to that given in their leave application.

### **1.6.4 RECALL TO DUTY OF MEMBERS ON RECREATION LEAVE**

- (1) The Commissioner may call upon a member who is on recreation leave to resume duty.
- (2) Where a member has been recalled to duty while on leave, the member shall furnish to the officer responsible for approving their leave, a report advising of the circumstances giving rise to the recall to duty and the unexpired portion of leave owing.

### **1.6.5 ABSENCE THROUGH SICKNESS TO BE NOTIFIED**

- (1) Notification of an inability to report for duty shall be given in sufficient time before the member is due to commence duty so that arrangements can be made for the performance of the member's duties during their absence.
- (2) After receipt of notification of a member's inability to report for duty, the member in charge shall, if appropriate under the circumstances, cause the member to be visited by a senior officer, or in the case of a female member, a female police officer, to check on the welfare of that member.

**ORDER**

**A member who becomes sick and unfit for duty shall immediately notify the member in charge of their station, division or district as the case may be, of their inability to report for duty and the nature and probable duration of the sickness.**

**1.6.6 SICK LEAVE**

- (1) A police officer is entitled to be absent from duty on sick leave on full pay for a period not exceeding 54 working days in any one year of service. Such period of leave does not apply to absence from duty as a result of an illness or injury contracted or sustained in the execution of duty.
- (2) A period of sickness of four (4) consecutive days or more occurring during recreational leave may be counted as sick leave and that period of recreational leave may be re-credited to the member on production of a medical certificate.
- (3) Applications for sick leave are to be submitted as soon as practicable by the member or the member's supervisor.

**1.6.7 MEDICAL CERTIFICATES**

- (1) A member who is absent from duty on account of sickness
  - (a) for more than seven consecutive days; or
  - (b) on more than four occasions in any one year of service; shall provide the Commissioner with a certificate from a registered medical practitioner.
- (2) If a member is absent from duty on account of sickness
  - (a) for more than 28 consecutive days; or
  - (b) on more than four occasions in any one year of service; the commander in charge of the district to which the member is attached is to provide a report in writing to the Commissioner.
- (3) The Commissioner may require a member to provide medical certificates in addition to those referred to in this section from a member who is absent from duty on account of sickness.
- (4) The Commissioner may direct a member to be medically examined in order to determine the ability of the member to efficiently and effectively perform their duties.

**ORDER**

**MEMBERS SHALL COMPLY WITH ALL DIRECTIONS PROVIDED FOR IN THIS MANUAL AND THOSE OF THE [POLICE SERVICE ACT 2003](#) AND REGULATIONS RELATIVE TO THE PROVISION OF MEDICAL CERTIFICATES AND ATTENDANCES FOR EXAMINATION BY MEDICAL PRACTITIONERS.**

**1.6.8 OVERSEAS STUDY TOUR LEAVE**

- (1) The Commissioner may grant approval for special leave to a member who wishes to accept an overseas fellowship or scholarship. The granting of leave will be determined on the merit of the circumstances.
- (2) Where a member wishes to apply for an overseas fellowship or scholarship, a full report setting out the details should be forwarded to the Inspector, Employment Conditions and

Strategy.

- (3) A member receiving an award of a scholarship or fellowship, unexpectedly or at short notice, should advise the Inspector, Employment Conditions and Strategy in writing without delay.
- (4) A number of factors will be taken into account in determining the merit of the special leave application and in particular in assessing the length of such leave. Factors to be considered are:
  - (a) the study or activity involved and its particular application to the member's work, personal development or relevance to the needs and objectives of the police service;
  - (b) the work performance and service record of the member;
  - (c) the unique nature or worthiness of the study or activity and whether alternatives are available;
  - (d) the public relations value or community recognition associated with the study or activity;
  - (e) the operating requirements of the Department;
  - (f) the particular relief requirements and working arrangements in the member's division, branch, or section;
  - (g) the extent to which the member has been granted special leave in the past and the availability to that member of other leave credits such as recreational leave and long service leave; and
  - (h) the degree of coordination or assistance forthcoming from the overseas police force or other appropriate organisation the member wishes to visit.
- (5) The conditions applying overseas study tour leave are:
  - (a) special leave should not be granted unless the member has completed twelve (12) months' service with Tasmania Police;
  - (b) the amount of special leave granted under this section, either with or without pay, is at the discretion of the Commissioner;
  - (c) any false claim or incorrect or misleading information will result in forfeiture of any approved special leave;
  - (d) the member will have an obligation to furnish to the Commissioner a comprehensive report of the study or other activity undertaken while on special leave; and
  - (e) the member be prepared to conduct lectures/training sessions on the topic of their studies for the benefit of Tasmania Police.

#### **1.6.9 DEFENCE RESERVE**

- (1) Members who volunteer to render defence service as outlined in the [Defence Reserve Service \(Protection\) Act 2001](#), shall provide notification by email to the generic email address, **EXEMPT PER S.36 OF RTI ACT** that they have joined the defence reserves.
- (2) Employment Conditions and Strategy is responsible for maintaining a current record of the number of members of Tasmania Police who are liable for service under the provisions of the [Defence Reserve Service \(Protection\) Act 2001](#).
- (3) A member who receives a request or directive pertaining to a 'training notice' or 'operational deployment' is to provide early advice of the potential absence to their manager.
- (4) A manager notified as in sub-clause (3) is to forward the advice by email through the relevant district commander for assessment by Employment Conditions and Strategy. Any request for further information to complete the assessment is to be promptly complied with.

#### **1.6.10 LEAVE WITHOUT PAY - EXCEEDING 12 WEEKS**

- (1) The provisions of this section are applicable to all members seeking leave without pay for a period exceeding 12 weeks but not exceeding 12 months at one time, excluding those seeking parental leave.
- (2) Any application is to be prepared in sufficient time to allow for consideration and approval prior to the commencement of leave without pay.
- (3) Leave without pay may be granted to a member provided:
  - (a) the member satisfies the Commissioner that the application is justified;
  - (b) the Commissioner is satisfied the member concerned has a continuing commitment to the Department;
  - (c) the activity to be pursued by the member is not, in the opinion of the Commissioner, likely to be prejudicial or impact adversely on the Department; and
  - (d) the Commissioner is satisfied that the Department can absorb the member's absence for the period sought.
- (4) Where leave without pay has been granted, the member concerned may, in exceptional circumstances, apply to extend the leave for a further 12 months or less, provided the application is submitted and approved prior to the expiration of the current leave.
- (5) Prior to approval of leave without pay, members must have exhausted all other leave entitlements, such as recreational leave, accrued days off and long service leave.
- (6) It is the responsibility of the member concerned to seek prior approval from the Retirement Benefits Fund (RBF) Board to defer contributions to that scheme, if applicable.
- (7) Members seeking leave without pay will do so on the understanding that:
  - (a) the position occupied at the time may be declared vacant, gazetted and later filled by another member;
  - (b) no guarantee will be given that the member will return to their former position;
  - (c) the member may be transferred to an 'unattached list' maintained for that purpose; and
  - (d) the member may be posted to a position at the discretion of the Commissioner of Police.
- (8) A member on leave without pay is to contact the Inspector, Employment Conditions and Strategy prior to returning to duty for the purpose of establishing current vacancies and providing application/s for transfer accordingly. Such contact must allow sufficient time for such action to occur and, where possible, should be at least two months prior to the return to work date.
- (9) A member taking leave without pay exceeding 12 weeks will do so on the understanding that for the duration of any such leave they will not accumulate entitlements as follows:
  - (a) recreational leave;
  - (b) long service leave; and
  - (c) accrued days off.

#### **1.6.11 LEAVE WITHOUT PAY - NOT EXCEEDING 12 WEEKS**

The provisions of this section are not applicable to all members seeking leave without pay for a period not exceeding 12 weeks, excluding those seeking parental leave, but including those taking 2 weeks' leave under the [Dad and Partner Pay Scheme](#).

An application for leave without pay for a period not exceeding 12 weeks, or two weeks' leave without pay under the [Dad and Partner Pay Scheme](#), is to be made to a member's district commander who will liaise with the Commander, Education and Training and if determined to be appropriate, approve the leave.

#### **1.6.12 LEAVE ENTITLEMENTS LEAVE WITHOUT PAY NOT EXCEEDING 12 WEEKS**

For members granted leave without pay for periods which total less than 20 working days in an anniversary year, including leave taken under the Dad and Partner Pay Scheme, accumulated leave entitlements will not be affected.

Where leave without pay totalling more than 20 working days is granted in an anniversary year, the member taking the leave does so on the understanding that the following entitlements will not be accumulated for the entire duration of all such leave:

- (a) recreational leave;
- (b) long service leave; and
- (c) accrued days off.

For all periods of leave without pay, it is the responsibility of the member concerned to seek prior approval from the [Retirement Benefits Fund](#) (RBF) Board to defer contributions to that scheme, if applicable.

Members are to ensure Payroll Services is advised of their intention to take leave without pay prior to its commencement.



## 1.7 MEDALS AND AWARDS

### 1.7.1 AUSTRALIAN POLICE MEDAL

- (1) The Australian Police Medal is awarded for distinguished service by a member of an Australian Police Service. It entitles the recipient to use the post nominal of 'APM'.

### 1.7.2 NATIONAL POLICE SERVICE MEDAL

- (1) The National Police Service Medal is awarded in recognition of a member's past and future commitment to give ethical and diligent service as a sworn member of an Australian Police Service.
- (2) The purpose for the award is to afford recognition to a member for their unique contribution and significant commitment to providing service to their community.
- (3) A minimum of 15 years' service is required to qualify for this medal.
- (4) Members who wish to have prior years of police service recognised in order to be eligible to qualify to be awarded the National Medal are to submit a report to the Commander, Education and Training.

### 1.7.3 NATIONAL MEDAL

- (1) The National Medal was instituted to give recognition to persons who render long and diligent service in certain occupations.
- (2) The National Medal may be awarded to a person who has completed a period of 15 years' qualifying service or periods of qualifying service that in the aggregate amount to 15 years.
- (3) Qualifying service is diligent service either full-time, part-time, paid or unpaid as a member of:
  - (a) an Australian Police Service;
  - (b) an Australian Fire Service;
  - (c) an Australian Ambulance Service;
  - (d) the Australian Protective Service;
  - (e) an Australian Correctional Service;
  - (f) an Australian Emergency Service; or
  - (g) the Defence Force but only that service prior to 19 April 1982.
- (4) A clasp to the National Medal may be awarded after the completion of each further period of 10 years' qualifying service or of periods of service that in the aggregate, are not less than 10 years.
- (5) Members who wish to have other qualifying periods of service recognised in order to be eligible to qualify to be awarded the National Medal are to submit a report to the Commander, Education and Training.

### 1.7.4 COMMISSIONER'S MEDAL AND COMMISSIONER'S AWARD

- (1) The Commissioner's Medal or Commissioner's Award is presented as recognition by the Commissioner of Police of the sustained and ethical service of sworn members (the Medal) and state service employees (The Commissioner's Award).
- (2) It is earned through honest hard work, dedication to duty and professionalism during the recipient's career and is not awarded 'as a right' by virtue of lengthy service. It is awarded to members who have completed 10 years' continuous, diligent and ethical service.
- (3) A clasp to the Commissioner's Medal and further Commissioner's Awards may be awarded

after the completion of each further period of 10 years' continuous, diligent and ethical service.

#### **1.7.5 WEARING OF MEDALS AND RIBBONS**

- (1) Members may wear the ribbon bars of authorised Australian Government Medals and Awards on their police uniform, except on ceremonial occasions when the Commissioner directs that medals are to be worn.
- (2) At all times when medals or medal ribbons are worn, they should be worn in strict accordance with their order of precedence. Medals and ribbon bars are to be worn on the uniform in the locations as shown in Appendix A of this Manual.
- (3) Miniature medals should only be worn on mess dress or occasions when:
  - (a) a member of the Royal Family is in attendance;
  - (b) the Governor of the State or the Governor-General is in attendance; or
  - (c) the Mess President directs that they be worn.
- (4) Medals and/or awards presented by other Nations should only be worn following specific approval from the Office of the Commissioner.
- (5) Medals and miniatures may be worn on civilian clothing. Orders, decorations and medals may be worn on special official public functions, such as memorial services. In each case, the host of the function or service should identify whether the wearing of decorations is appropriate. With lounge suit, full size orders, decorations and medals may be worn at appropriate day time functions. At evening functions for which lounge suit is specified, the miniatures of orders, decorations and medals may be worn. Females in civilian dress may wear the orders, decorations and medals to which they are entitled under the same conditions as indicated above.
- (6) Medals and miniatures are worn on civilian clothing with the top of the medal ribbon midway between the top of the shoulder and the jacket breast pocket. Females are to wear the medals or miniatures in a similar position, depending on the style of the dress.

#### **1.7.6 NOMINATION FOR OTHER AWARDS**

- (1) All members of the Tasmania Police Service, and State Service Employees of DPFEM, are encouraged to report notable work and, where appropriate, nominate personnel for awards or commendations.
- (2) Nominations for a Commander's Certificate of Appreciation should be promptly forwarded through normal channels to the respective commander, detailing the circumstances supporting the nomination.
- (3) Nominations for an award proposed to be issued by the Commissioner of Police should be promptly forwarded through normal channels to the Commander, Education and Training, and accompanied by comprehensive documentation supporting the nomination, including witness statements where relevant.

#### **1.7.7 COMMISSIONER'S CERTIFICATE OF COMMENDATION**

- (1) The Commissioner's Certificate of Commendation may be awarded to a member of Tasmania Police, a State Service Employee of DPFEM or a member of the public where the recipient has performed their duty while exposed to personal danger or demonstrated a level of bravery, courage or devotion above and beyond the normal call of duty.
- (2) This award is not limited to acts of bravery and may be awarded to a person/s demonstrating significant initiative, resourcefulness, integrity, commitment or the delivery of outstanding service to the community.
- (3) This award may be conferred upon a business unit, work team or task force as a 'group citation'.

### **1.7.8 COMMISSIONER'S CERTIFICATE OF APPRECIATION**

- (1) The Commissioner's Certificate of Appreciation may be awarded to a member of the Tasmania Police Service, a State Service Employee of DPFEM, or a member of the public where the recipient has performed their duty under hazardous circumstances, or demonstrated a devotion to duty in the delivery of corporate or community service.
- (2) The Certificate of Appreciation may also be awarded to a private business, or government or non-government organisation in appreciation of a service or assistance provided to DPFEM.
- (3) This award may be conferred upon a business unit, work team or task force as a 'group citation'.

### **1.7.9 COMMANDER'S CERTIFICATE OF APPRECIATION**

- (1) The Commander's Certificate of Appreciation may be awarded to a member of the Tasmania Police Service, a State Service Employee of DPFEM or a member of the public in appreciation for outstanding service provided to the relevant district or command.
- (2) The service provided may involve a notable commitment to duty, the management, investigation or resolution of crime, development of an initiative or proposal to better achieve command objectives, or the delivery of outstanding service to the community.
- (3) This award may be conferred upon a business unit, work team or task force as a 'group citation'. It may also be conferred upon a particular business or organisation.

### **1.7.10 CONGRATULATORY LETTERS OR REPORTS**

- (1) Nothing within this part is intended to prevent a senior member from providing a congratulatory report to a member of Tasmania Police, State Service Employee or a congratulatory letter to a member of the public in appreciation for the quality of service delivered, duty performed or assistance provided.

## DRESS AND APPEARANCE STANDARDS

- (1) Tasmania Police has comprehensive dress and appearance standards.
- (2) These standards are outlined in the [Dress and Appearance Guidelines](#) and include a uniform issue matrix for specialist units.
- (3) They are designed to ensure Tasmania Police projects the professional image required of a uniformed service, and that members are provided with functional and safe clothing.

**ORDER**

All members are to comply with the uniform standards contained within the [Dress and Appearance Guidelines](#).

**1.9.1 GENERAL**

- (1) For the purposes of this section 'outside employment' includes:
  - (a) any situation which comes from the existence of a contract of service;
  - (b) the pursuit of any form of activity, as an employee or self-employed, for remuneration paid either directly or indirectly; or
  - (c) being appointed as a director or holding any position associated with an enterprise, regardless of whether actual remuneration or benefits are received or intended to be received,
  - (d) within industries that are identified as 'high risk' and have the potential to conflict with a member's primary role with Tasmania Police, and includes:
  - (e) activities of the nature of or that may be governed by the [Security and Investigation Agents Act 2002](#) or be associated with enquiry agents or the security industry;
  - (f) any activity associated with the sale or distribution of alcohol, or other regulated substances;
  - (g) any activity or holding a position associated with the gaming or racing industries, but does not include participation in that industry as a player/competitor/owner only;
  - (h) any activity associated with the State's commercial fishery industry; and
  - (i) any employment activity that by its nature would deprive a member of the opportunity to gain adequate rest and relaxation and thereby impact upon the capacity of a member to perform their duties or impact upon the safety of that member or others.
- (2) These provisions do not apply to members who volunteer to render defence service as outlined in the [Defence Reserve Service \(Protection\) Act 2001](#).
- (3) These provisions do not apply to members who volunteer with their dogs, under the Use of Volunteer Search Dog Guidelines.

**1.9.2 APPLICATION**

- (1) A member who wishes to engage in outside employment or seeks to vary any existing approval, must complete and forward a detailed application to their commander.
- (2) An application for outside employment should include at least the following detail:
  - (a) the dates during which employment may occur;
  - (b) the name and address of the employer or if self-employed, the details of the address from where the business will be conducted;
  - (c) a description of the nature of the employment and where the business activity will be undertaken;
  - (d) a statement of indemnity indicating that the outside employer will be responsible for all costs associated with that employment, including workers compensation;
  - (e) a statement that the employment will not involve the use of any resources of, nor inference that the member is acting on behalf of, Tasmania Police, nor will any inference be made that the outside employer or business is supported by Tasmania Police; and
  - (f) in cases where employment is to be taken on recreation or long service leave, it shall include a statement that adequate rest will be taken prior to returning to duty with Tasmania Police.

### **1.9.3 APPROVAL**

- (1) Approval for outside employment:
  - (a) will be granted on a case-by-case basis for a period approved by the commander;
  - (b) may be withdrawn at any time by the approving commander or the Commissioner;
  - (c) ceases upon:
    - i. transfer of the member undertaking the outside employment (a fresh application is to be submitted);
    - ii. a change in the type of employment; or
    - iii. a change of employer.
- (2) An application for outside employment involving activities governed by the [Living Marine Resources Management Act 1995](#) shall be forwarded with a commander's recommendation, to the Office of the Commissioner for approval to be sought from the Minister, as required by that Act.
- (3) Approval for outside employment will only be given in accordance with the policy (and upon the member establishing that:
  - (a) the employment will not involve a conflict of interest with member's duties or the duties of other members;
  - (b) the employment will not, nor be likely to, bring discredit on the Tasmania Police Service;
  - (c) the employment will be undertaken wholly in the member's own time;
  - (d) the employment will not, nor be likely to, affect the efficiency of the member or the continued efficient performance of duties or responsibilities (this may include ensuring that adequate rest has been taken whilst on annual leave, the ability of the member to be re-called to duty should the need arise );
  - (e) the employment will not be carried out by the member in uniform or any part of a police uniform;
  - (f) there will be no reference to the member's primary employment with the Tasmania Police Service in any promotional material related to the outside employment;
  - (g) no police equipment, records or other resources will be used in such employment; and
  - (h) all relevant information is disclosed on the application.
- (4) If approval for outside employment is refused other than by the Commissioner, the applicant can request that the application is forwarded to the Commissioner for a review.

### **1.9.4 COPIES OF APPLICATIONS**

- (1) Copies of all applications, approved or otherwise, should be forwarded to Records Information Services (RIS) for placement on the relevant member's dossier.

**1.10      REMOVED 01/03/2018**

**1.11      REMOVED 01/03/2018**



## PROMOTION AND CAREER DEVELOPMENT

- (1) All information relating to promotion, qualification and promotions under the provisions of the [Police Service Act 2003](#) are included in the document [Commissioner's Instructions for the Promotion Qualification and Accreditation Process](#). Employment Conditions and Strategy maintain documentation directly relevant to the promotion process.
- (2) Constables who have reached pay level band 12 may apply to Employment Conditions and Strategy requesting to be recognised as a First Class Constable and wear one bar gold chevron.
- (3) Promotion appeal provisions and procedures for members are contained in the [Police Service Act 2003](#).
- (4) The [Tertiary Education Assistance Scheme \(TEAS\) Policy](#) outlines the assistance provided by the Department to enable members and employees to undertake tertiary education.
- (5) Members are to be subject to [Individual Performance Reviews](#).

## RESIGNATION AND RETIREMENT

- (1) A police officer or trainee who wishes to resign must give 30 days' notice in writing on a [Notice of Resignation/Retirement](#) to the Commissioner of Police, unless the Commissioner otherwise authorises in writing.
- (2) Inspectors are to conduct a termination interview with the resigning police officer, trainee or junior constable, canvassing the reasons for resignation and any remedial action necessary.
- (3) Commanders are to report on the suitability of the police officer or trainee for re-engagement.
- (4) District commanders are to ensure that original documentation is forwarded directly to Employment Conditions and Strategy at the earliest opportunity. Employment Conditions and Strategy is responsible for the transmission of the notice to the Office of the Commissioner for approval.
- (5) The requirements of this section, where applicable, apply to retirement by virtue of age.
- (6) A police officer or trainee who leaves the Police Service must return, their issued clothing, equipment, firearms and ammunition to an authorised person and receive a receipt for those items, unless the Commissioner determines otherwise.
- (7) The items are to be returned within any period as specified by the Commissioner.
- (8) All members of Tasmania Police, regardless of rank, shall upon resignation or retirement receive a Certificate of Service as follows:
  - (a) a blue and white framed certificate for service up to 10 years inclusive; or
  - (b) a gold, blue and white framed certificate for service in excess of 10 years.
- (9) Sergeants and constables who retire or resign after serving between 10 and 25 years shall, in addition to any certificate, receive their badges of office suitably mounted on a plaque.
- (10) Sergeants and constables who retire or resign after serving in excess of 25 years shall, in addition to any certificate, receive a framed display of rank and ribbons.
- (11) Commissioned officers who retire or resign after serving in excess of 10 years shall, in addition to any certificate, receive a framed display of rank and medals.

## 1.14 TRANSFERS AND TENURE

### 1.14.1 GENERAL

- (1) The processes and guidelines for transfer and tenure for police officers is outlined in the [Transfer and Tenure Guidelines](#).

### 1.14.2 PART-TIME SPECIALIST SQUADS OR UNITS

- (1) Secondary roles by members in part-time specialist units and squads have management implications for the area in which the member performs their primary role.
- (2) A member may only be attached to one part-time specialist unit or squad unless authorised by the Inspector, Employment Conditions and Strategy in consultation with the relevant district commander. A member is not permitted membership of more than two part-time specialist units or squads.
- (3) Members assessing applications for specialist units or squads may not select or train a member who is attached to, or who has trained and is awaiting assignment to another part-time specialist squad or unit, without approval of the member's commander.
- (4) A member who is attached to, or who has successfully completed training and is awaiting assignment to a part-time specialist unit or squad must identify this information in any application to undertake training for another part-time specialist unit or squad. Members conducting selection interviews for training with, or appointments to, part-time specialist units or squads must ensure that members comply with these requirements.
- (5) A member seeking training for another part-time specialist unit or squad must apply to their commander for approval, outlining all the relevant grounds for the application.
- (6) A member who is unable to complete their primary role due to either personal or work related injury or illness is not permitted to participate in any specialist squad duties or training until cleared medically fit.
- (7) A member who is subject to a long term absence due to personal illness or injury will be suspended from any specialist squad until deemed fit to return to full operational duty. The member should then be subject to any secondary role assessment or revalidation, as required, in order to ensure they are still suitable to undertake a secondary function.
- (8) Approval for membership of two part-time specialist units or squads lapses if the member transfers from the district. A member wishing to retain membership in more than one part-time specialist unit or squad will make application to the new district commander.
- (9) In the event of an operational demand for a member to perform duties within both specialist part-time units or squads at the same time, that member is to give priority to the first unit or squad they became a member of unless directed otherwise by their district commander.
- (10) Commanders are to provide the Assistant Commissioner, Specialist Support, a list of all members under their command who are members of two part-time specialist units or squads. The list is to include the names of the units or squads to which the member is attached, has undertaken training to join or is awaiting assignment, by 30 June annually.
- (11) Members in Charge of part-time specialist units or squads are to provide Employment Conditions and Strategy, with a list of all members of the unit or squad together with those trained and waiting assignment. The list is to be provided by 30 June annually.

### 1.14.3 APPOINTMENT TO SPECIALIST SQUADS OR UNITS (FULL-TIME OR PART-TIME)

- (1) To ensure transparency regarding the appointment process to specialist squads or units, it is appropriate for the Inspector, Employment Conditions and Strategy to oversee the administration of the movement of members to and from full-time and part-time Specialist Groups. This oversight is to address the following:

- (a) a clear process of appointment to specialist groups, pursuant to section 9.4.6 of the [Police Award](#);
- (b) a fair and transparent process of selection;
- (c) a comprehensive database of past and present members of each group; and
- (d) the establishment of a central point to authorise the correct payment of allowances to members.

## 1.15 TRAVEL

- (1) Intrastate travel arrangements of an official nature require approval from a member's commander or director. This authority may be delegated to inspector level.
- (2) Interstate travel of an official nature requires approval at Assistant Commissioner level or the Deputy Secretary.
- (3) Overseas travel of an official nature requires approval from the Minister for Police, Fire and Emergency Management. The application and support documentation for overseas travel is to be submitted at either Assistant Commissioner level or to the Deputy Secretary, and is required prior to approval being granted. The following criteria must be taken into account for travel associated with attendance at a conference, meeting or training course:
  - (a) availability and impact on work area; and
  - (b) relevance and benefits of attendance to the Department.
- (4) For overseas travel, additional information is to be supplied to the Assistant Commissioner of Police, Specialist Support or the Deputy Secretary:
  - (a) country or countries of destination;
  - (b) overall costs;
  - (c) source of funds; and
  - (d) evidence that the applicant has viewed the website of [Department of Foreign Affairs and Trade](#) (DFAT), concerning travel warnings and other information available for international travellers, and understood the information provided.
- (5) In urgent cases, direct contact may be made to the Office of the Commissioner for approval by telephone by the relevant commander/director.
- (6) Requests and support documentation for overseas travel are to be submitted at least 28 days prior to the departure date, unless there are extenuating circumstances. The Minister will be given a minimum of 14 days to consider overseas travel.
- (7) The Office of the Commissioner of Police is to provide the Department of Premier and Cabinet (DPaC) a monthly report outlining details of proposed international travel, travel currently underway and travel that has been undertaken in the year to date.
- (8) A report is to be furnished to the member's commander or director for transmission to the Office of the Commissioner within seven days of a member's return to Tasmania unless another time frame has been approved. An additional copy of an overseas travel report is to be provided to the Office of the Commissioner for forwarding to the Minister and DPaC. The report is to include definitive recommendations or specific actions outlining opportunities or benefits to the Tasmania Police Service identified during the forum attended.

## 1.16 LIQUOR ON POLICE PREMISES (RECREATIONAL FACILITIES IN POLICE BUILDINGS AND VESSELS)

### 1.16.1 DEFINITIONS

- (1) For the purposes of this section:
- (a) 'Police premises' means any building or part of a building owned or occupied by Tasmania Police, including vessels.
  - (b) 'Liquor' means liquor as defined under the provisions of the [Liquor Licensing Act 1990](#).
  - (c) 'Recreational and sporting clubs' means clubs formed predominantly for recreational and sporting purposes.
  - (d) 'Social clubs' means clubs formed predominantly for the social purposes of members, including any club which;
    - i. as part of its fundraising activities sells liquor under the auspices of an appropriate liquor permit or licence; or
    - ii. is intended to, or through its conduct does, generate a profit.
  - (e) 'Tea/coffee clubs' means clubs funded by employees' contributions whose primary purpose is to provide refreshments for consumption in the workplace. These clubs may also provide for small social functions, such as a morning tea gathering or purchase of gifts. Tea/coffee clubs are not expected to make a profit from the activities of the club and should they do so they would fall into the requirements imposed on a 'social club'.
  - (f) 'Register' means a record maintained by a designated 'Responsible Person' for an activity held on police premises, at which liquor may be consumed. The Register is to record the names of the Responsible Person and attendees, the time, date and nature of the activity, the time any liquor was secured after consumption, and whether prior approval was granted for extended time.
  - (g) 'Responsible Person' means a designated person who is responsible for:
    - i. maintaining a 'Register' at an activity held on police premises, at which liquor may be consumed; and
    - ii. ensuring that liquor is consumed responsibly and in moderation, and that attendees conduct and behave themselves in a manner which does not reflect adversely on the individual or Tasmania Police; and
    - iii. initiate the termination of an activity should the activity or the behaviour of those in attendance fail to comply with these.

### 1.16.2 RECREATIONAL, SPORTING AND SOCIAL CLUBS - GENERAL REQUIREMENTS

- (1) The Commissioner may approve and revoke applications to use terms including 'police', 'Forensic Science Service Tasmania', 'FSST', 'State Emergency Services', or 'SES' at any time.
- (2) There is to be a Constitution and/or Rules of Management for all Recreational, Sporting and Social Clubs which are to be approved on behalf of the Commissioner by the relevant commander or director for the workplace in which the social club functions.
- (3) Any training that may be required regarding such a club, is to be undertaken in a member's own time and at no expense to DPFEM.

**ORDER**

**Members must obtain approval from the Commissioner before using the terms 'Police', 'Forensic Science Service Tasmania', 'FSST', 'State Emergency Service' or 'SES' in the title of any recreational, sporting or social club.**

**1.16.3 CONSTITUTION/RULES OF MANAGEMENT FOR RECREATIONAL, SPORTING AND SOCIAL CLUBS**

- (1) The Constitution and/or Rules of Management for a Department recreational, sporting or social club are to provide the intended operating practices of the club, its objectives and how any profits will be disbursed.
- (2) The following guidelines will be incorporated into such Constitution and/or Rules or, where appropriate, adopted in relation to the application of that Constitution and/or Rules:
  - (a) The formation of a committee and/or management team nominated as being responsible for the day-to-day functioning of the club;
  - (b) that the members of the nominated committee and/or management team must be approved by the relevant commander/director, through the respective divisional inspector or workplace manager;
  - (c) the committee and/or management team are responsible for the maintenance of financial records pertaining to the club's activities, such records to reflect monies in and out and any profits made;
  - (d) the financial records, if called upon, are to be supplied to the respective commander/director, or their nominee, for scrutiny and audit purposes. In the case of police workplaces the respective divisional inspector may also call for copies of the records;
  - (e) any member of a club may also request their respective commander/director, or if applicable, their respective divisional inspector, to call for the records to be made available to them for examination purposes; and
  - (f) at the end of each financial or calendar year, a summary of the financial records showing monies in and out, and profit disbursement will be made available to all members of that club.

**1.16.4 SOCIAL CLUB ACTIVITIES INVOLVING LIQUOR, HELD ON POLICE PREMISES AND POLICE VESSELS**

**ORDER**

**No liquor is to be sold on any Police premises without:**

- **the authority of the Commissioner of Police; and**
- **a current permit or licence issued pursuant to the [Liquor Licensing Act 1990](#).**

- (1) The following conditions apply to social club activities involving liquor held on Police premises and vessels:
  - (a) Social club activities are to be managed by social club committee members, at least one of whom is to be present and designated as the Responsible Person for the activity.

- (b) A Register is to be maintained by the Responsible Person and is to include the requirements in [Section 1.16.1 \(1\(g\)\)](#), including whether prior approval has been granted for extended time. The Responsible Person may hand over to another Responsible Person, provided this is entered in the Register.
- (c) Members who are involved in the service of liquor must not consume liquor.
- (d) A maximum two hour period applies to all social club activities held on Police premises and vessels, but prior approval may be granted by the commander for an extension in justifiable cases.
- (e) Station supervisors and inspectors are to check on compliance and take appropriate action if required.
- (f) Commanders/directors may impose additional conditions.

**1.16.5 TEA/COFFEE CLUB EXEMPTIONS**

- (1) The requirements in relation to recreational, sporting and social clubs are not intended to impinge on the functioning of non-profit tea or coffee clubs which operate in many workplaces.

**1.16.6 CONSUMPTION OF LIQUOR ON POLICE PREMISES AND VESSELS AT NON-SOCIAL CLUB EVENTS**

- (1) The following conditions apply to consumption of liquor on Police premises and vessels, other than at organised social club events:
  - (a) A Register is to be maintained which is to record the name of the Responsible Person, names of each employee consuming liquor; time of access to liquor by each employee, and the time liquor was secured after consumption ceased.
  - (b) A maximum 90 minute period applies during which employees may consume liquor following conclusion of duty.
  - (c) The Responsible Person is to remain while liquor is being consumed. The Responsible Person may hand over to another Responsible Person, provided this is entered in the register. The time period does not change.
  - (d) No guests are to be present while liquor is being consumed, except with permission of a commissioned police officer.
  - (e) Supervisors and inspectors are to check on compliance and take appropriate action if required.
  - (f) Commanders and directors may impose additional conditions.
  - (g) No person shall consume liquor on police vessels less than twelve metres in length.
  - (h) Employees on board off-shore vessels, while complying with all legislative obligations, may be permitted, at the discretion of the skipper, to consume liquor with their evening meal provided that operational readiness is not affected. Responsible serving of liquor principles apply, and the skipper is deemed to be the Responsible Person.
  - (i) A police officer of or above the rank of Assistant Commissioner may approve liquor consumption by guests on board off-shore vessels for special events.

**1.16.7 RESPONSIBLE CONSUMPTION OF LIQUOR**

- (1) It is expected that members who consume liquor on police premises or vessels pursuant to the provisions of this manual will do so responsibly and in moderation.
- (2) Members are required to comply with the [Commissioner's Directions for Alcohol and Drug Testing](#).



**1.16.8 STORAGE OF LIQUOR**

- (1) Any liquor held on Police premises for the purposes of a social club, under the auspices of an appropriate liquor permit or licence, must be kept secured with the locker, cupboard, refrigerator and locked when not in use.

**TELEPHONE CALLS REIMBURSEMENT**

- (1) Police officers and State Service Employees may claim and be reimbursed for officially logged and priced telephone calls that are work related made from their private telephones outside rostered hours.
- (2) No reimbursement of telephone rental will occur.

## 1.18 CERTIFICATES OF IDENTIFICATION

- (1) All members are issued with a certificate of identification. The certificate is to be signed by the Commissioner and member, and displays the photograph of the member.
- (2) Sworn members should carry their certificate at all times both on and off-duty. State Service employees should carry their certificate while on Police premises. All personnel are to produce their certificate to any person requiring proof of their identity on any reasonable occasion.
- (3) Officers and supervisors should make periodic inspections of certificates. In appropriate cases, if personnel are unable to produce their certificate, a report should be forwarded to the member's commander.
- (4) Where a certificate contains a photograph more than five years old, the member should arrange with the Forensic Services, Photographic Section for a new photograph to be taken and certificate to be issued.
- (5) Where a certificate contains a photograph more than five years old, the State Service Employee should arrange with Property and Procurement Services for a new photograph to be taken and certificate to be issued.

### **ORDER**

**Members shall not use their certificate of identification other than for official purposes.**

## 1.19 REVERSION

- (1) A police officer (other than a special constable) may elect at any time to revert to a lower rank. This is subject to the approval of the Commissioner and on the terms and conditions as the Commissioner determines.

## 1.20 CODE OF CONDUCT

- (1) Section 42 of the Police Service Act 2003 contains the [Code of Conduct](#).
- (2) [Abacus 2](#) fully describes the Code of Conduct and provides examples.
- (3) For further information refer to the [Police Service Act 2003](#).

## 1.21 PERFORMANCE OF HIGHER DUTIES – INSPECTOR AND SERGEANT

- (1) In assessing whether a higher duties appointment is warranted, commanders must consider whether it is essential for the duties to be performed, having regard to:
  - (a) the requirement for supervision and leadership;
  - (b) the exercise of statutory powers conferred upon the rank to be relieved;
  - (c) the length of the vacancy and the type of duties to be performed;
  - (d) the extent to which the relieving member is required to take responsibility for the full range of duties;
  - (e) the capacity of members at the same rank to perform most of the position duties as well as their substantive duties;
  - (f) the management of disruption to areas affected by the vacancy;
  - (g) the responsibility to efficiently, effectively and economically use resources; and
  - (h) the requirements of the Police Award and the qualifying periods it stipulates.
- (2) Commanders are to ensure that, whenever practicable, members selected to perform higher duties are qualified and suitable for promotion to that rank.
- (3) In the event that a qualified and suitable member is not available within the command where the position arises, a qualified and suitable member from another command is to be considered to perform higher duties in the position, provided that appropriate reciprocal arrangements are made, if required, and unreasonable additional expense is avoided.
- (4) In considering unqualified members to perform higher duties, preference is to be given to those members who have commenced the qualifying process towards promotion to the relevant rank. Consideration should also be given to their level of performance and the extent to which they have progressed through the process.
- (5) An unqualified member, who has agreed to perform higher duties, may be authorised to perform a short period of higher duties, provided it can be demonstrated that all reasonable alternatives have been fully explored and discounted.
- (6) Probationary constables are not to undertake or to be instructed to act at a higher rank.
- (7) Commanders are to ensure that district strategies are implemented to provide equitable access to higher duties relief opportunities for qualified members, and those who have demonstrated a commitment to the qualifying process.
- (8) When periods of higher duties are being reviewed, commanders are to ensure the merit principle is applied and that other qualified and suitable members are given the opportunity to perform higher duties.
- (9) Upon completion of higher duties, commanders are to ensure a written report is submitted regarding the competency of the member concerned and their suitability for performing higher duties in the future.

## 1.22 POLICE OFFICERS CONTESTING GOVERNMENT ELECTIONS

- (1) Members nominating to contest a government election are to notify the Commissioner of Police, in writing:
  - (a) of the election being contested;
  - (b) the date of nominating for the election being contested;
  - (c) the date the election is being held;
  - (d) any political affiliation, or if the member is standing as an independent; and
  - (e) any leave requirements or resignation date.
- (2) Where a member or employee wishes to contest an election to State Parliament as a candidate, they may apply for leave without pay for a period of two months, which may be granted by the Commissioner in accordance with the [Police Service Act 2003](#) and the Police Award.
- (3) A member seeking election to either House of the Federal Parliament should refer to their obligations under the [Commonwealth of Australia Constitution Act](#) and the [Commonwealth Electoral Act 1918](#).
- (4) A member contesting an election is subject to the [Code of Conduct](#) and may be required by the Commissioner of Police, to respond to any possible breach of the Code occurring during the electioneering process.
- (5) Members are not to utilise any DPFEM resources for, or during, their electioneering.
- (6) A member is not to use their title or reference to their office, rank or position during electioneering. Preservation of the independence of a member's office is to be maintained at all times.

**1.23      REMOVED 01/03/2018**



## 1.24 OPERATIONAL STATUS

- (1) All positions with Tasmania Police Service are deemed operational.
- (2) If a member is temporarily unable to perform full operational duties due to illness or the Commissioner may temporarily assigned duties conducive to the appropriate management of their condition.

## 1.25 INJURY AND ILLNESS MANAGEMENT AND REPORTING WORKPLACE INCIDENTS

### 1.25.1 INJURY AND ILLNESS MANAGEMENT

- (1) Workers who sustain an injury in the course of their duties should notify their supervisor and submit an [Early Notification Form](#) as soon as practicable after the incident.
- (2) An injured worker has six months from the date of injury to submit a Workers Claim for Compensation.
- (3) A completed Workers Claim for Compensation should be submitted with a supporting Workers Compensation Medical Certificate to the Coordinator, Injury Management and Advisory Services within 14 days from the date of injury if reimbursement of lost time is sought.
- (4) The Department has 84 calendar days from the date of injury in order to assess liability for an injury or disease.
- (5) Detailed information is contained within the [Injury Management Program](#) located on the Business and Executive Services (BES) [intranet site](#).

### 1.25.1.1 REPORTING WORKPLACE INCIDENTS

- (1) The [Work Health and Safety Act 2012](#) sets out certain types of workplace incidents that need to be notified to regulators. Only the most serious safety incidents are intended to be notifiable and they trigger requirements to preserve the incident site pending further direction from the regulator.
- (2) Notifiable incidents are:
  - (a) the death of a person;
  - (b) a 'serious injury or illness'; or
  - (c) a dangerous incident arising out of work carried out by a business, undertaking or a workplace.
- (3) Notifiable incidents relate to any person, whether an employee, contractor or member of the public, who is visiting, volunteering or undertaking business for the Department or on Departmental Premises.
- (4) If a notifiable incident occurs the [Work Health and Safety Act 2012](#) sets out that:
  - (a) immediate notification of a 'notifiable incident' to the regulator must occur, after becoming aware of it;
  - (b) if the regulator requests written notification this shall occur within 48 hours of the request; and
  - (c) preservation of the incident site must be maintained until an inspector arrives or directs otherwise.
- (5) The divisional inspector or duty officer must be notified immediately, or as soon as practicable, wherever:
  - (a) Departmental employee is killed or suffers serious bodily injury or illness while on duty, or if not being on duty, is on departmental premises; or
  - (b) Departmental employee is admitted to hospital following an incident, while on duty.
- (6) The divisional inspector, duty officer or duty SES officer must:
  - (a) notify Worksafe Tasmania by phone on 1300 366 322;
  - (b) notify the Manager Work Health and Safety immediately if the Worksafe Tasmania inspector confirms they will be attending the Incident site

- (c) complete a [Serious Accident/Dangerous Incident Report](#) and forward a copy by email to Worksafe Tasmania and the Manager, Work Health and Safety as soon as reasonably practicable.

## 1.26 WORK HEALTH SAFETY AND PEOPLE SUPPORT SERVICES

- (1) The Department is committed to the continuous improvement of our safety management systems and the prevention of work related injury and disease, where reasonably practicable.

### 1.26.1 SUPPORTING OUR PEOPLE

- (1) DPFEM is committed to maintaining appropriate support of our people who experience a work related (compensable) or non-work related injury (non-compensable) or illness, (either psychological or physical).
- (2) The intention and focus is for a safe and early return to meaningful work in accordance with the [Workers Rehabilitation and Compensation Act 1988](#) and other supporting legislation. In addition to extensive work health and safety injury management, psychological and welfare services will continue to actively support the [Tasmanian Emergency Services Critical Incident Stress Management \(CISM\) Program](#).
- (3) CISM is responsible for managing the impact of critical incidents affecting our people both permanent employees and volunteers.
- (4) Further detail is contained within:
  - (a) [Tasmania Work Health and Safety Act and Regulations 2012](#)
  - (b) [DPFEM Health and Safety Intranet Site](#)
  - (c) [DPFEM Work Health and Safety Policy](#)

## 1.27 PREGNANCIES

- (1) A member becoming aware of her pregnancy is to notify the district commander, in writing, as soon as practicable.
- (2) Where a medical certificate is provided stating, "that illness or risks arising out of the pregnancy or hazard connected with the work assigned to the member making it inadvisable for the member to continue her present work," the member will, if the district commander deems it practicable, be transferred to a 'safe' job. If not practicable, the member may be required to take leave for such period as is necessary.

## 1.28 SAFETY OF MEMBERS IN TRAINING AND EXERCISES

- (1) The term 'No Duff' refers to a real incident requiring a real solution in a simulated incident or exercise.
- (2) Any person required to perform any function in a 'No Duff' situation is to be escorted at all times by a member of the Directing Staff.
- (3) The following principles are to be applied to all Tasmania Police training activities:
  - (a) the person responsible for conducting training or any exercise is responsible for ensuring the dignity of every participant (including role-players) is upheld;
  - (b) where an action is proposed that may cause concern to any person, that person is to be consulted and approval must be given before that action is to occur;
  - (c) a person may object to any action or withdraw approval for any action they consider may cause them any concern at any time prior to or during training or exercise. Any such action must cease immediately the objection is made or approval is withdrawn;
  - (d) no person, without their consent, is to be required to perform any undignified act or be subjected to any undignified act by any person;
  - (e) no person, without their consent, is to be forced to remove any article of clothing that may leave them exposed in any way that causes them embarrassment or concern;
  - (f) no person is to be physically searched in any way that could amount to an indecent assault or assault with indecent intent;
  - (g) where it is essential that a person be physically searched, that search is to be made by a person of the same gender, unless the person to be searched consents to the contrary; and
  - (h) where possible, the preferred option is to inform the person that they have been searched and restrained (notionally) without having to perform that search or apply restraints on any participants.

## 1.29 WELFARE

### 1.29.1 WELFARE SUPPORT

- (1) Welfare support is available to all members on a 24/7 basis. Welfare officers provide a statewide confidential service which includes, but is not limited to:
  - (a) grief and loss;
  - (b) accident/illness/injury or hospitalisation;
  - (c) work related difficulties;
  - (d) family or partner support; and
  - (e) return to work planning and assistance.
- (2) The Welfare officer may also make arrangements and referrals in relation to:
  - (a) counselling;
  - (b) psychological treatment;
  - (c) retirement or financial assistance; and
  - (d) drug and/or alcohol counselling.
- (3) Members should make direct contact with the Welfare Coordinator relating to any personal matter upon which they may require advice or assistance.
- (4) Where a manager or supervisor becomes aware of:
  - (a) the death of any member or member of their family;
  - (b) the hospitalisation of any member or member of their family; or
  - (c) any matter that does or may cause serious distress to members,the manager or supervisor should immediately notify the welfare coordinator.
- (5) Matters that arise out of operational incidents, that may cause serious distress, should be referred through Critical Incident Stress Management ([section 1.30](#))
- (6) If a member requires any advice or assistance for a personal matter, they should make direct contact with the welfare coordinator.

### 1.29.2 COMMISSIONER'S DIRECTIONS FOR ALCOHOL AND DRUG TESTING

- (1) Tasmania Police is committed to enhancing workplace health and wellbeing, and providing a safe working environment by requiring abstinence from illicit drugs and the responsible use of alcohol and licit drugs.
- (2) Members are required to comply with the [Commissioner's Directions for Alcohol and Drug Testing](#).

## 1.30 CRITICAL INCIDENT STRESS MANAGEMENT

- (1) Tasmania Police to endorse the [Tasmanian Emergency Services Critical Incident Stress Management \(CISM\) Program](#) and the Program's involvement in the provision of critical incident stress management services for all Tasmanian Emergency Services personnel, both permanent and volunteer.
- (2) Ambulance Tasmanian, Tasmania Fire Service, Tasmania Police and State Emergency Service, are referred to as the Tasmanian Emergency Services. The above endorsement is agreed to and supported as a common policy by the four (4) agencies that comprise the Tasmanian Emergency Services for critical incident stress management activities within each agency.
- (3) The Tasmanian Emergency Services CISM Program has been established to support Tasmanian Emergency Services personnel in the interest of member health and wellbeing. Its purpose is to lessen the impact of critical incidents, to minimise the potential long-term effects and to promote a healthy, supportive work environment.
- (4) It should be noted that in no way is CISM connected to or similar to a Departmental operational debrief. CISM debriefing is the responsibility of the Clinical Consultant, the Program Manager or a representative from the relevant emergency service. Debriefings are STRICTLY CONFIDENTIAL, as are all critical incident stress management services. No recording of the content of sessions is made and only statistical information relating to the activities of the team (which does not disclose identities) is provided to the Tasmanian Emergency Services.

### ORDER

**MEMBERS RESPONSIBLE FOR THE MANAGEMENT OR SUPERVISION OF MEMBERS SHALL NOTIFY THE CISM PROGRAM AS SOON AS PRACTICABLE AFTER OR DURING THE OCCURRENCE OF A CRITICAL INCIDENT IN WHICH ONE OR MORE OF THEIR MEMBERS IS INVOLVED.**

- (5) The following types of incidents constitute critical incidents:
  - (a) the death of, or serious injury to, a member (including the suicide of a member);
  - (b) any incident involving serious threats from firearms, or in which a member is fired upon, or returns fire;
  - (c) any other situation in which there is a serious threat to the life or safety of a member;
  - (d) situations involving serious injury to, or the death of, a child; and
  - (e) any other situation that, in the opinion of the manager or supervisor, has the potential to produce, or has produced, a high level of immediate or delayed emotional reaction in one or more members.
- (6) Managers and supervisors are responsible for furnishing the CISM Program with the names of all members under their control who attended or were involved in the incident together with an assessment of their level of involvement.
- (7) Where the Clinical Consultant has determined that an incident warrants a group defuse or a group debrief for any or all members involved, it is mandatory for all members involved in the incident to attend.
- (8) The CISM Program can be activated by contacting:
  - (a) Radio Dispatch Services and requesting CISM Program activation;
  - (b) a CISM Program member; or



- (c) support via the 24 hour number.
- (9) In all instances, members attending a CISM service are to be considered 'non-operational for the duration of the session.
- (10) Off-duty members who are required to attend a CISM service are to be paid in accordance with Police Award conditions or relevant agreements.
- (11) CISM Program members should be released from duty to prepare and participate in CISM services and training sessions.
- (12) Any CISM Program member utilised by the CISM Program outside of their working hours, is entitled to time-off-in-lieu of time worked on an hour for hour basis.

## 1.31 INABILITY TO PERFORM DUTIES

- (1) The Commissioner can determine that a police officer, trainee or junior constable is unable to efficiently and effectively perform their duties on account of:
  - (a) any mental illness;
  - (b) any injury, illness or disease; or
  - (c) any general physical unfitness.
- (2) In order to determine any matter relating to ability to perform duties, the Commissioner may direct a police officer, trainee or junior constable to be medically examined by a registered medical practitioner nominated by the Commissioner.
- (3) If the Commissioner determines that a police officer, trainee or junior constable is unable to efficiently and effectively perform their duties, the Commissioner may take action as stated in [Section 29 of the Police Service Act 2003](#).

## 1.32 WORKING FROM HOME

- (1) Members may apply to work from home which will be in accordance with the [Working from Home Guidelines](#).

## 1.33 INFECTIOUS DISEASE CONTROL

### 1.33.1 DEFINITIONS

- (1) For the purposes of this section:
  - (a) 'Infectious disease' includes Human Immunodeficiency Virus (HIV), Tuberculosis, Hepatitis and all other infectious diseases likely to be encountered in the police work environment.
  - (b) High risk' situations include:
    - i. contact with blood, semen, vaginal fluids, urine, faeces or saliva of infected individuals such as those potentially encountered at. Traffic crashes, and the scenes of assaults, homicides and other similar incidents;
    - ii. the exposure to saliva and other body fluids during resuscitation;
    - iii. handling syringes and needles; and
    - iv. the handling of exhibits which includes blood, semen, vaginal fluids, urine, faeces or saliva.

### 1.33.2 PERSONAL PROTECTIVE EQUIPMENT

- (1) Members who may be exposed to high risk' situations will be provided with purpose-specific Personal Protective Equipment Kits (PPEK) by their districts.
- (2) It is the responsibility of individual members to ensure that the PPEK provided, is maintained.
- (3) Members who may be exposed to high risk situations in the ordinary course of their duties are to carry their PPEK at all times while on duty.

### 1.33.3 GLOVES

- (1) Disposable gloves are to be worn when dealing with any potential source of infection. Members are to ensure their PPEK contains new disposable gloves at all times.
- (2) The following considerations should be observed by members using disposable gloves:
  - (a) gloves contaminated with blood or other body fluids must be promptly changed and properly disposed of;
  - (b) avoid touching eyes, nose, mouth or broken skin with contaminated gloves;
  - (c) disposable gloves do not protect against needle-sticks or other puncture wounds;
  - (d) remove disposable gloves that are punctured or torn and put on new gloves promptly, when safe to do so; and
  - (e) hands should be washed after removing gloves or use an appropriate antiseptic hand cleaner when water is not available.

### 1.33.4 CARDIOPULMONARY (CPR) MASKS

- (1) Members performing Expired Air Resuscitation (EAR) should, whenever practicable, use an approved resuscitation mask or single use - bag and mask resuscitator.

### 1.33.5 PROTECTIVE GOGGLES AND DUST MIST MASKS

- (1) Members are to wear protective goggles and masks if there are any concerns that blood or body fluids may be splashed to the face.
- (2) P2 masks do not provide protection against fumes or noxious gases. The masks are provided to protect from blood and body fluid splashes to the face.

### **1.33.6 NEEDLES, SYRINGES AND SHARP OBJECTS**

- (1) Members should observe the following procedures when dealing with needles, syringes and other sharp objects:
  - (a) Needles should not be recapped, bent or broken. Extreme caution should be used when picking up the sharp object;
  - (b) sharp objects found in a search should be placed in a 'sharps' container;
  - (c) sharps containers should be carried to the area rather than carrying the object to the sharps container (where appropriate);
  - (d) sharps containers are required in all operational police vehicles;
  - (e) sharps containers should only be filled to three quarters full (to avoid accidents) and containers disposed in an appropriate biological waste bin.
- (2) In any case where members receive a puncture or other injury from a needle or syringe, the item concerned should be retained for testing of the contents, if required.

### **1.33.7 CRIME SCENES**

- (1) Standard infection control procedures should be exercised when dealing with bloodied articles, body substances and other items at crime scenes.
- (2) Members should ensure that they wear appropriate protective equipment until they have fully completed their examination or investigation on site.
- (3) Scalpel blades, needles, syringes and other small sharp items should be placed in Australian Standards approved sharps containers - unless they are specifically taken as biological exhibits. If they are taken as biological exhibits, they must be collected by Forensic Services personnel, who will package and label them to ensure that they can be handled safely.
- (4) Knives or other large sharp items not intended as biological exhibits should be handled with care, packaged in cardboard or other sturdy material and labelled to protect personnel who handle the item from injury. If such items are taken as biological exhibits, Forensic Services personnel must collect them as outlined in (3).
- (5) [EXEMPT PER S.30(1)(c) OF RTI ACT]

### **1.33.8 SEARCHING**

- (1) [EXEMPT PER S.30(1)(C) OF RTI ACT]

### **1.33.9 DECONTAMINATION**

- (1) If contamination from blood or other body fluids occurs, or is suspected, the following decontamination techniques should be observed:
  - (a) blood spills other than on the person are best cleaned with a 1 in 10 solution of household bleach;
  - (b) all contaminated clothing should be removed as soon as possible, and clean clothing obtained. In the interim, soiled matter can be removed by scraping or using a disposable cloth, but gloves must be worn. Any gloves or cloth used in this process must be properly disposed of;
  - (c) [EXEMPT PER S.30(1)(c) OF RTI ACT]
  - (d) handcuffs and batons which are contaminated should be cleaned by washing under running water, then soaked in a solution of 1 in 10 bleach and water for ten minutes and rinsed well. Gloves must be worn during this process.

### **1.33.10 INFECTION CONTROL PROCEDURES**

- (1) The risk of infection can be substantially reduced by the timely provision of first aid. In most cases, this will entail self-administration first-aid at the scene.
- (2) Members must assume that the blood and body fluid substances of all persons with whom they are dealing are a potential source of infection, whether they have been diagnosed or not.
- (3) Members should observe the following infection control procedures at all times:
  - (a) when commencing a shift, wash hands that have cuts on them. Ensure that all open or recent cuts, grazes and scabs are covered with a waterproof dressing or adhesive strip as provided in the PPEK or first-aid kit;
  - (b) ensure the PPEK is complete by checking it every day;
  - (c) wear disposable gloves when carrying out any search or when contact with blood and body fluids is likely to occur. This also applies to the fingerprinting of persons and the handling of needles and syringes;
  - (d) use an approved mask with a correctly fitted one-way valve or other approved pocket mask or bag and mask resuscitator if performing resuscitation, and wear disposable gloves; and
  - (e) immediately wash all areas where contact with blood or body substances may have occurred. Properly dispose of, and replace, disposable gloves immediately after each use.
- (4) Initial treatment, notification and reporting requirements for definite or possible blood exposure can be found in the [Health Care Professional Advice Card](#).
- (5) Certain diseases are notifiable under the [Public Health Act 1997](#) to prevent or check their spread.
- (6) Where a member comes into close contact with a person suffering from an infection notifiable disease or is exposed to blood or body fluids, that member is to follow the instructions on the [Health Care Professional Advice Card](#).

**1.34.1 LEGAL LIABILITY TO RENDER LIFE-SAVING ASSISTANCE**

- (1) Generally, no duty is imposed by criminal or civil law, or by statute upon a police officer to give life-saving aid in the form of resuscitation or otherwise. No duty to render assistance arises between a rescuer and an imperilled person, even though, in the case of a police officer, it is their role to protect life.
- (2) Statute law and the [Police Service Act 2003](#) impose no statutory duty upon police officers to give life-saving assistance or impose criminal liability for failing to give such assistance.
- (3) In appropriate circumstances, members may exercise discretion to make an informed decision whether to attempt resuscitation or not to do so.
- (4) There is an obligation placed upon a police officer to seek health assistance, such as call for an ambulance, and a moral duty under the ethical principle of beneficence (doing good; actively kind) to provide support pending the arrival of medical assistance.
- (5) In situations where a police officer is involved in the arrest, incarceration or supervision of a person in custody, that police officer has a legal duty of care to that person and may be held legally responsible for the death or injury to that person caused or contributed to by a breach of that duty.
- (6) A police officer is obliged to perform resuscitation on a person apparently in need in the following circumstances:
  - (a) where the police officer has custody of a person in a police station where 'soft bag' resuscitation equipment is available; or
  - (b) where the police officer is present on a firearm range and has access to 'soft bag' resuscitation equipment.

**1.34.2 RESUSCITATION AND FIRST-AID TRAINING/EQUIPMENT**

- (1) Members who are Firearms Instructors will undertake an appropriate refresher resuscitation and first-aid training course every 12 months.
- (2) All other operational members up to and including the rank of sergeant (qualified) will undertake an appropriate refresher resuscitation and first-aid training course every three years.
- (3) First-aid kits must be kept stocked and maintained to an approved organisational standard (provided by Manager, Work Health and Safety), in every police vehicle, police station and other building from which members of Tasmania Police carry out their normal duties.
- (4) Resuscitation equipment of the 'soft bag' type, is to form part of the inventory of every custody suite of a designated police station and firearm instructor's range equipment.

## 1.35 PUBLIC HEALTH (SMOKING) OFFENCES

### 1.35.1 GENERAL

- (1) The control of smoking is governed by the [Public Health Act 1997](#). An infringement notice may be issued from the Police Infringement Notice System (PINS) for the prescribed public health offence of smoking in a vehicle with a child inside. An infringement notice may be issued to any person smoking inside a vehicle, including the driver or passenger. An infringement notice may also be issued whether the vehicle is stationary or in motion, and in any public place, including a public street.
- (2) Police may seize any tobacco product that is being smoked or used by a child (possession alone is not enough). Seized tobacco product should be entered in the miscellaneous property book and dealt with in the usual manner.
- (3) Police do not have the authority to seize tobacco products from a person over 18 years of age under the [Public Health Act 1997](#).

### 1.35.2 INFRINGEMENT NOTICES FOR PUBLIC HEALTH OFFENCES

- (1) The same protocols and procedures which apply to infringement notices issued from PINS for traffic offences apply to infringement notices issued for public health offences.
- (2) The general policy is that an infringement notice issued for a public health offence will only be issued for a second offence within a two year period and, in most cases, a verbal warning or a conditional caution will be appropriate. However, it is a matter of police discretion whether an infringement notice should be issued given the circumstances of the offence.



## 1.36 DUTY OF CARE AS AN EMPLOYER

### 1.36.1 SAFE WORKING ENVIRONMENT

- (1) The Department has a duty of care to provide a safe working environment. The member in charge of stations and other areas must ensure that the Department's obligations of duty of care are met. In particular, this requires that members in charge and managers ensure that a safe working environment is maintained and that all relevant codes of practice are followed.
- (2) The members in charge of all police stations and work areas are to:
  - (a) have an evacuation scheme approved by the Tasmania Fire Service;
  - (b) have a plan showing exits and meeting places posted in appropriate and visible locations;
  - (c) ensure that all staff are aware of procedures in the event of either fire or a bomb threat, and that all new staff receive appropriate training on commencing duty at the station;
  - (d) ensure that the positions of building/work area wardens and floor wardens (where applicable) are continuously filled by competent and appropriately trained staff;
  - (e) have fire equipment that is in an operable and serviceable condition (Procurement and Property Services is responsible for Departmental maintenance contracts relating to fire equipment);
  - (f) ensure that access to fire equipment is not restricted in any way; and
  - (g) exercise in practice evacuations at mandatory 12 month intervals (Note: the Tasmania Fire Service is to be notified at least three days prior to practice evacuations and drills).
- (3) In the preparation of evacuation schemes and plans, special consideration must be given to the management of persons in custody, and to non-Departmental visitors and other persons who may also be present in the building, station or area.
- (4) Members in charge of stations and work areas are to ensure that they and/or other nominated staff members receive appropriate training in fire evacuations and emergency procedures. Training can be arranged through Tasmania Fire Training.

### 1.36.2 REVIEWS AND INSPECTIONS

- (1) The Manager, Procurement and Property Services is to conduct annual reviews to ensure appropriate compliance with the provisions of this section. The outcome of reviews is to be reported to the Corporate Management Group.
- (2) Officers and other members are to perform station inspections three monthly, which are to include comment as to relevant compliance with this section in respective Inspection Reports.

## 1.37 ACCIDENTS

### 1.37.1 GENERAL

- (1) 'Accident' means an occurrence arising from the operation of any vehicle, aircraft, vessel or machinery whereby any person or animal is injured or any property is damaged and includes any other contingency or similar result requiring investigation or attention by police in the public interest, and includes a crash as defined in the [Road Rules 2009](#).
- (2) 'Serious accident' means an accident in which a person receives injuries, which result in, or may result in, death or which requires their admission to hospital exceeding 24 hours.
- (3) 'Serious Traffic Crash' means a crash on a road or road related area where a death occurs or is likely, or there appears to be serious negligence, dangerous driving, grievous bodily harm, or a serious breach of the traffic/criminal law as determined by an inspector.

### 1.37.2 CONTROL OF OPERATIONS AND SAFETY

- (1) The provisions contained within this section and the following sections apply to all types of accidents. The term accident includes traffic crash.
- (2) In general, four critical considerations exist for those tasked with accident scene management, namely:
  - (a) safety of emergency services personnel, general public and property;
  - (b) providing assistance to injured persons by:
    - i. facilitating first-aid or emergency medical support;
    - ii. ensuring emergency and medical support services can locate the incident; and
    - iii. ensuring that access and egress routes are identifiable and clear of obstructions and hazards;
  - (c) preservation of evidence at the accident scene; and
  - (d) traffic management to reduce inconvenience to the motoring public.
- (3) Any member who is requested, directed or otherwise required to attend, investigate or assist in the investigation of an accident should do so without undue delay.
- (4) When investigating accidents, members are to ascertain if any liability attaches to any person and if so, the investigating member should gather evidence which may be relevant for proceedings.
- (5) The senior member attending an accident is to take charge and control operations at the scene, including the investigation.
- (6) The member in charge at an accident scene should ensure that proper control of the area is established and that all necessary action is taken to prevent any further accident occurring.
- (7) Members managing traffic at an accident scene may consider a traffic management plan to minimise the disruption to the free flow of traffic. The Radio Dispatch Services supervisor is able to assist with organising and coordinating such a plan.
- (8) The member in charge at an accident scene, where appropriate, shall ensure:
  - (a) all police vehicles at the scene are positioned to provide a corridor of safety for attending members;
  - (b) that members are wearing appropriate reflective vests;
  - (c) police vehicles are parked to provide adequate warning to other traffic approaching an accident scene; and
  - (d) police vehicle emergency lights are activated.

- (9) The management and oversight of the police response to fatal and serious accidents is the responsibility of the relevant divisional or duty inspector. The relevant inspector will determine the need for Crash Investigation Services (CIS) attendance as it relates to accidents on roads and road related areas.
- (10) In serious accidents, other than traffic crashes, or in traffic crashes where the vehicle is suspected of being used as a weapon, the member in charge at the scene should consider whether members of the Criminal Investigation Branch (CIB) are required to assist in the investigation. The CIB should always be requested where there is a likelihood that criminal charges may result from the incident.
- (11) Where the nature of the accident necessitates the assistance of the CIB, members should protect and preserve evidence pending the arrival of CIB members.

### **1.37.3 HAZARDS AND CONTAMINATION**

- (1) Where there is any likelihood, however remote, of fire, electrical or other hazard arising from the accident, immediate arrangements should be made for the appropriate authority to be notified.
- (2) **EXEMPT PER S.30(1)(d) OF RTI ACT**
- (3) Where an accident or incident occurs that results in structural damage, or the integrity of any structure becomes suspect, the Tasmania Fire Service has trained Urban Search and Rescue personnel, state-wide, who are available to provide advice and assistance in assessing and stabilising such structures.
- (4) Members should request the attendance of the Tasmania Fire Service to all structural damage incidents/accidents where the safety of persons is uncertain.

### **1.37.4 PROPERTY OF VICTIMS**

- (1) Members are to take appropriate action to safeguard all property which an accident victim may have on their person or with them at the time of the accident, including any vehicle and its contents.
- (2) Members must not release property to relatives of victims or other persons without proper authorisation, and then not until the receipt and disposal procedure is carried out.

### **1.37.5 NOTIFICATIONS**

- (1) The next-of-kin of deceased and serious accident victims are to be notified by police, notwithstanding that the next-of-kin may have already received such advice. All such notification is to be personal.
- (2) Where the next-of-kin is not immediately available, every effort should be made to locate the person for notification. Under no circumstances are messages containing such advice to be left for delivery by persons other than police personnel.
- (3) It is the responsibility of the member in charge of the investigation to ensure such notification is made.

### **1.37.6 EVIDENCE AND EXHIBITS**

- (1) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (2) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (3) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (4) Where any vehicle, machinery, equipment or other things are involved in an accident and its continued use is essential to the operation of any industry, service organisation or public transport, the member in charge of the investigation is to arrange to have all required inspections carried out and photographic records made without unnecessary delay.

- (5) Vehicles, machinery, equipment and other things involved in accidents and in respect of which an inspection and photographic record is required, must not be:
- (a) cleared, released or disposed unless authorised by the member-in-charge of the investigation or where applicable the coroner; or
  - (b) retained or preserved as an exhibit unless authorised by a divisional inspector or their representative; or
  - (c) retained or preserved unless directed by a coroner or as an urgent seizure for a Coronial Inquiry.

**1.37.7 WITNESSES**

- (1) Wherever possible members should interview and obtain signed statements from all witnesses and other persons involved in accidents.
- (2) When interviewing a witness to an accident, members should ask the witness if there is any objection to the statement being used for civil proceedings. The question and the reply should be recorded in the statement.

**1.37.8 TRAFFIC**

- (1) As previously stated, a crash is included in the definition of an accident. In the following subsections the terms 'crash' and 'accident' are interchangeable.

**1.37.9 INVESTIGATIONS AND REPORTS**

- (1) Traffic crashes are categorised as follows:
  - (a) 'level 1 traffic crash' means a traffic crash which a person is reporting for insurance purposes only.
  - (b) 'level 2 traffic crash' means: where minor damage or injury is caused to a motor vehicle, animal or property other than as defined as a 'level 1 traffic crash'; and only minor injuries as defined in the statistical report codes:

**O** no apparent injury;

**T** first-aid only at scene; or

**M** attended hospital (held less than 24 hours).

- (c) 'level 3 traffic crash' means:
  - i. any traffic crash which falls within the category of 'serious accident'; or
  - ii. where the driver of a vehicle fails to remain at the scene unless the driver has fulfilled their legislative requirements; or
  - iii. where there is evidence that a driver had alcohol or drugs present in their body at the time of the crash; or
  - iv. where there is evidence that a driver has driven dangerously, recklessly or negligently; or
  - v. where a senior officer directs that further investigations should be conducted; or
  - vi. where the investigating member is of the opinion that court proceedings should be taken against any person; or
  - vii. where property is damaged, or an animal in someone's charge is killed or injured and the extent of the damage is such that the vehicle involved in the crash is towed or carried away by another vehicle; or
  - viii. where the driver's particulars are not provided to the driver of another vehicle involved, or other person in compliance with legislative requirements.

- (2) Level 3 traffic crashes are to be fully investigated and appropriate reports submitted.
- (3) In the event of a person making a report of a level 3 or 2 traffic crash to a member or at a police station, the member taking the report is to obtain all relevant particulars to complete a Crash Report and submit a written report for any further attention or necessary investigation.
- (4) Level 2 traffic crashes require only the submission of a Crash Report and where appropriate a traffic infringement notice, issued from PINS, with the fields specific to traffic crashes completed accordingly.
- (5) Where a person is killed or suffers serious bodily injury or illness in a traffic crash and is driving as a part of employment, Worksafe Tasmania shall be notified.
- (6) In all cases a Crash Report is to be submitted within 24 hours of attendance of, or report to police.

## **ORDER**

### **Members who:**

- **witness a traffic crash; or**
- **arrive at the scene of a traffic crash;**

**are to respond and investigate the crash, unless other members are in attendance, or arrive and assume such responsibility.**

### **1.37.10 SELF REPORTING OF TRAFFIC CRASHES**

- (1) A person may self-report a traffic crash for insurance purposes using the [Traffic Crash Reporting System](#) where:
  - (a) the crash occurred in Tasmania;
  - (b) no person was killed or injured;
  - (c) the crash was not a hit and run;
  - (d) all drivers involved exchanged details; and
  - (e) no vehicle was towed or carried away.

### **1.37.11 CRASH INVESTIGATION SERVICES**

- (1) Unless otherwise stated, Crash Investigation Services (CIS) will attend and investigate:
  - (a) all fatal traffic crashes on roads and road related areas, except where the crash involves a single crash with a sole occupant who was the driver, unless determined otherwise by a divisional inspector or duty inspector; and
  - (b) all 'serious traffic crashes' where there appears to be serious negligence, dangerous driving, grievous bodily harm, or a serious breach of the traffic or criminal law as determined by an inspector; and
  - (c) such other traffic crashes, including police vehicle crashes, that a divisional inspector or duty inspector determines that CIS should attend and investigate.
- (2) It must be remembered that CIS are solely responsible for the investigation of the crash and all other matters pertaining to the management of the site rest with the member in charge of the crash scene unless an emergency situation arises requiring immediate attention.

- (3) CIS members will provide advice to the member in charge of the scene:
  - (a) on the progress of the scene examination;
  - (b) on the expected time of re-opening a roadway;
  - (c) matters that may impinge on the investigation should the road be opened sooner than required; and
  - (d) of the use of point duty as an effective means of keeping traffic moving in both directions.

#### **1.37.12 INTERVIEW AND STATEMENTS**

- (1) In traffic crashes which police are required to attend and/or investigate, all persons involved should be interviewed and, where possible, signed statements should be obtained from all witnesses.
- (2) Where it appears that a person involved in a traffic crash may be at fault, such person should be cautioned.
- (3) Although a driver may wish to say nothing under such circumstances, the driver is required to provide the following details:
  - (a) The driver's name and address, and
  - (b) The name and address of the owner of the driver's vehicle, and
  - (c) The vehicle's registration number (if any), and
  - (d) Any other information necessary to identify the vehicle.

#### **1.37.13 BREATH AND BLOOD ANALYSIS OF DRIVERS**

- (1) The attention of members is directed to the provisions of the [Road Safety \(Alcohol and Drugs\) Act 1970](#) regarding liability of drivers involved in traffic crashes to submit to a breath analysis, blood test, medical examination or oral fluid test.
- (2) Although, as a general rule, the driver of a motor vehicle becomes liable to submit to a breath analysis if involved in a traffic crash, members should use discretion in minor traffic crashes as to whether a breath test is sufficient. Discretion is also required as to whether any driver is required to submit to an oral fluid test.
- (3) If a driver is involved in a traffic crash in which personal injury to any person is sustained then the driver becomes liable to submit to the taking of a sample of blood for analysis.
- (4) Members should arrange a breath analysis or blood test for drivers who are removed to hospital.
- (5) Members shall arrange where a blood liability exists blood testing all drivers of vehicles involved in a serious traffic crash.

#### **1.37.14 MARKING OF ROADWAY**

- (1) Where a fatal or serious traffic crash has occurred, the road may be marked by the investigating member in a manner which can be interpreted by that member.
- (2) The member in charge of the crash scene should ensure that all marks are maintained distinctly until all photographs and plans have been completed.

#### **1.37.15 INSPECTION OF VEHICLES**

- (1) When investigating 'level 3 traffic crashes' members should inspect the vehicles involved and record their condition.
- (2) In serious traffic crashes, where a vehicle fault has been alleged, or evidence of serious negligence or serious breaches of the traffic or criminal law exist, the member-in-charge

of the investigation should discuss the with Crash Investigation Services the need for a transport inspector to examine any vehicles involved and supply a report.

- (3) In the case of serious traffic crashes or where there is a requirement that a vehicle involved in an accident be inspected by a transport inspector, the request for such from the member in charge of the investigation should be addressed to Crash Investigation Services. Members from that section will arrange for a Crash Inspection Request form to be forwarded to the senior transport inspector.
- (4) Transport inspectors are to be requested to attend:
- (5) all heavy vehicle crashes (vehicles in excess of 4.5 tonnes) that result in a fatality or serious injury;
  - (a) all heavy vehicle crashes where the driver claims the accident was caused by a vehicle defect; and
  - (b) any crash involving a passenger bus except where only minor property damage results.
- (6) Members are to provide all reasonable assistance for that officer to inspect the vehicle/s involved.

#### **1.37.16 SEIZURE, REMOVAL AND STORAGE OF VEHICLES**

- (1) The [Traffic Act 1925](#) provides for the seizure and removal of motor vehicles and trailers.
- (2) The owner of such vehicle or trailer is liable to pay all reasonable expenses incurred in removal and storage.
- (3) In crashes that are not categorised as 'serious traffic crashes', where any motor vehicle is causing an obstruction or is in a hazardous or dangerous position and is damaged or otherwise defective to such an extent that it cannot be driven, members should instruct the driver or owner, if present, or any other person having charge of the vehicle, to have it removed.
- (4) Members are to inform the person concerned that they are responsible for any expense involved. Where no person is in charge of the vehicle, neither the driver nor the owner is present, or the driver or owner, as the case may be, is unable or refuses to make arrangements to remove the vehicle, members should make arrangements for the removal of the vehicle.
- (5) If a vehicle is required as an exhibit, or for examination, this fact should be clearly marked on the Motor Vehicle Inventory.
- (6) Before any seized vehicle is towed from the scene, the member taking possession of it is to check the security of its contents. Members should remove all valuable articles such as wallets and handbags, cameras, other than fixed equipment or accessories, prior to towing from the scene. If a thorough inspection is not practicable at the scene then the member-in-charge should make arrangements for this to occur at the time of impounding. As soon as possible, such property is to be conveyed to a police station or property office for the required recording and safe custody.
- (7) Where members take possession of a vehicle, they should arrange through Radio Dispatch Services for its removal.
- (8) Where the owner, driver or person in charge of a vehicle is required to arrange removal, members should not suggest the name of any garage to which a vehicle should be taken or the tow company to be used.
- (9) Where the owner, driver or person in charge of a vehicle requests police to call a tow truck, members should comply with such request. If no particular towing service is nominated a towing service will be selected from the towing roster through Radio Dispatch Services.

#### **1.37.17 VEHICLE AND ROAD DEFECTS**

- (1) Where it is believed or alleged that a vehicle or road defect may have caused or contributed to a traffic crash, members should make a thorough investigation and record particulars for inclusion in their report.
- (2) Where a vehicle defect is evident and it is unsafe to drive, members should not permit the vehicle concerned to be driven from the scene unless the defect is first rectified.
- (3) Where a road defect is evident, members should promptly contact the authority responsible for maintaining the road for remedial action and take such other steps as may be necessary in the meantime to prevent other crashes occurring as a result of the defect.

#### **1.37.18 EXHIBITS IN UNIDENTIFIED VEHICLE ACCIDENTS**

- (1) **EXEMPT PER S.30(1)(c) OF RTI ACT**

#### **1.37.19 POWER SUPPLY AND TELEPHONE INSTALLATIONS**

- (1) Where a vehicle has collided with poles or other installations controlled by Tas-Networks, Telstra or other authority, the member-in-charge of the scene should immediately cause the authority concerned to be advised. This action is to be taken even though no apparent damage has been caused to the installation.
- (2) Where an electrical installation is damaged in a traffic crash, members should be alert to prevent persons coming into contact with wires or other parts of the installation carrying electric current, and are to remain at the scene for that purpose until the appropriate authority arrives and effects repairs or otherwise renders the area safe.

#### **1.37.20 HYBRID VEHICLES**

- (1) Members need to be aware there are a number of safety issues associated with hybrid motor vehicles where they are involved in crashes.
- (2) A hybrid motor vehicle is a vehicle that has a combination of an internal combustion engine and electric motor generator. There are two energy sources contained within the vehicle, fuel and a high voltage battery.
- (3) Personnel should also be aware that the high voltage battery has high alkaline electrolyte, the petrol engine or electric motor may start without warning and, in the case of the electric motor, operate silently.
- (4) Members should be aware of electric shock and exposure to a very corrosive alkaline
- (5) Due to the potential for danger, it may be necessary for full protective clothing and equipment to be used when attending to hybrid vehicles in a rescue capacity. In the case of high voltage battery fires, the management should be left to the Tasmania Fire Service.
- (6) In the event personnel are required to undertake immediate action, such fires are extinguished using a CO2 extinguisher, wherever possible. This type of fire can also be extinguished by flooding the area around the high voltage battery with copious amounts of water, thereby cooling the battery modules to below ignition temperature.

#### **1.37.21 WORKPLACES**

- (1) [WorkSafe Tasmania](#), carries out investigations into accidents occurring at a workplace where a person is killed or suffers serious bodily injury or illness. If members are called to attend such an accident, Workplace Standards Tasmania are to be immediately notified to obtain assistance and advice.

#### **1.37.22 RAILWAY**

- (1) Members are to deal with any rail accident in accordance with the guidelines and are to observe the following objectives and methods of operation in the



investigation/management of accidents/incidents involving engines, rolling stock and vehicles on railways:

- (a) it is desirable that schedules be maintained as close as possible in order to prevent possible rail traffic hazard and inconvenience to the public;
  - (b) The Office of the National Rail Safety Regulator (ONRSR) shall be notified of all rail incidents. ONRSR will also provide investigatory advice and assistance:
  - (c) WorkSafe Tasmania shall be notified of all rail incidents involving death, serious injury or illness (as defined by Section 36 [Work Health and Safety Act](#)).
  - (d) after removing any dead or injured persons and taking necessary action to protect life and property, every effort should be made to assist railway officials to get the train on the move as soon as possible (taking into consideration investigative requirements);
  - (e) if an accident occurs involving a railway employee performing rail safety work, (which includes work that involves or relates to the driving or operation of a train or the control of the movement of a train) that person becomes liable to submit to a breath test, breath analysis, oral fluid test and or blood test.
  - (f) Every endeavour should be made to obtain the following information from the engine driver:
    - i. full name and address;
    - ii. date of birth;
    - iii. length of service, including driving service;
    - iv. direction of travel of railway vehicle;
    - v. direction of travel of road vehicle;
    - vi. name and address of any known witnesses;
    - vii. warning devices operating/not operating at a rail crossing; and
    - viii. any other information which at the time appears to be relevant.
  - (g) unless there are special circumstances to the contrary, suitable markings should be made on the engine, carriages and other rolling stock and arrangements made to have them inspected and photographed at a later stage; and
  - (h) train crews and other railway officers are under instructions to fully cooperate with police in such cases.
- (2) The rail operator of the Tasmanian rail network maintains a 24-hour Emergency Contact Centre. Contact details for this Centre are held by Radio Dispatch Services.
  - (3) Where it is necessary to prevent any rail traffic from entering and/or proceeding through a level crossing, or to divert or halt any rail traffic, or any other emergency assistance is required concerning the rail network in Tasmania, contact should be made to the Emergency Contact Centre. Routine enquiries should not be directed to the Emergency Contact Centre but to the general office.
  - (4) Members in charge of an accident scene at a railway crossing which is controlled by warning lights should contact the Emergency Contact Centre and request testing to establish whether the lights were functioning correctly and whether the installation has been damaged.
  - (5) Members should not request a train crew to reverse a locomotive over a rail crossing where warning lights are installed unless exceptional circumstances exist, as such action may result in damage to the warning light installation.

### **1.37.23 MINING**

- (1) In the case of a fatal accident, the Chief Inspector of Mines, Workplace Standards Tasmania will ensure that the police are notified. Where members are called upon to

investigate serious accidents occurring in mines they should ensure the Chief Inspector of Mines has been notified and obtain assistance and advice.

- (2) In the event of an accident occurring in a mine where death or serious bodily injury occurs, a person must not move or otherwise interfere with any plant or other thing involved in the death, injury, illness or occurrence without the prior permission of an inspector from Workplace Safety Tasmania.
- (3) Movement or interference with any plant or other thing is not prohibited where it is necessary:
  - (a) to save life or relieve suffering; or
  - (b) to prevent damage to property or injury to persons.

#### **1.37.24 FIREARMS**

- (1) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (2) Where a firearm or ammunition is forwarded to Forensic Services for testing, it is to be accompanied by a comprehensive report setting out the full circumstances of the incident, as this may have a bearing on what testing is required. If any doubt exists in relation to an alleged firearms accident, Forensic Services should be contacted. If necessary, they should attend the scene and make an expert assessment.
- (3) In every firearm accident/incident an IDM Report is to be submitted by the attending member.
- (4) Where a member takes possession of any firearm, firearm part, or ammunition a Firearms and Weapons Data System (FAWDS) entry is to be completed.
- (5) In every firearms related accident/incident where unlawful use is alleged, the attending member is to submit an Offence Report without delay.

#### **1.37.25 ELECTRICAL**

- (1) In the investigation of accidents involving electricity, members should notify TasNetworks and arrange for an inspector to conduct an examination of the electrical equipment or apparatus concerned and supply a report.

## 1.38 AIRCRAFT ACCIDENTS

### 1.38.1 GENERAL

- (1) On receiving a report of any aircraft crash, police should immediately proceed to the area and take charge of police operations at the scene.
- (2) The member receiving the initial report of any aircraft accident should immediately notify the divisional inspector or duty officer. Such officer should immediately cause the district commander to be notified.
- (3) Subject to this section, police action in regard to civil and Department of Defence aircraft accidents should be in accordance with the procedure outlined in the relevant section of the Department of Infrastructure and Regional Development, Australian Transport Safety Bureau – [Civil And Military Aircraft Accident Procedures for Police Officers and Emergency Services Personnel Booklet](#).
- (4) The district commander, on being informed of a civil aircraft accident, should immediately notify the appropriate officer of the [Australian Transport Safety Bureau](#) (ATSB).
- (5) If the accident involves death or injury to persons or serious damage to property, the commander, is to immediately notify the Assistant Commissioner, Operations.
- (6) The district commander, on being informed of a Department of Defence aircraft accident, should immediately notify:
  - (a) the Assistant Commissioner, Operations; and
  - (b) [Directorate of Defence Aviation and Air Force Safety](#).
- (7) Where persons die in any aircraft accident normal coronial procedures and requirements will apply.

### 1.38.2 SAFETY

- (1) If possible, a crashed aircraft should be approached from the windward side in case it suddenly bursts into flames or dangerous fumes are being emitted. Every precaution should be taken as a damaged aircraft can explode or burst into flames long after crashing.
- (2) Members should be aware that an aircraft crash or damage to modern aircraft structures can produce hazardous materials such as:
  - (a) airborne synthetic products similar in nature to asbestos fibres;
  - (b) toxic chemicals which may be inhaled or affect the skin; and/or
  - (c) potentially explosive devices such as oxygen bottles, high pressure tyres, hydraulic accumulators.
  - (d) Naked lights and smoking near a crashed aircraft or wreckage is prohibited and members of the public should be kept at a safe distance.
- (3) Where it is necessary for members to rescue occupants from a crashed civil aircraft and entry to the aircraft has to be made for that purpose, members should be mindful of the warnings contained in the above booklet ([refer section 6.1.1\(3\)](#)) (e.g. rocket deployed parachutes, explosive ejection seats).
- (4) In the event of fire, the Tasmania Fire Service is the lead Service. Aircraft should not be approached until declared safe by Senior Fire Officers.

### 1.38.3 AIRPORT EMERGENCY PROCEDURE

- (1) Operators of licensed aerodromes are required to form an Aerodrome Emergency Committee. That committee will create the Aerodrome Emergency Plan.
- (2) A copy of the above publication should be kept at police stations located near airports and

in Radio Dispatch Services. Members likely to become involved in airport emergency procedures should be conversant with the applicable contents of the publication.

#### **1.38.4 MISSING AIRCRAFT**

- (1) Aerial search and rescue operations for any missing or distressed civil aircraft is the responsibility of AusSAR. Missing or distressed Department of Defence aircraft is the responsibility of the Department of Defence.
- (2) AusSAR maintains a Rescue Coordination Centre.
- (3) The [National Search and Rescue Manual](#) and [Tasmania Police Search and Rescue Plan](#) identify areas of responsibility in respect to Search and Rescue involving aircraft.
- (4) Tasmania Police is responsible to assist AusSAR in searching for missing aircraft. If found crashed or in a remote location, police are responsible to coordinate the rescue and recover persons on board.

#### **1.38.5 OTHER AIR ACCIDENTS AND ACTIVITIES**

- (1) Members are to report to the [Australian Transport Safety Bureau](#) (ATSB) any fatal accidents involving the following air activities:
  - (a) parachuting;
  - (b) hang-gliding;
  - (c) person controlled ballooning; or
  - (d) gyroplanes (powered),
  - (e) and where any incident involving the above air activities at an 'Air Show' or 'Fly-In' is reported as having jeopardised public safety.
- (2) Where accidents or incidents involving ultralight aircraft occur, members are to report such matters to the ATSB. Where ultralight aircraft incidents have jeopardised the public safety, those incidents should also be reported to the ATSB.
- (3) The requirements of this Manual apply to the investigation of accidents involving ultralight aircraft and other equipment/devices referred to in this section.
- (4) The ATSB does not investigate all aviation accidents. In general, the ATSB does not investigate sports aviation accidents or those involving amateur built or experimental category aircraft.
- (5) Any ATSB investigation conducted is in addition to a police investigation and ATSB investigators may appear in proceedings as expert witnesses.
- (6) Where an aircraft fatality will not be investigated by the ATBS, the coroner may request assistance from the New South Wales Police Force Aviation Support Branch. Such request from the coroner should be channelled to the Assistant Commissioner, Operations through the respective district commander.
- (7) Tasmania Police is responsible for the investigation of accidents, fatal or otherwise, involving towed kites (person controlled) and towed gyroplanes (person controlled), regardless of whether the towline is still attached or has been released at the time of occurrence.

## 1.39 EXPLOSIVE INCIDENTS

### 1.39.1 GENERAL

- (1) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (2) All explosive device incidents reported to Police, whether hoax or genuine, should be reported as soon as possible to the 'On-Call' Police Bomb Technician for the relevant district.
- (3) An 'Explosive/CBR Incident Report' is to be promptly furnished in every case where any such incident is reported to Police, whether hoax or genuine.
- (4) The duty officer, divisional inspector or senior member at the scene should assume the role of Police Forward Commander of any explosive incident and should control and coordinate all police and emergency services action.
- (5) The rendering safe of any device and associated procedures is the responsibility of the attending Police Bomb Technician/s.
- (6) The [Homemade Explosives Awareness Guide](#) provides basic information in relation to some devices.

### 1.39.2 BOMB THREATS AND REPORTS

- (1) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (2) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (3) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (4) [EXEMPT PER S.30(1)(c) OF RTI ACT]

### 1.39.3 ACTION AT SCENE

- (1) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (2) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (3) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (4) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (5) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (6) [EXEMPT PER S.30(1)(c) OF RTI ACT]

### 1.39.4 SEARCH PROCEDURES

- (1) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (2) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (3) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (4) [EXEMPT PER S.30(1)(c) OF RTI ACT].

### 1.39.5 SAFETY DISTANCES - BLASTS ONLY - UNCONFINED EXPLOSIVES

- (1) When an explosive is detonated, there are three (3) main effects:
  - (a) blast;
  - (b) fragmentation; and
  - (c) heat.
- (2) [EXEMPT PER S.30(1)(c) OF RTI ACT]

- (3) Given the diverse range of explosives available, and the quantities that may be used, it is difficult to accurately define the minimum safe distance from any suspect device. Therefore, in all cases, immediate advice should be sought from a Police Bomb Technician as to minimum safety distances.
- (4) **EXEMPT PER S.30(1)(c) OF RTI ACT**

## 1.40 CLANDESTINE LABORATORIES

### 1.40.1 GENERAL

#### ORDER

THE SAMPLING AND/OR DESTRUCTION OF ANY CONTROLLED DRUG OR CHEMICAL LINKED TO A CLANDESTINE LABORATORY MUST BE UNDERTAKEN IN ACCORDANCE WITH THE *DRUG PROCEDURES MANUAL* AND THE *DIRECTION FOR THE DISPOSAL OF CONTROLLED SUBSTANCES SEIZED, SURRENDERED OR FOUND BY POLICE* UNDER THE *MISUSE OF DRUGS ACT 2001* OR THE *DIRECTION FOR DISPOSAL OF SUBSTANCES AND PLANTS SEIZED PURSUANT TO SECTION 90, 90A OR 90B OF THE POISONS ACT 1971*.

- (1) A 'Clandestine Laboratory' is an illicit operation consisting of apparatus and/or chemicals that either have been or could be used in the manufacture or synthesis of controlled substances, this includes premises or sites.
- (2) Police operations for clandestine laboratories should be conducted in accordance with the departmental publication [Tasmania Police Clandestine Laboratories Standing Operating Procedures](#) and the [National Guidelines to Assist Jurisdictional Responses to Clandestine Laboratories](#).
- (3) [EXEMPT PER S.30(1)(c) OF RTI ACT]

### 1.40.2 INITIAL ACTION

- (1) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (2) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (3) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (4) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (5) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (6) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (7) [EXEMPT PER S.30(1)(c) OF RTI ACT].

## 1.41 HAZARDOUS SUBSTANCES/CHEMICALS POLICE RESPONSIBILITIES

- (1) In any hazardous substance/chemical emergency, attending police are responsible for:
  - (a) the protection of life and property;
  - (b) obtaining as much relevant information as possible and passing that information on to the Tasmania Fire Service;
  - (c) traffic and crowd control;
  - (d) maintaining containment perimeters in consultation with the Tasmania Fire Service, as well as carrying out evacuations as required;
  - (e) secure and gather evidence for the coroner if applicable; and
  - (f) ensuring the district commander is notified.
- (2) The above responsibilities are not in priority order. Each incident is different and is dependent on the type of material causing the hazard, the seriousness of the event, and the location.

### 1.41.2 HAZARDOUS CHEMICAL PROCEDURES

- (1) Where an emergency at a factory or a serious emergency relating to hazardous chemicals exists, police will be alerted and should give all necessary assistance to minimise the effect on the public.
- (2) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (3) The control of the scene of emergency involving hazardous chemicals rests with the Tasmania Fire Service. In all cases, appropriate advice should be sought from the Fire Service.

### 1.41.3 MEDICAL EXAMINATIONS

- (1) Members exposed to hazardous substances or chemicals are to be medically examined, as soon as practicable, to minimise risk of injury to health.
- (2) In such cases, members should have their health monitored on a regular basis for such period after the conclusion of the incident as a medical practitioner considers necessary.
- (3) To facilitate medical examinations and treatment of members exposed to hazardous substances and chemicals, the member in charge of the incident should, as soon as possible after the conclusion of the incident, provide to the Manager, Work Health and Safety, a report on the circumstances of the incident. The report is to also contain the names and stations of any members exposed to such substances or chemicals, and details of any action or treatment so far provided to the affected member/s.



## 1.42 NATURAL GAS

- (1) The Tasmanian Gas Pipeline is 730km sub-sea and underground pipeline. The pipeline commences in Victoria and enters Tasmania near George Town at Five Mile Bluff. It travels to Bell Bay where a major facility exists then crosses the Tamar River to Westwood where it splits in two pipelines, one to Port Latta known as the Northern Pipeline Extension and the other to Bridgewater, the Southern Pipeline Extension.
- (2) Natural Gas is a hazardous substance and if there is a rupture to the pipeline it can be detected visually by the appearance of a vapour plume, by the sound of the high pressure gas escaping the pipeline and the smell of the introduced stenching agent. Leaking gas can explode with phenomenal force and will ignite easily. If the smell of gas is detected at a location members should immediately isolate the vicinity moving themselves and others to a safe distance and location preferably upwind.
- (3) In any incident involving the gas pipeline members will respond in accordance with the principles outlined in [TPM 6.3 - Emergency Operations/Major Incidents](#).
- (4) The Tasmania Fire Service is the lead Service in gas incidents and should be notified as soon as a member becomes aware of an incident involving a pipeline rupture.

## 1.43 EMERGENCY ANIMAL DISEASE MANAGEMENT

### 1.43.1 GENERAL

- (1) Foot and Mouth Disease (FMD) and other similar animal-borne diseases have the capacity to devastate the economy of Australia in general and Tasmania specifically. On advice received of an animal disease emergency such as FMD it is essential that the Department responds to minimise the effects and spread of such a disease. This may involve such things as assisting with setting up road blocks to monitor and prevent or redirect stock movements.
- (2) Members can assist in preventing outbreaks by reporting to the relevant Government Department responsible for animal management any feeding of swill to pigs, or feeding of meat and bone meal to ruminants such as cattle and sheep.
- (3) In a FMD situation DPFEM will respond in accordance with the principles outlined in this Manual at [Section 6.3 - Emergency Operations/Major Incidents](#).
- (4) The authority to control an outbreak of an emergency animal disease is contained within the [Animal Health Act 1995](#). Should the Chief Veterinary Officer (CVO) consider it necessary the [Emergency Management Act 2006](#) could, after consultation with the Chair of the, State Emergency Management Committee, be invoked.

### 1.43.2 OPERATIONAL POLICE ROLE

- (1) The operational role of Tasmania Police in relation to animal disease management, is to:
  - (a) manage traffic;
  - (b) manage stock movement;
  - (c) assist with tracing of people;
  - (d) security of facilities and premises;
  - (e) assist with stock destruction if required (including the coordination and provision of firearms and marksmen); and
  - (f) assist in stock tracing and tracing of infected materials, upon a request from the Department of Primary Industries, Water and Environment.

### 1.43.3 POLICE POWERS

- (1) Presently, Tasmania Police is restricted in authority under legislation, unless the [Emergency Management Act 2006](#) is invoked.
- (2) The attention of members is drawn to the [Animal Health Act 1995](#) and relevant regulations. Pursuant to that Act is a power for the appointment of inspectors. In an Emergency Stock Standstill Order or activation of the [State Special Emergency Plan – Biosecurity Emergency](#) which indicates Tasmania Police as having responsibility for law enforcement issues, traffic control and assisting with quarantine points. It is possible that police officers and other classes of persons will be appointed as inspectors under the [Animal Health Act 1995](#). Prior to that occurring, members will be required to utilise existing legislation to fulfil their role. A need to work closely with animal health inspectors is paramount in the early stages of an incident.
- (3) If the [Commonwealth Quarantine Act 1908](#) is invoked to respond to an animal disease emergency, State police officers may be given powers under this Act.

### 1.43.4 STOCK STANDSTILL

- (1) An [Emergency Stock Standstill Order](#) restricts the movement of livestock and infected material within Australia. A Standstill will prevent the transmission of many emergency animal diseases before they become established in a country or region.
- (2) In a FMD or other emergency animal disease situation occurring outside Tasmania, it is expected that a Stock Standstill will occur in Tasmania. That Stock Standstill may involve the closure of State points of entry/exit and other measures to prevent the disease spreading in the State (e.g. the stopping of certain animal movements within the State).
- (3) As part of any whole-of-government approach to an animal disease, DPFEM will provide resources immediately to assist the lead agency in management of the incident.

#### **1.43.5 STAGES OF ACTIVATION**

- (1) In an emergency animal disease operation, a number of stages will be used which comply with the Commonwealth plan for management of such an incident. Those stages are:
  - (a) investigation phase;
  - (b) alert phase;
  - (c) operational phase;
  - (d) stand down phase; and
  - (e) recovery phase.

#### **1.43.6 WORK HEALTH AND SAFETY**

- (1) In the event of deployment of SES or police personnel, the Radio Dispatch Services Supervisor should advise this Department's Work Health and Safety (WHS) Manager immediately.
- (2) The Manager, WHS is to advise on post exposure management. Inspectors in charge of an Emergency Stock Standstill Order or disease incidents shall ensure a roll of members involved is kept, including brief duties involved.
- (3) The Manager, WHS has access to standard biological supplies. In an emergency situation requests will be made through their office. They will consult with inspectors and disease specialists as required.
- (4) The Manager, WHS is to monitor issues involved and be prepared to advise on equipment issue for short and long-term management.

## 1.44 USE OF FORCE

- (1) To assist members in determining the appropriate type and level of force to be used in a given situation, Tasmania Police has adopted a Use of Force continuum.
- (2) The continuum outlines the critical factors and considerations to be observed prior to, and during, the use of any force. These factors and considerations require members to:
  - (a) adhere to operational safety tactics;
  - (b) assess, plan and re-assess the situation;
  - (c) maintain communication with the suspect and other officers at all times;
  - (d) implement and adjust the level of action required in accordance with the continuum; and
  - (e) use the appropriate weapon/technique in accordance with policy, orders and training.

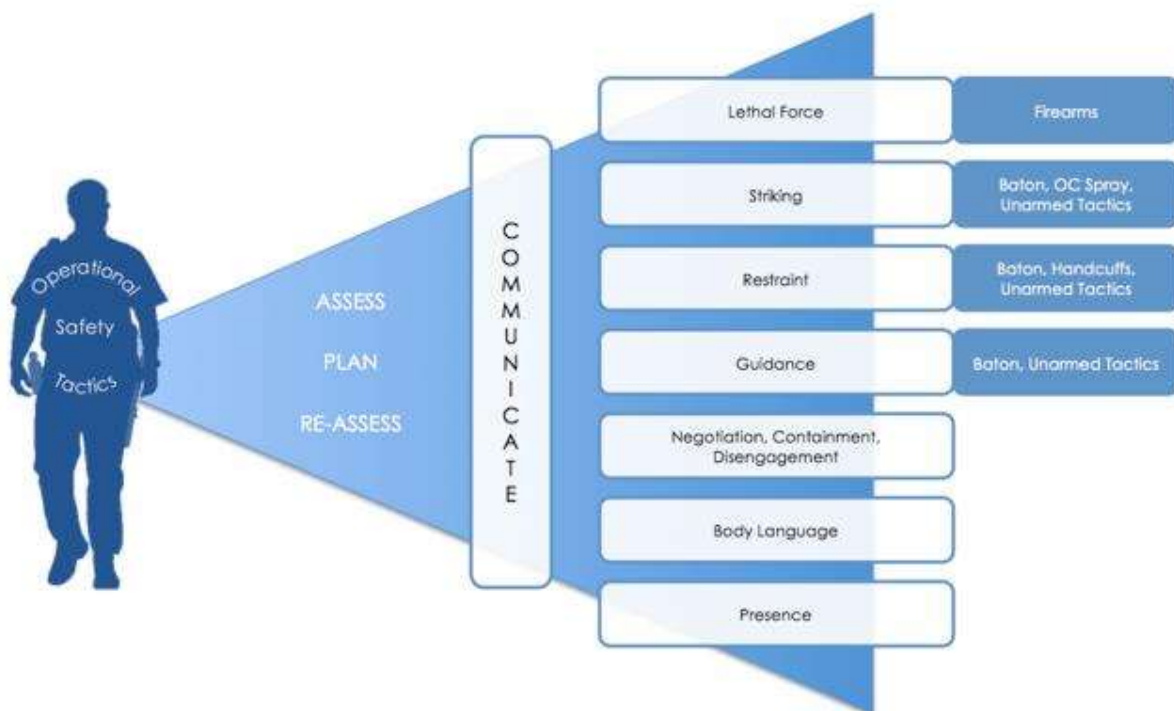


Diagram 1 the Use of Force Continuum

- (3) The continuum recognises that a police officer has immediate access to any level of action and a variety of weapons/techniques. The lowest level of use of force is physical presence (displayed at the base of the continuum), and the extreme option is lethal force (displayed at the peak).
- (4) The appropriate level of action by police is determined by the situation and actions of the suspect. A police officer can enter the continuum at any point and may move along the continuum reducing or increasing the level of action according to the changing circumstances. It is not necessary for the action taken to progress through successive levels.
- (5) Section 46 of the Criminal Code provides for self-defence and defence of another person:
 

*46 – Self Defence and Defence of Another Person*

*A person is justified in using, in the defence of himself or another person, such force as, in the circumstances as he believes them to be, it is reasonable to use.*
- (6) Members are justified in using reasonable force in defence of themselves or any other

person. Members must only use force that is reasonable, necessary, proportionate and appropriate to the circumstances.

- (7) In determining whether or not force used is reasonable or otherwise, the inquirer / investigator and authoriser will be required to consider the circumstances both objectively and subjectively.
- (8) 'Performance of duty' includes the discharge of any powers, functions, duties or responsibilities conferred or imposed on a police officer under the National Guidelines to Lethal Force, Tasmanian jurisdictional conditions ([10.7 Lethal Force](#)) or any Act.

**ORDER**

Members shall not use excessive force in the performance of their duty.

## 1.45 SAFE TRAFFIC OPERATION PROCEDURES

- (1) The [Safe Traffic Operation Procedures](#) (STOP) have been developed to provide safety for all road users and are to be adhered to in accordance with Work Health and Safety policies.

## 1.46 POLICE USE OF SOCIAL MEDIA

### 1.46.1 OBJECTIVES

- (1) The objectives of this provision are to ensure members are aware:
  - (a) of the requirement to conduct themselves appropriately when using social media, either on or off duty; and,
  - (b) that a conflict of interest may arise, or be seen to arise, in a member's use of social media and in their on-line associations.

### 1.46.2 GENERAL

- (1) Every citizen is entitled to use social media. For members, this entitlement must be exercised mindful of their duties and obligations as a police officer.
- (2) Whilst it is not the intention of Tasmania Police to intrude into members' private lives, members need to remember they are police officers 24 hrs a day, 7 days a week. Members must ensure that their personal use of social media, whether on-duty or off-duty:
  - (a) is not, and could not reasonably be perceived to be, prejudicial to Tasmania Police;
  - (b) does not, or could not reasonably be perceived to, bring discredit to Tasmanian Police; and/or
  - (c) does not, or could not reasonably be perceived to, result in a conflict of interest.
- (3) If a member reasonably believes, or should reasonably believe, that their personal use of social media may be prejudicial to Tasmania Police, or bring discredit on Tasmania Police, or result in a conflict of interest, the member must promptly notify their supervisor.
- (4) If a member identifies that another member's personal use of social media might be prejudicial to Tasmania Police, or bring discredit on Tasmania Police, or result in a conflict of interest, that member must promptly notify their supervisor.

### 1.46.3 DEFINITIONS

- (1) For the purposes of this section:
  - (a) 'Official use' is authorised representation of Tasmania Police or DPFEM, in social media, by Media & Communications Services and other approved users in accordance with the [Social Media Publication Guidelines](#).
  - (b) 'Personal use' means non-official use of social media by any member, on or off-duty, whether or not they consider their user profile is identifiable as belonging to a member of Tasmania Police.
  - (c) 'Social Media' means websites and web applications that enable the creation and exchange of user-generated content. It includes, but is not limited to; Facebook, YouTube, Twitter, Instagram, Snapchat, LinkedIn, Google+, Pinterest, Tumblr, Flickr, Reddit, Whatsapp, Strava, chat rooms, instant messaging applications, weblogs, wikis, micro-blogging, podcasts, online and multi-player gaming platforms.
  - (d) 'Use of social media' means, but is not limited to, commenting, liking, reacting, posting, re-posting, tagging, geotagging, rating and/or commenting on news articles; uploading pictures and videos; instant messaging; gaming; and membership of groups on social media. It includes use in any manner and regardless of privacy settings.

### 1.46.4 PROTECTING YOUR SECURITY AND PRIVACY

- (1) There is no such thing as a 'private' social media site. Posting information on-line is a public activity and no different to publishing information in a newspaper. Members are

advised not to publish anything on social media sites that they would not be comfortable with:

- (a) being quoted in the media;
  - (b) being raised in court as they are giving evidence;
  - (c) trying to justify to their supervisor or inspector; or
  - (d) being viewed by someone they have arrested.
- (2) Everything posted or received on social media is public property. Once something is published on-line, control of it is lost for ever. Search engines can find posts years after publication. Comments, even when sent to friends only, can be forwarded, quoted or misquoted. Archival systems save or cache information even if deleted. Once it is posted on-line, it cannot be withdrawn.
  - (3) The terms of service for social media sites apply to whatever is posted on the site. The terms may allow for posted material to be used in ways that the author did not intend, such as being exchanged with third parties.
  - (4) For personal safety and security reasons, members should consider not identifying themselves, either directly or indirectly, on any social media sites as members of Tasmania Police. For this reason, it is recommended that members never use the Tasmania Police/DPFEM email system, or provide Tasmania Police/DPFEM email addresses, on personal social media posts or sites.
  - (5) If members choose to use social media, they should be mindful that their safety may be compromised if their address or places frequented are identifiable. Members should be mindful that images posted on-line may contain reference data which enable locations to be identified (e.g. home addresses, schools, etc.). Internationally, police use of social media is considered to potentially expose them to risk or attack and, for this reason, care should be exercised at all times. It is strongly recommended that members limit the amount of personal information they post.
  - (6) Members should ensure they are familiar with the privacy settings of any social media platforms they utilise and that they maximise privacy settings. Members should be aware that as social media is a public forum information can easily be copied and reposted publicly thereby greatly extending the audience.

#### **1.46.5 PERSONAL USE OF SOCIAL MEDIA**

- (1) Members must be aware that, even if material is posted anonymously or under a pseudonym, they must still uphold the Code of Conduct. Irrespective of the forum, members should assume that at some point their identity and the nature of their employment may be revealed.
- (2) When making personal use of social media members must not:
  - (a) under any circumstance make any comment that ridicules, discredits, is offensive or derogatory about laws or government policy related to policing;
  - (b) under any circumstance ridicule, discredit, or make offensive comments which call into question the members ability to impartially fulfil their duties;
  - (c) under any circumstance ridicule, discredit, or make offensive comments, that compromise the members ability to serve in an unbiased, politically neutral manner;
  - (d) under any circumstance ridicule, discredit, or make offensive comments about Tasmania Police or DPFEM;
  - (e) under any circumstance harass, ridicule, discredit, discriminate against, bully, or make offensive comments about any Tasmania Police member or DPFEM employee;
  - (f) comment on, suggest or hint at, matters that are or are likely to be currently under investigation or other judicial or coronial process;



- (g) comment on, suggest or hint at, matters that relate to the criminal history of any person;
  - (h) post or otherwise use any material that may be prejudicial to, or bring discredit on, Tasmania Police;
  - (i) comment on, or post, Tasmania Police or DPFEM documents or other material that is not publicly available, whether confidential or not. The use of links or references to documents currently available on official Tasmania Police or DPFEM internet or social media sites is acceptable;
  - (j) imply Tasmania Police or DPFEM endorsement of personal views, or imply authorisation to speak on behalf of Tasmania Police or DPFEM if no such endorsement or authorisation exists; and,
  - (k) use the DPFEM, FSST, State Emergency Service, Tasmania Fire Service, or Tasmania Police names or logos to endorse products, causes or opinions.
- (3) Members who occupy elected positions with the Police Association of Tasmania are, if speaking on behalf of the Police Association of Tasmania, entitled to speak critically of laws or government policy related to policing. The member must make it clear that they are speaking on behalf of the Police Association of Tasmania.
- (4) Members may be subject to a lawful order or lawful direction under Section 35(2)(c) or Section 42(3)(b) of the [Police Service Act 2003](#) in relation to their use of social media.

#### **1.46.5.1 PARTICIPATING IN SOCIAL MEDIA DISCUSSIONS**

- (1) Members are entitled to enter into public debates and comment on issues in a personal capacity provided the debate and comment are not inconsistent with the provisions of *section 1.5.5*. This includes posting comments on social media, a newspaper website, writing letters to the editor and calling talk-back radio. Members must be mindful of their duties and obligations as a police officer when exercising this entitlement. Any comment must be made strictly as a private citizen and be separate from, and avoid any reference to, employment with Tasmania Police or DPFEM, unless *1.5.5* applies.
- (2) A member's association with some individuals, groups or organisations through use of social media could be seen as endorsement of their views - this includes 'liking', 'commenting', 'reacting' or accepting people as 'friends'. Members must ensure that a conflict of interest (potential, perceived or actual) is promptly reported to a supervisor or inspector/manager and managed in accordance with the 'conflict of interest' TPM provision.
- (3) Members must take all reasonable steps to identify and avoid social media associations with individuals, groups or organisations that are involved in (or perceived to be involved in) any activity that is incompatible with Tasmania Police's role in enforcing the law. If identified, the member must manage the association in accordance with the 'declarable association' TPM provision.

## 1.47 CONFLICT OF INTEREST

### 1.47.1 OBJECTIVES

- (1) The objectives of this provision are to:
  - (a) ensure members are aware that conflicts of interest, including the perception that they exist, can
  - (b) undermine public trust and confidence in the ability of individual members to act impartially and to fairly represent the public interest; and
  - (c) do significant damage to an individual member's reputation and/or the reputation of Tasmania Police.
  - (d) provide guidance to members on how to identify and manage conflicts of interest by:
    - i. assisting them to understand what a conflict of interest is;
    - ii. ensuring they are aware of the requirement to identify, report and manage conflicts of interest; and
    - iii. providing them with instruction on how to identify, report, and manage any conflicts of interest.

### 1.47.2 GENERAL

- (1) Members have a duty to act independently without favour or affection, malice or ill-will; and an obligation to uphold the Tasmania Police values.
- (2) Members must discharge their duties impartially and avoid becoming directly involved, or indirectly involving themselves, in any police matters concerning family members, associates or those with whom they have a personal involvement. A common area of conflict of interest is associations with 'family members', 'associates' or 'other personal relationships' that are, or that may be perceived to be, incompatible with a member's responsibilities. Those conflicts of interest are considered 'declarable associations' and are managed through a separate TPM provision.
- (3) Members must also be careful to ensure that they take reasonable steps to avoid acting in a manner which suggests to the public, or their colleagues, that a conflict of interest is compromising the performance of their duties.
- (4) A conflict of interest may affect a member's judgement as to what is in the public interest, or may lead to a bias in their decision making. Members must put the public interest above their own personal interests when they carry out official duties. The public interest must come first on all occasions.
- (5) A conflict of interest that is not identified, disclosed and, if required, appropriately managed and monitored, represents a risk to the member concerned and has the potential to impinge on the performance of official duties. It may also negatively affect the public's trust in the integrity of Tasmania Police.
- (6) Members should be mindful that a conflict of interest can exist whether or not the member acts on their personal interest at the expense of official duties, whether or not they are aware of the conflict, or whether they personally perceive there to be a conflict.
- (7) It is not always possible to avoid a conflict of interest and a conflict of interest is not necessarily unethical or wrong. The important thing is to identify the conflict, disclose it, and then manage it or avoid it if possible.
- (8) Members must comply with the procurement framework (including the Treasurer's Instructions) and take steps to avoid involvement in any procurement activity where a conflict of interest may exist or arise.
- (9) Members are required to identify any conflict of interest arising in the course of their duties.

Further advice in relation to what constitutes a conflict of interest is available from Professional Standards. A failure to identify, disclose and manage a conflict of interest may lead to a breach of the [Code of Conduct](#).

### 1.47.3 DEFINITIONS

- (1) For the purpose of this section:
- (a) 'Associate' means individuals the member meets, or communicates with outside of the Tasmania Police environment, even if the interaction is casual (although it must be more than a chance encounter or passing contact). An associate may include:
    - i. neighbours;
    - ii. team members in a sporting club (past or present);
    - iii. former colleagues or employees (prior to the member joining Tasmania Police);
    - iv. former school friends;
    - v. members of clubs, societies or other organisations the member is involved in; or
    - vi. social media contacts.
  - (b) 'Bias' means prejudicial treatment, favouritism or partiality.
  - (c) 'Competing interests' means when two or more interests are in conflict with one another. This situation may occur between a member's official duties and their personal interests.
  - (d) 'Conflict of Interest' means a direct or indirect conflict between a member's personal interests and official duties; such a conflict can exist whether or not the member acts in a manner designed to further those personal interests. A conflict of interest can be pecuniary or non-pecuniary. A conflict of interest can fall within the categories of potential, perceived or actual.
    - i. A potential conflict of interest exists where the personal interests of a member could influence their duties in the future. The interest may currently exist but have no impact upon the performance of the member's duties at the present time. A potential conflict of interest can be monitored to reduce the likelihood of it becoming an actual conflict of interest.
    - ii. A perceived conflict of interest occurs when a reasonable person, properly informed, would consider that a member's personal interests could improperly influence or may have improperly influenced that member in the performance of their duty.
    - iii. An actual conflict of interest arises when there is a conflict relating to the members current actions or decisions. An actual conflict of interest can be managed and monitored to prevent a conflict of interest contravention occurring.
  - (e) 'Conflict of Interest contravention' occurs when a personal interest does in fact influence a decision or action that a member carries out as part of their official duties and responsibilities. It includes attempts to further personal interests when acting in an official capacity, and breaches of the duty to remain impartial. A conflict of interest contravention might amount to a breach of the [Code of Conduct](#) or a crime.
  - (f) 'Conflict of Interest Management Plan (CMP)' means the template report required to be completed to assist in managing a conflict of interest.
  - (g) 'Disclosing a conflict of interest' means the transparent act of formally making known to others that a conflict of interest exists.
  - (h) 'Family Member' includes a spouse, de-facto, life-partner, son, daughter, step-child, brother, sister, step-brother, step-sister, parent, step-parent, grandparent, step-

grandparent, grandchild, step-grandchild, family-in-law, uncle, aunt, cousin, niece, or nephew.

- (i) 'Favouritism' means preferential treatment given by a member to an individual or group. It may occur both internally and externally and includes nepotism or cronyism.
- (j) 'Identify' means the first stage in managing a conflict of interest. The member is required to assess the situation and the required circumstances that could affect any decisions or actions in the matter, identify whether or not any conflicts of interest exist, and determine if it is a potential, perceived or actual conflict of interest.
- (k) 'Ill-will' means a feeling of dislike, animosity or hostility towards another.
- (l) 'Monitor' means a strategy used to manage conflicts of interest. Ongoing monitoring and regular reviews enable effective management. Monitoring would form part of a CMP.
- (m) 'Non-pecuniary interest' means an interest that is not financial or monetary but arises from such things as personal, family or workplace relationships; beliefs, or involvement in social, cultural, political, religious or sporting activities. They include any tendency towards favouritism or bias resulting from friendship, ill-will or other personal involvements.
- (n) 'Other Personal Relationship' includes fiancée, former partner, boyfriend, girlfriend, ongoing intimate relationship (including with a colleague) or friend.
- (o) 'Pecuniary interest' means an actual or potential financial gain or loss for the member, or those with whom they have a personal involvement. It includes material benefits such as a personal advantage received by a member, which may be a financial gain or have a quantifiable value or expectation of value. It includes hospitality, gifts, or money.
- (p) 'Personal Interest' means interests that can bring, or that may be perceived to bring, directly or indirectly, benefits or disadvantages to the member as an individual, or to others whom the member may want to benefit or disadvantage.

A personal interest comes in to conflict with an official duty when it could potentially influence a decision or action that a member is presently, or might be in the future, required to carry out as part of their official duties.

A personal interest might be a private, professional or business interest. It can be a want, ambition, preference, loyalty, relationship (including with a colleague), or connection. It can be a hobby, secondary employment, an investment, personal property or a desire to help - or hinder - those with whom they have a personal involvement. It can be either (or both) pecuniary or non-pecuniary.

'Personal Involvement' means connections that exist, existed or are hoped will exist, with colleagues, family members, other personal relationships or associates.

#### **1.47.4 IDENTIFYING, DISCLOSING AND MANAGING CONFLICTS OF INTEREST**

##### **1.47.4.1 CONFLICTS OF INTEREST WHEN IMMEDIATE POLICE ACTION REQUIRED**

- (1) Where a member identifies a conflict of interest, and the circumstances are such that immediate police action is required and no other independent member is able to respond or to manage the response, that member must notify their supervisor or inspector/manager of the situation as soon as practicable.
- (2) If a supervisor is notified, the supervisor is to inform the inspector/manager as soon as practicable.
- (3) The member should advise RDS so that the prompt notification of the conflict of interest is recorded.

##### **1.47.4.2 OTHER CONFLICTS OF INTEREST (IMMEDIATE POLICE ACTION NOT REQUIRED)**

- (1) Where a member identifies a conflict of interest, that member must:
- (2) disclose it to their supervisor or inspector/manager; and
- (3) discuss how it will be managed with their supervisor or inspector/manager.
- (4) Matters reported to a supervisor must be reported to the inspector/manager by the member, the supervisor or jointly.
- (5) Members who identify a conflict of interest, or their supervisor, must report it as an 'Information Only' Report in IAPro™ BlueTeam™ (accessible through the intranet 'Applications' page). The 'Information Only' Report is to be directed to their supervisor or to their inspector/manager. Supervisors are to forward the 'Information Only' Report to their inspector/manager.
- (6) In any instance in which a member feels that the supervisor or inspector/manager has a conflict of interest, the 'Information Only' Report can be directed to the relevant Commander or to a member of Professional Standards.
- (7) Once a member has reported a conflict of interest there is a shared responsibility between the member, their supervisor and inspector/manager to manage the conflict of interest if it is determined that it requires ongoing management.
- (8) The member's inspector/manager will work in collaboration with the member to implement, if required, an appropriate Conflict of Interest Management Plan (CMP). During this process the member is encouraged to offer suggestions on how the conflict of interest can be managed or mitigated. Once a CMP has been determined the member is required to abide by the CMP.
- (9) Any grievance relating to a CMP will be resolved through the existing grievance process.

#### **1.47.5 RESPONSIBILITIES OF INSPECTORS/MANAGERS**

- (1) The inspector/manager is to review the 'Information Only' Report and determine what action, if any, is required to mitigate the conflict of interest. Advice on the management of the situation is available from Professional Standards.
- (2) The inspector/manager must ensure that their management of a conflict of interest is fair, transparent, accountable and free from bias.
- (3) Inspectors/Managers are required to:
  - (a) provide advice and guidance to the member when a conflict of interest is identified;
  - (b) determine if the conflict of interest needs to be formally managed through a CMP.
- (4) The inspector/manager is to consider:
  - (a) the potential, perceived or actual impact the conflict of interest has, or may have, on the members duties/role;
  - (b) the potential, perceived or actual likelihood that the member has, or may, misuse their position;
  - (c) the potential, perceived or actual impact the conflict of interest has, or may have, on the member's integrity; and
  - (d) the potential, perceived or actual impact the conflict of interest has, or may have, on the reputation of Tasmania Police.
- (5) The inspector/manager may, where a member has a conflict of interest relating to a matter or process:
  - (a) restrict the members involvement in the matter if the conflict of interest is not likely to arise frequently and the member can effectively be separated from the matter or process;
  - (b) include an impartial third party to oversee all or part of the matter if the expertise of the member is necessary and if it is not feasible for the member to be removed from the matter;

- (c) remove the member from the matter if they request to be removed;
- (d) direct the member to remove themselves from the matter if the conflict of interest is serious and ongoing, and use of a third party is not feasible or appropriate;
- (e) encourage the member to relinquish the personal interest if the member feels that their commitment to their duties outweighs their attachment to the personal interest;
- (f) refer the matter to the Commander, Professional Standards for direction where there are no other practical options and the member will not relinquish their conflicting personal interest and changes to their work responsibilities are not feasible.

#### **1.47.5.1 CMP NOT REQUIRED**

- (1) If the inspector/manager has assessed that the matter does not need to be formally managed through a CMP, the inspector/manager is required to route the matter on IAPro™ BlueTeam™ to Professional Standards within 14 days of receiving it.
- (2) The IAPro™ BlueTeam™ entry is to reflect the inspector/managers reasons for deeming that a CMP is not required. The matter will be reviewed by Professional Standards and closed if no further action is required.

#### **1.47.5.2 CMP REQUIRED**

- (1) If the matter does need to be formally managed through a CMP, the inspector/manager is required to:
  - (a) consult with the member concerned;
  - (b) document the risks to the member and/or to Tasmania Police;
  - (c) consider the potential risks;
  - (d) prepare an appropriate CMP;
  - (e) set a review date; and
  - (f) ensure the member acknowledges his/her obligations pursuant to the CMP.
- (2) The inspector/manager is required to route the matter on IAPro™ BlueTeam™ to Professional Standards within 14 days of receiving it, whether or not the CMP has been finalised.
- (3) The IAPro™ BlueTeam™ entry will be reviewed at Professional Standards and, if required, returned to the district for completion, management and/or monitoring purposes.
- (4) The inspector/manager will document and consider the risk, utilising a CMP. This will record the risks to the member, and/or to Tasmania Police and detail any proposed management strategies that are to be implemented.
- (5) The inspector/manager is to consider:
  - (a) the potential, perceived or actual impact the conflict has on the member's duties/role;
  - (b) the potential, perceived or actual impact the conflict has on the member's integrity;
  - (c) the potential, perceived or actual impact the conflict has on the reputation of Tasmania Police and DPFEM; and
  - (d) whether there is a public interest and / or integrity risk to the member or Tasmania Police and DPFEM.
- (6) The inspector/manager is to consider the following for inclusion in the CMP:
  - (a) all options in 1.47.5(5)
  - (b) the member reporting any change of circumstances;
  - (c) the member documenting any issues arising;

- (d) ongoing monitoring by the inspector/manager and/or the supervisor; and
  - (e) welfare considerations.
- (7) Members may be subject to a lawful order or lawful direction under Section 35(2)(c) or Section 42(3)(b) of the [Police Service Act 2003](#) in relation to the management of a conflict of interest.

**1.47.6 IDENTIFYING AND DISCLOSING CONFLICT OF INTEREST INVOLVING ANOTHER MEMBER (INCLUDING ANY APPROACHES FROM THAT MEMBER)**

- (1) A member must report any conflict of interest that they become aware of relating to any other member, including any approaches from another member in relation to any matter in which it appears that member might have a conflict of interest. Further advice in relation to what constitutes a conflict of interest is available from Professional Standards.
- (2) Where a reporting member becomes aware of a conflict of interest involving another member, the reporting member must disclose it to their supervisor or inspector/manager.
- (3) Matters reported to a supervisor must be reported to the inspector/manager by the reporting member, the supervisor or jointly. The inspector/manager must report it as an 'Information Only' Report on IAPro™ BlueTeam™ within 14 days.
- (4) If the member to whom the report relates is not within the inspector/manager's division, the Information Only Report is to be directed to Professional Standards for allocation to the relevant inspector/manager. If the member is within the division, then the inspector/manager is to proceed as detailed in 1.47.5

**1.47.7 CONFLICT OF INTEREST CONTRAVENTION**

- (1) A conflict of interest contravention may amount to a breach of the *Code of Conduct* or a crime. In particular Section 42(5) of the [Police Service Act 2003](#) might be directly relevant
- (2) A police officer must disclose, and take reasonable steps to avoid, any conflict of interest in connection with his or her duties in the Police Service.
- (3) Members must not let a conflict of interest compromise their ability to carry out their duties or functions, or let a conflict of interest affect the manner in which their colleagues carry out their duties or functions, and for this reason must disclose a conflict of interest. A failure to do so would be a conflict of interest contravention.
- (4) A conflict of interest contravention may be subject to inquiry or investigation.
- (5) The test for whether or not a conflict of interest contravention has occurred is an objective test. That is whether a reasonable member of the public, properly informed, would consider that a member's personal interests have influenced a decision made by that member in carrying out his or her duties.

## 1.48 DECLARABLE ASSOCIATIONS

### 1.48.1 OBJECTIVES

- (1) The objectives of this provision are to:
  - (a) ensure members are aware that declarable associations, including the perception that they exist, can
    - i. undermine public trust and confidence in the ability of individual members to act impartially and to fairly represent the public interest; and
    - ii. do significant damage to the integrity or reputation of an individual member and/or Tasmania Police.
  - (b) provide guidance to members on how to identify and manage declarable associations by:
    - i. assisting them to understand what a declarable association is;
    - ii. ensuring they are aware of the requirement to identify, report and manage a declarable association; and
    - iii. providing them with instruction on how to identify, report, and manage a declarable association.

### 1.48.2 GENERAL

- (1) Members have a duty to act independently without favour or affection, malice or ill-will; and an obligation to uphold the Tasmania Police values.
- (2) Members must discharge their duties impartially and avoid becoming directly involved, or indirectly involving themselves, in any police matter concerning family members, associates or those with whom they have a [personal involvement](#).
- (3) In certain circumstances relationships with people, groups and organisations can lead to a conflict of interest which is incompatible with the values and business activities of Tasmania Police. Such associations can compromise, or be perceived to compromise, a member's integrity and reputation, and the integrity and reputation of Tasmania Police. It is important that such associations are declared and managed appropriately.
- (4) A common area of [conflict of interest](#) is [associations](#) with '[family members](#)', '[associates](#)' or '[other personal relationships](#)' that are, or that may be perceived to be, incompatible with a member's responsibilities. Those conflicts of interest are considered 'declarable associations'. For information on conflicts of interest more generally, refer to [TPM 1.47](#) (Conflicts of Interest).
- (5) Members must not compromise, because of a declarable association, their ability to carry out their duties or functions, or affect the manner in which their colleagues carry out their duties or functions.
- (6) It is not always possible to avoid a declarable association and a declarable association is not necessarily unethical or wrong. Such associations can exist, for example, within families, sporting clubs and amongst old school friends or previous work colleagues. The important thing is to identify the declarable association, report it, and then manage it or avoid it if possible, to ensure it does not cause any potential, perceived or actual conflict between the member's [personal interests](#) and their duty, or affect the integrity or reputation of the member and/or Tasmania Police.
- (7) Members must ensure that personal involvements with 'family members', 'associates' or 'other personal relationships' do not result in a '[declarable association contravention](#)'. A failure to identify, disclose and manage a declarable association may lead to a breach of the *Code of Conduct*.
- (8) These provisions apply whether a member is on-duty or off-duty. They also apply to a member who is either stood down or suspended from duty; or on any type of leave, including leave without pay.



### 1.48.3 DEFINITIONS

(1) For the purposes of this section

(a) **'Associate'** means individuals the member meets, or communicates with, outside of the Tasmania Police environment, even if the interaction is casual (although it must be more than a chance encounter or passing contact). An associate may include:

- neighbours;
- team members in a sporting club (past or present);
- former colleagues or employees (prior to the member joining Tasmania Police);
- former school friends;
- members of clubs, societies or other organisations the member is involved in; or
- social media contacts.

(b) **'Association'** means any interaction, unrelated to the member's duty, between that member and persons in the community. Associations are usually ongoing and repeated, and do not usually include any chance meetings, passing contact or normal interaction through the course of employment. Associations may be with persons including, but not limited to, 'associates', 'other personal relationships' and 'family members'.

(c) **'Conflict of Interest'** means a direct or indirect conflict between a member's personal interests and official duties; such a conflict can exist whether or not the member acts in a manner designed to further those personal interests. A conflict of interest can be [pecuniary](#) or [non-pecuniary](#).

A conflict of interest can fall within the categories of potential, perceived or actual.

- i. A **potential** conflict of interest exists where the personal interests of a member could influence their duties in the future. The interest may currently exist but have no impact upon the performance of the member's duties at the present time. A potential conflict of interest can be monitored to reduce the likelihood of it becoming an actual conflict of interest.
- ii. A **perceived** conflict of interest occurs when a reasonable person, properly informed, would consider that a member's personal interests could improperly influence or may have improperly influenced that member in the performance of their duty.
- iii. An **actual** conflict of interest arises when there is a conflict relating to the members current actions or decisions. An actual conflict of interest can be managed and monitored to prevent the member's personal interests improperly influencing that member in the performance of their duty.

(d) **'Declarable Association'**

i. means any association that is, or that may be perceived to be, incompatible with the member's responsibilities to:

- protect life and property, or
- prevent crime, or
- keep the peace and public order, or
- enforce the law, or
- comply with the values of Tasmania Police, or
- uphold his or her obligations as a member, or
- not adversely affect the integrity, reputation or credibility of either Tasmania Police or the member.

ii. can include (but is not limited to) the following:

- an association or a relationship with an individual who is known or suspected of having a criminal history or illicit drug distribution history (having regard to the recency and seriousness of the history); or

- an association with an individual or group/society suspected or known by the member to be engaged in unlawful activity (including illicit drug use), criminal activity or illicit drug distribution; or
  - an association with a member who is currently stood down or suspended, if that member obtains, or attempts to obtain, information, directly or indirectly, in relation to any police inquiry, investigation or information holding or influences, or attempts to influence, any police inquiry or investigation.
- (e) **‘Declarable Association contravention’** occurs when a declarable association does in fact influence a decision or action that a member carries out as part of their official duties and responsibilities. It includes attempts to further personal interests when acting in an official capacity, and breaches of the duty to remain impartial.
- A declarable association contravention might amount to a breach of the *Code of Conduct* or a crime.
- (f) **‘Declarable Association Report – Group/ Society’** means the template report required to be completed by a member who identifies a potential, perceived or actual conflict of interest involving a group, society or organisation (including through social media) they are involved in.
- (g) **‘Declarable Association Report – Individual’** means the template report required to be completed by a member who identifies a potential, perceived or actual conflict of interest involving an individual (including through social media).
- (h) **‘Declarable Association Management Plan (DMP)’** means the template report required to be completed to assist in managing risks associated with a declarable association.
- (i) **‘Family Member’** includes a spouse, de-facto or life-partner; fiancé/fiancée (where co-habiting), child, step-child, sibling, step-sibling, parent, step-parent, grandparent, step-grandparent, grandchild, step-grandchild, family-in-law, uncle, aunt, cousin, niece, or nephew.
- (j) **‘Monitor’** means a strategy used to manage declarable associations. Ongoing monitoring and regular reviews enable effective management. Monitoring will form part of a DMP, where necessary.
- (k) **‘Non-pecuniary interest’** means an interest that is not financial or monetary but arises from such things as personal, family or workplace relationships; beliefs, or involvement in social, cultural, political, religious or sporting activities. They include any tendency towards favouritism or bias resulting from friendship, ill-will or other personal involvements.
- (l) **‘Other Personal Relationship’** includes former spouse, de-facto or life-partner; fiancé/fiancée (where not co-habiting), boyfriend, girlfriend, ongoing intimate relationship (including with a colleague), former family-in-law, or friend.
- (m) **‘Pecuniary interest’** means an actual or potential financial gain or loss for the member, or those with whom they have a personal involvement. It includes material benefits such as a personal advantage received by a member, which may be a financial gain or have a quantifiable value or expectation of value. It includes hospitality, gifts, or money.
- (n) **‘Personal Interest’** means interests that can bring, or that may be perceived to bring, directly or indirectly, benefits or disadvantages to the member as an individual, or to others whom the member may want to benefit or disadvantage.
- A personal interest comes in to conflict with an official duty when it could potentially influence a decision or action that a member is presently, or might be in the future, required to carry out as part of their official duties.
- A personal interest might be a private, professional or business interest. It can be a want, ambition, preference, loyalty, relationship (including with a colleague), or connection. It can be a hobby, secondary employment, an investment, personal property or a desire to help - or hinder - those with whom they have a personal involvement. It can be either (or both) pecuniary or non-pecuniary.
- (o) **‘Personal Involvement’** includes relationships that exist, existed or that are hoped will exist.

#### 1.48.4 CONFLICT OF INTEREST - DECLARABLE ASSOCIATION

##### ORDER

Members who know, suspect, or should reasonably suspect that they may be involved in an association that is a declarable association must report it to a senior officer within 14 days.

(1) Where a declarable association exists, the member must put the public interest and the values of Tasmania Police before their personal interests.

(2) **EXEMPT PER S.30(1)(c) OF RTI ACT**

(3) **EXEMPT PER S.30(1)(c) OF RTI ACT**

Declarable associations involving family members

(4) Whilst it is not intended to cause any division within a family, a member is required to report declarable associations involving family members. The assessment will consider the nature of continued contact. Risk management strategies may be required.

(5) **EXEMPT PER S.30(1)(c) OF RTI ACT**

(6) **EXEMPT PER S.30(1)(c) OF RTI ACT**

(7) An important focus of any DMP is the consideration of staff support for the member to assist in the management of any resultant issues. This might include assistance from a welfare officer or psychology services.

Declarable Associations stemming from involvement in Groups/Societies/Teams

(8) A group, society, team or organisation (including social media organisation) that a member is involved in may, in some circumstances, need to be declared by the member if the activities or intended activities of the group, society, team or organisation are in conflict with the member's duties and obligations. This would include, but not be limited to, situations where the group, society, team or organisation:

(a) is involved in, or is reasonably suspected of being involved in, unlawful activity (including illicit drug use), criminal activity or illicit drug distribution;

(b) has an internal probity issue and is seeking to manage it without referring it to an investigating agency;

(c) has a membership that includes a person or number of persons who are known to be, or reasonably suspected of being, involved in unlawful activity (including illicit drug use), criminal activity or illicit drug distribution; or

(d) is involved in, or is reasonably suspected of being involved in, any other matter or activity that is believed to conflict, or might be perceived to conflict, with the core roles and responsibilities of a member or of Tasmania Police.

(9) **EXEMPT PER S.30(1)(c) OF RTI ACT**

Pre-employment Associations

(10) Associations that were formed prior to a member joining Tasmania Police may become declarable associations once employment as a police officer commences. Members must assess their associations and determine which, if any, need to be declared.

(11) When considering whether or not a pre-employment association should be reported as a declarable association, the member is to consult their supervisor or their inspector/manager.

Human Sources (Informants)

(12) A declarable association with a human source is excluded from this provision providing the member involved adheres to the obligations associated with human source management.

Chance meeting

(13) A 'one off', unavoidable, social or non-work related meeting or contact by a member with a person, club, society or organisation is not considered to be a declarable association.

(14) Completion of a *Declaration Association Report* is not required under these circumstances.

#### Associations with former Tasmania Police members

- (15) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (16) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (17) A member holding a position with the *Police Association of Tasmania* who makes contact, for welfare reasons, with a member who has been dismissed, or who has resigned whilst under investigation, for alleged or actual criminal misconduct, is not required to submit A *Declarable Association Report - Individual*.

#### Association with Tasmania Police member stood down or suspended

- (18) A member holding a position with the *Police Association of Tasmania*, or a member of People Support Services, or a direct supervisor or inspector/manager who makes contact, for welfare reasons, with a member who is stood down or suspended is not required to submit A *Declarable Association Report - Individual*.
- (19) For other members wishing to maintain an association with a member who has been stood down or suspended, a *Declarable Association Report – Individual* is not required unless the stood down or suspended member:
  - (a) obtains, or attempts to obtain, information, directly or indirectly, in relation to any police inquiry, investigation or information holding; or,
  - (b) influences, or attempts to influence, any police inquiry or investigation.

### 1.48.5 RESPONSIBILITIES OF MEMBERS

#### Self-declarations

- (1) Members who are uncertain whether an association might amount to a declarable association must seek advice from their supervisor, inspector/manager or Professional Standards.
- (2) Members who know, suspect, or should reasonably suspect that they may be involved in an association that is a declarable association are required to complete the relevant *Declarable Association Report* (individual or group).
- (3) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (4) **EXEMPT PER S.30(1)(c) OF RTI ACT**

#### Change in circumstances

- (5) Following the submission of a *Declarable Association Report*, the onus is on the member to report any change in circumstances surrounding the declarable association. This allows a re-assessment of risk to be undertaken.
- (6) A member transferring from one district to another or on secondment to another work area/district is not required to report the move as a 'change in circumstances'.

#### Accessing, soliciting or disclosing information

- (7) When considering whether they have a declarable association, members must not personally access or request another member to access any Tasmania Police records (paper-based or electronic) in relation to any individuals or organisations with whom they have an association. Such access, where required, is to be undertaken by the inspector/manager or another member acting at the request of the inspector/manager.
- (8) **EXEMPT PER S.30(1)(c) OF RTI ACT**

#### Confidentiality

- (9) Members are entitled to confidentiality in the assessment of their associations. Their supervisor, inspector/manager and Professional Standards staff must maintain confidentiality in respect to the receipt, checking and storage of *Declarable Association Reports* and DMP information.
- (10) All information in relation to declarable associations, including *Declarable Association Reports* and DMPs, will be managed in accordance with the provisions of the *Personal Information Protection Act 2004*.

#### Recording of Declarable Association Reports and DMPs

- (11) All *Declarable Association Reports* and DMPs will be submitted on IPro™ BlueTeam™, electronically stored on IPro™, and managed on IPro™ BlueTeam™. They will not be attached to the members TRIM/CR9 HR dossier.

#### Managing a declarable association

- (12) Once a member has reported a declarable association by submitting a *Declarable Association Report*, there is a shared responsibility between the member, their supervisor and inspector/manager to manage the declarable association if it is determined that it requires ongoing management. The member's inspector/manager will work in collaboration with the member to implement, where required, an appropriate management strategy. During this process the member is encouraged to offer suggestions on how the risk can be managed or mitigated.
- (13) Any grievance relating to management strategies contained within the DMP will be resolved through the existing grievance process.
- (14) Members are required to abide by the conditions of a DMP. Failure to do so may amount to a breach of the Code of Conduct and action may be taken.

#### 1.48.6 RESPONSIBILITIES OF INSPECTORS/MANAGERS

- (1) The manner in which Inspectors/Managers conduct the management of a declarable association must be fair, transparent, accountable and free from bias.
- (2) Inspectors/Managers are required to:
  - (a) provide advice and guidance to the member when a declarable association is identified;
  - (b) determine if the declarable association needs to be
    - i. formally disclosed
    - ii. subject to a DMP.
- (3) The inspector/manager will consult with the member during this process in order to clarify and gather more information if required.
- (4) The inspector/manager is to consider:
  - (a) whether or not the association gives rise to any potential safety and/or security issues;
  - (b) the potential, perceived or actual impact the association has on the members duties/role;
  - (c) the potential, perceived or actual impact the association has on the member's integrity or reputation; and,
  - (d) the potential, perceived or actual impact the association has on the integrity or reputation of Tasmania Police.
- (5) **EXEMPT PER S.30(1)(c) OF RTI ACT**

#### Interrogation of Tasmania Police Information Systems

- (6) As part of the assessment of risk process the inspector/manager, or a member tasked by the inspector/manager, may be required to interrogate various Tasmania Police information systems. Any interrogation for this purpose is appropriate. Where required, the words 'declarable association' and name of the member must be entered into the appropriate security access field.
- (7) If an inspector/manager does not have access to the required information systems (e.g. ICE, IPro™), contact is to be made with Professional Standards who will undertake the inquiries on behalf of the inspector/manager and advise them.
- (8) An inspector/manager may disclose information pertaining to the individual or group to the member only if required to identify potential risks or to develop an appropriate management strategy in conjunction with the member.
- (9) The inspector/manager will record on the DMP the information systems that have been interrogated. The member is not to be asked to check any Tasmania Police information systems in relation to the individual or group.

#### Assessed as Not being a Declarable Association

- (10) If the inspector/manager assesses that the matter does not amount to a declarable association under these provisions, the member is to be advised of that decision. The IPro™ BlueTeam™

*Declarable Association Report* submitted by the member is to be forwarded to Professional Standards and closed.

Assessed as being a Declarable Association

- (11) If it is determined that the association is a declarable association the inspector/manager is to review the *Declarable Association Report* (individual or group) on the Declarable Association BlueTeam™ entry and determine if the declarable association:
  - (a) does not need to be formally managed through a DMP; or
  - (b) needs to be formally managed through a DMP.
- (12) Advice on managing declarable associations is available from Professional Standards.

DMP Not Required

- (13) If the inspector/manager has assessed that the matter does not need to be formally managed through a DMP, the inspector/manager is required to route the matter on IPro™ BlueTeam™ to Professional Standards within 14 days of receiving it.
- (14) The IPro™ BlueTeam™ entry is to reflect the inspector's/manager's reasons for deeming that a DMP is not required. The matter will be reviewed by Professional Standards and closed if no further action is required.

DMP Required

- (15) If the matter does need to be formally managed through a DMP, the inspector/manager is required to:
  - (a) consult with the member concerned;
  - (b) document the risks to the member and/or to Tasmania Police;
  - (c) consider the potential risks;
  - (d) identify the management strategies that are required;
  - (e) prepare an appropriate DMP;
  - (f) set a review date;
  - (g) ensure the member acknowledges his/her obligations pursuant to the DMP;
  - (h) manage the declarable association with the member involved (whilst they have responsibility for the member or until the matter is resolved); and
  - (i) if the inspector/manager ceases to be responsible for the member concerned, direct the declarable association to Professional Standards on IPro™ BlueTeam™ for reallocation to the inspector/manager with responsibility for the member.
- (16) Declarable Associations are to be forwarded to Professional Standards within 14 days of being received by the inspector/manager, whether or not the DMP has been completed. Professional Standards will release it to IPro™ (at which point the number is allocated) and return it to the District on IPro™ BlueTeam™ for management and/or monitoring by the member's inspector/manager and/or completion of the DMP.
- (17) Inspectors/Managers and Professional Standards staff must maintain confidentiality in respect to the receipt, checking and storage of *Declarable Association Reports* and DMP information.

Determining a DMP and Risk Management Strategies

- (18) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (19) If there are no practical risk management options the inspector/manager is to refer the matter to the Commander, Professional Standards for direction.
- (20) In some circumstances the member will be directed to discontinue the association. A member should not be directed to relinquish an association unless they have been afforded an opportunity to object, should they choose to do so, to the direction. If the member is directed to discontinue the association they must be informed that if the association continues they may be in breach of the *Code of Conduct* and action may be taken.
- (21) Any grievance relating to management strategies contained within the DMP will be resolved through the existing grievance process.

- (22) Members may be subject to a lawful order or lawful direction under Section 35(2)(c) or Section 42(3)(b) of the *Police Service Act 2003* in relation to the management of a conflict of interest.

#### **1.48.7 IDENTIFYING AND DISCLOSING A DECLARABLE ASSOCIATION INVOLVING ANOTHER MEMBER (INCLUDING ANY APPROACHES FROM THAT MEMBER)**

- (1) A member must report, to their supervisor or inspector/manager, any declarable association that they become aware of relating to any other member. This includes approaches from another member in relation to any matter in which it appears that member may be motivated by a declarable association, whether reported or not. Further advice in relation to what constitutes a declarable association is available from Professional Standards.
- (2) Matters reported to a supervisor must be reported to the inspector/manager by the reporting member, the supervisor or jointly. The inspector/manager must report it as a 'Declarable Association' Report on IPro™ BlueTeam™ within 14 days. It may be recategorised as an Internally Raised Matter if required.
- (3) If the member to whom the report relates is not within the inspector/manager's division, the 'Declarable Association' Report is to be directed to Professional Standards for allocation to the relevant inspector/manager. If the member is within the division, then the inspector/manager is to proceed as detailed in 1.48.6.

#### **1.48.8 DECLARABLE ASSOCIATION CONTRAVENTION**

- (1) A declarable association contravention may amount to a breach of the *Code of Conduct* or a crime. In particular Sections 42(3) and 42(5) of the *Police Service Act 2003* might be directly relevant

42(3) *A police officer must comply with –*

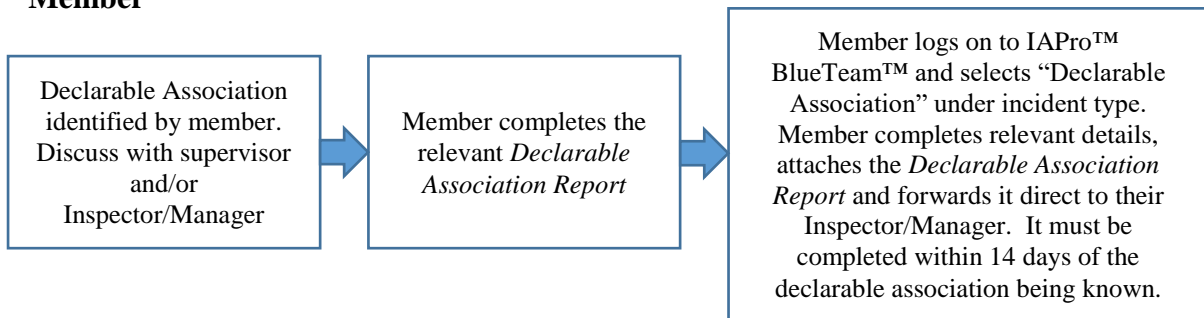
*(a) all orders in the Police Manual; and*

*(b) any lawful direction or lawful order given by a senior officer.*

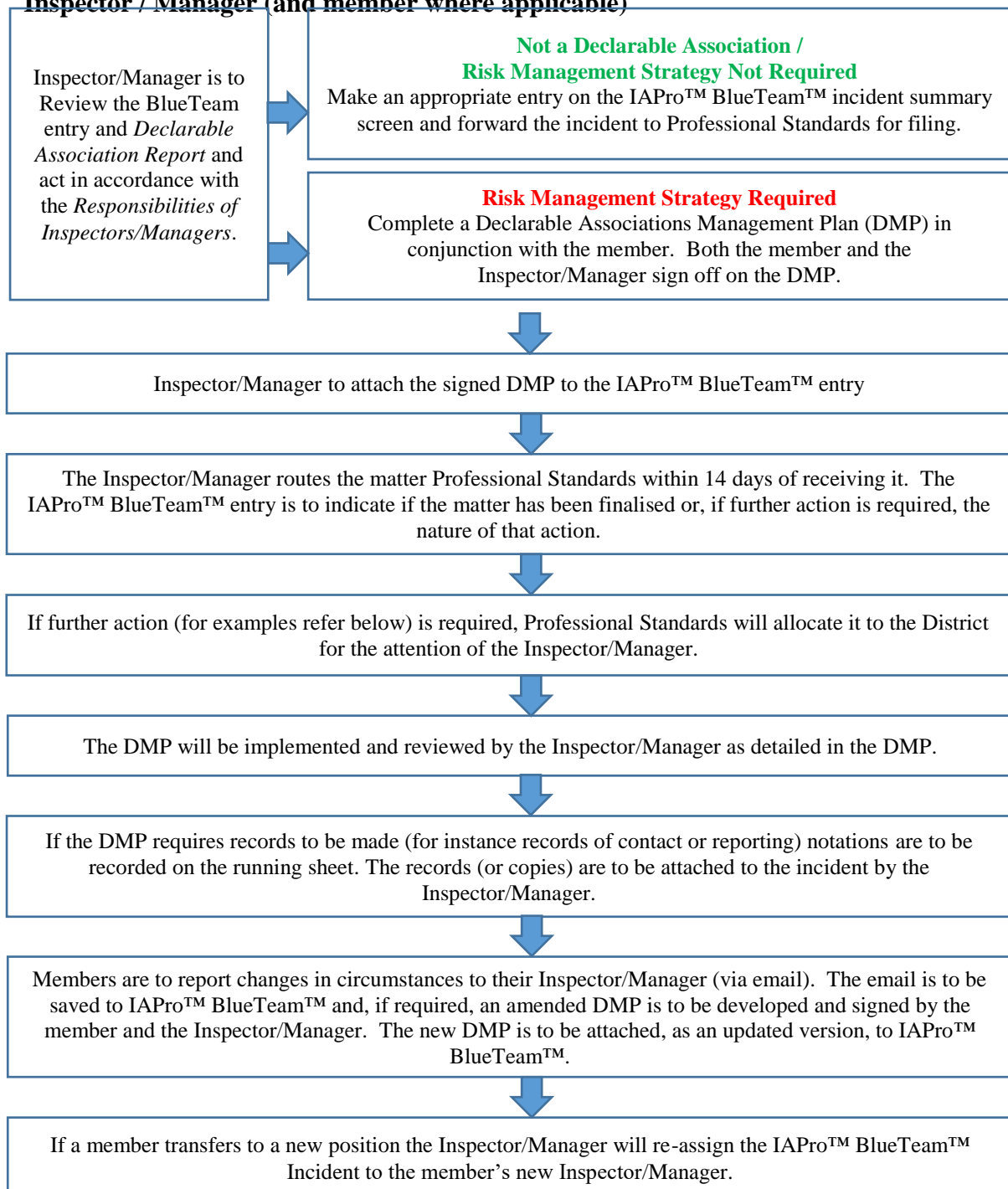
42(5) *A police officer must disclose, and take reasonable steps to avoid, any conflict of interest in connection with his or her duties in the Police Service.*

- (2) Members must not compromise, because of a declarable association, their ability to carry out their duties or functions, or let a declarable association affect the manner in which their colleagues carry out their duties or functions. A failure to do so would be a declarable association contravention.
- (3) A declarable association contravention may be subject to inquiry or investigation.
- (4) The test for whether or not a declarable association contravention has occurred is an objective test. That is whether a reasonable member of the public, properly informed, would consider that a member's personal interests have influenced a decision made by that member in carrying out his or her duties.

## Member



## Inspector / Manager (and member where applicable)





## 2.1 ANIMALS

### 2.1.1 GENERAL

- (1) The [Animal Welfare Act 1993](#) is the relevant legislation concerning cruelty to animals. A Police Officer is an 'officer' for the purpose of the Act. An 'officer' under the Act may, in certain cases, enter and search premises, seize and detain animals and vehicles, and destroy animals. A police officer has a power of arrest under certain circumstances outlined in the Act.
- (2) As a general rule, the core function of animal welfare investigation lies with the [RSPCA](#). Police are responsible for the management of situations that threaten public safety. Police may also be required to attend in cases where there is the potential for a breach of the peace or which are more serious in nature.
- (3) The [Memorandum of Understanding between Tasmania Police and RSPCA Tasmania](#) details all information relating to requests for advice, attendance and/or assistance and other matters between the two parties.
- (4) Requests by the RSPCA for advice, assistance or attendance, where practicable, will first be directed to Radio Dispatch Services.
- (5) The RSPCA may also be able to provide assistance and/or advice in relation to animal handling, animal husbandry, scientific/medical knowledge specific to animals, advice or assistance specific to animal welfare, transport of animals and advice or assistance in regards to the destruction of animals.
- (6) In respect to non-animal welfare matters, Tasmania Police will indemnify the RSPCA for the reasonable costs associated with keeping an animal that has been seized by Police and cared for by the RSPCA at the request of Police. This would apply for example, to a dog seized under the [Dog Control Act 2000](#) or an animal seized under the [Criminal Code Act 1924](#) for unnatural crimes.
- (7) Consequently members are required to ensure that matters are investigated and finalised as soon as is practicable, and that the RSPCA is notified of the final outcome.

### 2.1.2 DESTRUCTION PROCEDURE

- (1) Unless exceptional circumstances exist, prior to destroying an animal, members should seek the advice of a Veterinary Surgeon, an officer of the RSPCA or Primary Industries. Members should be guided by such opinion, especially where the owner or person in charge of the animal disputes its destruction.
- (2) It is preferable that the destruction of an animal be carried out by a veterinary surgeon or RSPCA where the use of a firearm would be hazardous. Consideration should always be given to a safer alternative method of destruction.
- (3) Wherever possible, the owner of an animal should be contacted and advised of its intended destruction to give them an opportunity to be present or inspect the animal before it is destroyed. This is especially important where valuable animals are to be destroyed, such as race horse, prized beast or pedigree pet.
- (4) In most cases, euthanasia with a lethal injection is the method of choice, especially for companion animals like dogs, cats and other pets.
- (5) Larger animals, such as horses, cattle and sheep require a centre fire rifle to ensure instant death. This service should be undertaken by a competent person, such as a veterinarian or RSPCA employee. In most cases, the owner of the animal concerned will be liable for any costs associated with the destruction. In some instances, it may be necessary for Tasmania Police to initially pay any costs involved and subsequently seek reimbursement from the owner.
- (6) In all cases where a police officer has destroyed an animal, disposed of the carcass or

arranged for any such thing to be done, the member concerned is to submit a report including any expenses incurred for the information of the divisional inspector.

### **2.1.3 DISPOSAL OF CARCASS**

- (1) In any case where a police officer is responsible for the destruction of an animal, they are also responsible for ensuring that the carcass is disposed of in accordance with the requirements of this section, whether such carcass is in a public place, on private land or elsewhere.
- (2) Where owners of a destroyed animal are known and can be contacted, members should request them to dispose of the carcass and at the same time advise them that they are responsible for the expense.
- (3) Where the owner of a destroyed animal is unknown, is known but cannot be contacted or does not want to take possession of the carcass, members are to arrange for its disposal.
- (4) Should owners indicate that they will not comply with a request made to them pursuant to paragraph (2), members should:
  - (a) advise the owners that Police will arrange disposal of the carcass if they fail to do so;
  - (b) advise the owners of their liability under the [Animal Welfare Act 1993](#) for expenses incurred by Police in so doing; and
  - (c) arrange disposal of the carcass if the owner, after the receipt of such advice, fails to do so.
- (5) Any person who kills an animal under the [Animal Welfare Act 1993](#) is to make available the carcass of the animal to the owner, if the owner requests, within seven days of killing the animal to take possession of the carcass or may dispose of the carcass if there is no such request.

### **2.1.4 RECOVERY OF EXPENSES**

- (1) The [Animal Welfare Act 1993](#) provides for the recovery from the owner of expenses properly incurred in the destruction of an animal and the disposal of the carcass.
- (2) In appropriate cases, where a member is required to destroy an animal, dispose of the carcass or arrange for any such thing to be done on their behalf, the member concerned, if possible, should obtain a written undertaking from the owner accepting liability for the expenses incurred.

### **2.1.5 INFRINGEMENT NOTICES UNDER THE ANIMAL WELFARE ACT 1993**

- (1) The Tasmania Police Infringement Notice System (PINS) may be used for offences under the [Animal Welfare Act 1993](#) and the [Animal Welfare Regulations 2008](#). The penalty for all offences is two (2) penalty units. As a general guide, personnel must only issue infringement notices for low-level offences.
- (2) In addition to, or as an alternative to, issuing an infringement notice, personnel may issue instructions as necessary to assess or ensure the welfare of an animal under section 14 of the [Animal Welfare Act 1993](#).
- (3) Members who issue infringement notices must ensure that all points of proof are established and sufficient information is detailed in the recorded particulars to identify the specific offence to which the offence relates.
- (4) An infringement notice must not be issued in respect to the following offences:
  - (a) Aggravated Cruelty (section 9); and
  - (b) Baiting and Shooting (section 10).
- (5) An infringement notice must not be served on a person who has not attained the age of 18

years.

- (6) The use of infringement notices for cautioning under the [Animal Welfare Act 1993](#) is not permitted.

#### **2.1.6 DOGS**

- (1) Local Government is the lead enforcement and administration authority for the [Dog Control Act 2000](#) and control and management of minor incidents involving dogs in private and public places. Barking dogs are a matter for local council and should not be attended by police.
- (2) Police involvement in the enforcement of this Act should be confined to those incidents directly related to public safety, where an attack by a dog has resulted in injury to persons, animals or property and an investigation and prosecution is warranted.
- (3) The destruction of a dog may be necessary in situations involving dogs attacking or suffering from serious injuries.
- (4) Where practical, members should:
  - (a) attempt to contact the local council or veterinarian prior to destroying any dog;
  - (b) request the owner (if present) or the local council to remove a destroyed dog;
  - (c) cause the general manager of the relevant local council to be notified of the destruction of a dog; and
  - (d) refer any accounts to the relevant local government for settlement of any veterinarian fees.

#### **2.1.7 STOCK**

- (1) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (2) Members are to take immediate action to notify the owners where stock is reported or found on public streets or roads.
- (3) Where owners cannot be located or contacted, the local municipal impounding authority should be requested to attend.
- (4) Where neither course produces any immediate result, members should take whatever action is necessary to ensure the safety of the public and the safety of the stock.
- (5) Where fences have been damaged and the release or straying of stock is likely, members should ensure that the owner is notified as soon as possible so that the fences can be repaired and security of the stock maintained.

#### **2.1.8 WHALES**

- (1) The [Whale Protection Act 1988](#) imposes certain duties and powers on police officers who are 'authorised officers' and 'authorised persons' under the Act. The Act defines a whale as any member of the order cetacean and includes marine mammals commonly known as whales, dolphins and porpoises.
- (2) When an authorised person becomes aware that a whale is stranded, whether the whale is alive or dead, the authorised person may carry out such acts as are necessary for the purpose of rescue, treatment, research or for the painless destruction of the whale.
- (3) For the purpose of carrying out these functions, the authorised person may request another person to be a volunteer and assist or delegate the functions to another person.
- (4) The [Whale Protection Act 1988](#) contains powers of entry, search and seizure and arrest without warrant in certain circumstances.

#### **2.1.9 EXOTIC ANIMALS**

- (1) 'Exotic animal' means any species or specimen that is suspected to be unlawfully imported into Tasmania or is considered to be outside its natural habitat, including but not limited to alligators, crocodiles, tortoises and turtles.
- (2) In any case where an exotic animal is located or seized by Tasmania Police, the Department of [\*Primary Industries, Parks, Water and Environment\*](#) (DPIPWE) is to be notified. DPIPWE staff will attend and facilitate the animal's removal and safekeeping.
- (3) Any media comment by Tasmania Police in relation to seized exotic animals is to be restricted to DPIPWE involvement. No reference is to be made to the location of any exotic animal that has been seized or where they may be rehoused.

## 2.2 BOXING CONTESTS

- (1) Contests in the sport of boxing shall receive the same police attention as other sporting and public entertainment events.
- (2) The approval of the Commissioner of Police to conduct a boxing contest or exhibition is not required.
- (3) Enquiries relating to boxing contests are to be referred to [\*Sport and Recreation Tasmania\*](#).

## 2.3 SECURITY AND INVESTIGATION AGENTS

- (1) An application for the granting of a licence issued under the [Security and Investigation Agents Act 2002](#) is to be lodged with the Director of Consumer Affairs and Fair Trading through [Service Tasmania outlets](#). It has to be determined if the applicant is a fit and proper person to hold such a licence.
- (2) If requested to investigate the matter, the Commissioner of Police has delegated the responsibility for the investigation of applicants to district commanders.
- (3) The commander of the district is to cause an investigation to be carried out to ascertain whether the applicant is a fit and proper person to hold a licence under the Act and, following upon that investigation, forward the file with the commander's recommendation directly to the Director of [Consumer Affairs and Fair Trading](#), enclosing a report summarising the findings.
- (4) The final report to the Director of Consumer Affairs and Fair Trading should contain:
  - (a) where applicable, a copy of any relevant prior conviction/s or extract of record; and
  - (b) a sound basis for each and every comment or assertion made in the course of an analysis or summary which forms part of the Report.
- (5) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (6) The Report is to be made available to the Director of Consumer Affairs and Fair Trading within 28 days of initial receipt by Tasmania Police.

## 2.4 DEMONSTRATIONS, STRIKES AND INDUSTRIAL DISPUTES

### 2.4.1 GENERAL

- (1) The key responsibility for police involved in the resolution of any demonstration, protest or industrial action is the same as for any other intervention; that is, the protection of life and property and the maintenance of peace and order.
- (2) Police have a duty to ensure public roads remain open and accessible, and that persons acting lawfully on private property can go about their business unhindered and unobstructed. The attention of members is directed to the Tasmanian Supreme Court *Decision R v Commissioner of Police (TAS/Ex parte) North Broken Hill Ltd (1992) 61 A. CRIM.R. 290*, which can be summarised as follows:
  - (a) deliberately obstructing persons entering or leaving private premises is either an offence or provokes a breach of the peace;
  - (b) in such circumstances, a police officer has both a right and a duty to take action;
  - (c) police have little discretion whether to intervene when a specific offence such as an assault or a breach of the peace occurs; and
  - (d) the most appropriate response to any situation must be left to the discretion of the police. However, officers cannot ignore the commission of an offence in their presence. They cannot allow a desire to avoid violence deflect them from enforcing the law.
- (3) Police also have a responsibility to remain impartial and maintain an objective approach to the fair and equitable enforcement of the law.
- (4) Safety is paramount in any response to a demonstration or protest action, and should not be compromised.
- (5) A balance must be maintained between the obligations of a duty to act and the responsibility to maintain and protect the safety of employees, protestors, police officers and the general public.

### 2.4.2 INCIDENT MANAGEMENT STRATEGY

- (1) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (2) [EXEMPT PER S.30(1)(c) OF RTI ACT].
- (3) Where appropriate, a post-operational debriefing should be conducted to review the police response.

### 2.4.3 PROCEDURES

- (1) Any demonstration, protest action or industrial unrest likely to evoke a response from police should be reported to the relevant divisional inspector and/or duty officer.
- (2) Attending members should make an assessment of the situation to determine an appropriate response.
- (3) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (4) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (5) The senior member on site should also identify protest leaders if possible, and seek to develop a rapport with a view to maintaining communication throughout the event.
- (6) The member in charge of the incident should ensure that sufficient resources are deployed to resolve the situation with the minimum use of force.

- (7) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (8) Where mass arrests are likely, the relevant divisional inspector or duty inspector should take charge of the incident and determine whether such arrests are necessary.
- (9) In the case of mass arrests, it is important to ensure offenders are correctly identified and details accurately recorded.
- (10) Where a member admits any persons arrested to bail, the member may, if it is considered necessary or desirable, impose conditions restricting the arrested person's movements and social intercourse. Such conditions may be applied in addition to any directives given as a result of a direction in accordance with Section 11 of the [Workplaces \(Protection from Protesters\) Act 2014](#).
- (11) Careful consideration should be given to ensuring the legislation most appropriate to the circumstances is applied. Prosecution Services should be consulted when considering legislative options to eliminate possible issues in the court process. Topics for consultation should include appropriate charges, bail and conditions, and possible defences.
- (12) Members should be aware that, subject to certain legislative provisions, union officials have a right of entry into workplaces where members of their union are employed. Caution should be exercised when considering the removal of a union official from any such premises as a trespasser.
- (13) The responsibility for security of a protest site, once police officers have removed any obstruction, rests with the party responsible for the management of the site. However, in some cases (such as large scale, protracted incidents) it may be beneficial for police officers to actively supervise, assist and complement any security operation.
- (14) Consideration should be given to obtaining advice from the State POMT Coordinator at the first opportunity in relation to the methodology of police formations associated with crowd control duties where POMT is unlikely to be deployed.
- (15) [EXEMPT PER S.30(1)(c) OF RTI ACT]

**ORDER**

[EXEMPT PER S.30(1)(c) OF RTI ACT]

**2.4.4 SPECIALIST RESOURCES**

- (1) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (2) The relevant divisional inspector or duty inspector should be advised where specialist resources are required or deployed to an incident site.
- (3) Where protestors are secured by 'lock-on' style devices, or where cutting equipment is required to remove an offender, such assistance is available through the member in charge, district SAR.
- (4) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (5) [EXEMPT PER S.30(1)(c) OF RTI ACT]

**2.4.5 CONDUCT OF POLICE MEMBERS**

- (1) During public demonstrations, protests and industrial disputes, members are to:
  - (a) recognise that demonstrators and protestors have a democratic right to demonstrate peaceably and lawfully;
  - (b) be professional, exercise tact, tolerance, restraint and avoid hasty action;



- (c) display coolness, confidence and where possible, good humour;
- (d) always be, and appear to be, completely impartial;
- (e) not make idle threats, or disparaging or sarcastic comments to demonstrators or protestors;
- (f) refrain from any comment as to the merits of any demonstration or protest;
- (g) not display officiousness or hostility, either by expressions or actions, or use powers in a hasty or emotional manner;
- (h) outwardly ignore verbal abuse, taunts, jeers or any other tactics used by demonstrators or protestors either to bait police into action, or into making imprudent remarks and/or arrests;
- (i) not move about in large numbers, unless circumstances make it necessary; and
- (j) not remove name badges.

#### **2.4.6 FORESTRY PROTESTS – 'TREE SITTERS' AND 'LOCK-ON' DEVICES**

- (1) The document [Forestry Protests – Response to 'Tree-sitters and 'Lock-On' Devices](#) details the principles and actions to be taken in relation to these incidents.
- (2) Selected members have been provided training on the extrication of protestors from apparatus and 'lock-on' devices. These members are located throughout the State and should be the first specialist-level resource called upon by the Police Forward Commander at an incident, when a deliberate action is being considered which is beyond the capability of the initial responding police officers.
- (3) The call-out procedure for the specialist assistance is through the on-call Search and Rescue officer in each district.
- (4) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (5) **EXEMPT PER S.30(1)(c) OF RTI ACT**

#### **2.4.7 MEDIA MANAGEMENT**

- (1) Members should be aware that, generally speaking, the key objective of any protest action or demonstration is media attention. While media representatives may not always be in attendance, protestors will usually record events themselves and forward their recordings to the media.
- (2) While every effort should be made to cooperate with the media, they should not be permitted inside an exclusion zone or on private property without the permission of the senior industry representative present or owner.
- (3) Members should cooperate with media where possible and, in larger scale operations, a media liaison officer should be appointed or identified.
- (4) Any media message from Tasmania Police should be consistent and, where appropriate, emphasise that:
  - (a) police are deployed to address law and order;
  - (b) police do not oppose lawful protest activity;
  - (c) the safety of protestors, police and the general public is compromised by unlawful protest action; and
  - (d) such actions divert resources from core public safety and law enforcement activities.

#### **2.4.8 INFORMATION REPORTS**

- (1) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (2) **EXEMPT PER S.30(1)(c) OF RTI ACT**

- (3) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (4) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (5) [EXEMPT PER S.30(1)(c) OF RTI ACT]

## 2.5 FAMILY VIOLENCE

### 2.5.1 GENERAL

- (1) Tasmania Police has a pro-intervention policy in relation to family violence. Where members reasonably suspect that family violence has been, or is likely to be committed they will ensure the safety of the victim and any affected children.
- (2) Tasmania Police will hold offenders accountable for their actions. Where substantive charges are identified and there is sufficient evidence to proceed, offenders should be arrested and prosecuted.

#### ORDER

**ALL MEMBERS SHALL COMPLY WITH THE REQUIREMENTS OF THE [FAMILY VIOLENCE MANUAL](#)**

### 2.5.2 FAMILY VIOLENCE INCIDENTS AND FAMILY ARGUMENT/INFORMATION REPORTS

#### ORDER

**MEMBERS WILL SUBMIT A FAMILY VIOLENCE INCIDENT REPORT OR FAMILY ARGUMENT / FAMILY INFORMATION REPORT REGARDING ANY MATTERS INVOLVING PERSONS DEEMED TO BE IN A FAMILY RELATIONSHIP. THE REPORT IS TO BE COMPLETED PRIOR TO THE CONCLUSION OF THE REPORTING MEMBER'S SHIFT. THE REPORT IS TO BE VALIDATED BY A SUPERVISOR WITHIN 12 HOURS OF IT BEING COMPLETED.**

**MEMBERS WILL COMPLETE A RISK ASSESSMENT SCREENING TOOL (RAST) FOR EACH FAMILY VIOLENCE INCIDENT (NOT FAMILY ARGUMENT / FAMILY INFORMATION REPORT).**

### 2.5.3 FAMILY VIOLENCE INCIDENTS INVOLVING POLICE

#### ORDER

Members who are issued with any order as the result of family violence who are in possession of any firearm, police issued or otherwise, shall immediately surrender that firearm, and may not resume possession of the firearm for the duration of the order.

Any application to vary any order involving members of Tasmania Police, which involves a variation or removal of the firearm condition, is to be made before a court of petty sessions.

It is the responsibility of the police officer subject to the order to notify the Deputy Commissioner of Police, through the chain of command, that they are seeking a variation of an order and to include the details of that variation.

- (1) Members of Tasmania Police will be treated in the same manner as members of the public.

All incidents will be recorded on the Family Violence Management System.

- (2) All Family Violence Incidents involving Tasmania Police members will be managed as per [Abacus 4.4 Family Violence Involving Police](#) and the [Family Violence Manual](#).

#### **2.5.4 FAMILY COURT ORDERS AND FAMILY VIOLENCE ORDERS**

- (1) A Police Family Violence Order, Interim Family Violence Order or Family Violence Order operate subject to the conditions of any Family Court Order.

## 2.6 RESTRAINT ORDERS

### 2.6.1 GENERAL

- (1) Police are to apply for Restraint Orders on behalf of people who are in a crisis situation and where immediate protection is necessary. Immediate protection is required where there is a prior record of assault, history of violence, or the seriousness of the incident including threats made and violent conduct is likely to continue without effective intervention or restraint by police.
- (2) Police officers are responsible for the service of Restraint Orders:
  - (a) when directed by a magistrate; or
  - (b) if the application has been made by a police officer on behalf of a victim;
  - (c) In all other circumstances, members will not serve restraint order documentation but will attend when requested, when service is being executed by any person, to prevent a breach of the peace.
- (3) When service has been effected by police, a copy of the Memorandum of Service, suitably endorsed, is to be faxed immediately to Operational Information Services.
- (4) Restraint Orders take effect when they are personally served on the respondent, or immediately if the respondent is present in court when the order is made. Once a Restraint Order has taken effect, and the respondent then breaches the order, that person may be arrested without warrant if a police officer has reason to suspect that the respondent has committed a breach of that order. Members shall investigate all allegations of a breach of a restraint order.

### 2.6.2 ASSISTANCE TO SCHOOLS

- (1) Where a teacher or school believes that a situation exists and it may be necessary for a restraint order to be taken out against a person, the school principal should contact the local police station;
- (2) Police receiving such a request are directed to provide all necessary assistance to properly manage and resolve the incident;
- (3) Police will attend the scene and the response will depend upon the circumstances of what has occurred, the seriousness of the situation and the perceived or real threat to person or property relative to those circumstances;
- (4) Where it is agreed that the level of seriousness is low and that, although an Order may be warranted however it is not a case of emergency, then members shall assist the teacher/school to prepare their application. Where it is agreed that a restraint order is appropriate, Police shall complete and prosecute the application. In all instances, service of a copy of the order upon the respondent will be the responsibility of Police;
- (5) Where the matter is one that requires immediate protection of persons and urgency exists, the attending police officer will make, or cause the application to be made on their behalf and Tasmania Police will prosecute that matter;
- (6) When the requirements of [Section 106B of the Justices Act 1959](#) have been met, Tasmania Police has a power of arrest without warrant. In those circumstances offenders should be removed from the school.
- (7) Police will conduct the necessary follow up inquiries to locate alleged offenders and reports of breaches of orders will be referred to, and investigated by, local police officers for prosecution.
- (8) When an interim order, full order, or bail conditions are imposed, a copy of the conditions will be supplied to the principal of the school affected.

## 2.7 DRUGS AND POISONS

### 2.7.1 OVERDOSES AND DEATHS

- (1) Where members investigate or receive a report of an overdose of drugs or poisons in any form, whether accidental or otherwise, they are to advise their supervisor and the relevant Drug Investigation Services (DIS) or CIB personnel.
- (2) Members should take possession of all items that may assist with any subsequent investigation and/or the identification of the substance resulting in the overdose.
- (3) Where a person has died from a suspected drug overdose involving medications, drugs or poisons, the investigation should be overseen by DIS personnel.

### 2.7.2 SEIZURE

- (1) Members who seize or take possession of drugs and/or drug related property must ensure such items are dealt with in accordance with the [Drug Procedures Manual](#) and the policy on the [Use of Tamper Evident Exhibit Bags for Drugs, Money, Jewellery and Other Valuables](#).
- (2) All drugs seized must also be recorded on a Drug Exhibit Sheet. Members are to record on the Drug Exhibit Sheet the suspected drug type (such as cannabis, methylamphetamine) not the description of the item (green vegetable matter, white powder).
- (3) Where drugs are found by a member of the public and handed to a police officer, they shall be recorded on a Drug Exhibit Sheet. The finder of the drugs should be recorded on the Drug Exhibit Sheet but it must be clearly marked that they are the finder and not the offender. The name section relating to the offender shall be recorded as unknown.
- (4) A Property Seizure Record (Receipt) shall be completed for the seizure of any drug or drug related property.
- (5) Where smoking devices or other drug related equipment are seized and the owner is known, a completed Consent For Disposal form should accompany the exhibit.
- (6) **EXEMPT PER S.30(1)(c) OF RTI ACT**

### 2.7.3 STORAGE

- (1) **EXEMPT PER S.30(1)(c) OF RTI ACT**

#### 2.7.3.1 METROPOLITAN AREAS

- (1) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (2) **EXEMPT PER S.30(1)(c) OF RTI ACT**

#### 2.7.3.2 NON-METROPOLITAN AREAS

- (1) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (2) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (3) **EXEMPT PER S.30(1)(c) OF RTI ACT**

### 2.7.4 NEEDLES AND SYRINGES

- (1) **EXEMPT PER S.30(1)(c) OF RTI ACT** If a needle or syringe is seized for evidence, the Sharps Container containing the needle and/or syringe should be clearly marked that it is required for evidentiary purposes, and other needles must not contaminate it.
- (2) All needles and syringes should be regarded as infectious and the precautions detailed in

this Manual should be followed, including the wearing of gloves when handling drug items.

### 2.7.5 DISPOSAL OF DRUG EXHIBITS

- (1) When drugs are taken into possession by police and the owner is unknown or there are no charges or drug diversions arising from the seizure, members shall submit a subject report to the member in charge, Drug Investigation Services, outlining the circumstances of Police coming into possession of the drugs, why charges will not be laid and requesting authorisation for destruction of the drugs. Such report shall be submitted within 21 days.

### 2.7.6 DESTRUCTION OF DRUGS AND DRUG RELATED PROPERTY

#### ORDER

**ANY DRUG, CONTROLLED DRUG, CONTROLLED PLANT, CONTROLLED PRECURSOR, CONTROLLED SUBSTANCE AND DRUG RELATED PROPERTY THAT IS TO BE DISPOSED OF, MUST BE DISPOSED OF IN ACCORDANCE WITH *THE DRUG PROCEDURES MANUAL, APPENDIX E - DIRECTION FOR THE DISPOSAL OF CONTROLLED SUBSTANCES SEIZED, SURRENDERED OR FOUND BY POLICE (MISUSE OF DRUGS ACT 2001)* OR *THE DRUG PROCEDURES MANUAL, APPENDIX F - DIRECTION FOR DISPOSAL OF SUBSTANCES AND PLANTS SEIZED PURSUANT TO SECTION 90, 90A OR 90B OF THE POISONS ACT 1971* AND *THE DRUG PROCEDURES MANUAL*.**

- (1) No drugs and/or drug related property are to be destroyed unless appropriate documentation is available and attached to the exhibit sheet.
- (2) The timely destruction of drugs and/or drug related property is the responsibility of the member in charge, DIS.
- (3) The long-term retention of drugs and/or drug related property is to be avoided. Each matter is treated on an individual basis and the dismissal of charges is only to be authorised by the district commander in consultation with the member in charge of the relevant DIS. Where a warrant or summons has been issued and all efforts to locate that person have been unsuccessful, and:
  - (a) the items and the charges fit within the Cannabis Cautioning Guidelines, the warrant is to be vacated and the exhibit destroyed with an appropriate entry made on the drug exhibit sheet, or
  - (b) in the case of a matter brought before the court by summons, the matter should be re-listed, a dismissal sought, and the exhibit destroyed with an appropriate entry on the drug exhibit sheet, or
  - (c) if the items and charges do not fit within the Cannabis Cautioning Guidelines, the exhibit is to be analysed, photographed and destroyed with an appropriate entry made on the drug exhibit sheet.
- (4) Where smoking devices or other items (other than drugs) come into the possession of Police and a consent for disposal cannot be obtained, those items are to be transferred to a Miscellaneous Property Register and disposed of in accordance with this Manual Valueless Property.

### 2.7.7 SAMPLING OF DRUGS SEIZED

#### ORDER

**ALL SAMPLING OF DRUGS SEIZED PURSUANT TO THE *MISUSE OF DRUGS ACT 2001* MUST BE UNDERTAKEN IN ACCORDANCE WITH THE *DRUG PROCEDURES MANUAL*.**

### 2.7.8 SEARCHES

- (1) A Justice's Warrant to search premises and conveyances for evidential material contrary to the provisions of the [Poisons Act 1971](#) and the [Misuse of Drugs Act 2001](#) may be obtained by any police officer under the [Search Warrants Act 1997](#).
- (2) Members are to submit a Search Return in all instances where a drug search is conducted.

### 2.7.9 STRIP SEARCHES

- (1) A strip search of a person aged under 18 years of age must only be conducted when authorised by law and if the member conducting the search believes on reasonable grounds that the seriousness and urgency of the circumstances require a strip search.

#### ORDER

**MEMBERS MUST OBTAIN AUTHORISATION FROM AN INSPECTOR PRIOR TO CONDUCTING A STRIP SEARCH OF A PERSON AGED UNDER THE AGE OF 18 YEARS.**

- (2) Verbal authorisation for a strip search is to be obtained from an inspector or sergeant and the member authorising the search is to make a written record of the circumstances of the request and the decision made.
- (3) A strip search of a person aged under 18 years must be conducted in the presence of a parent, guardian or other responsible adult unless not reasonably practicable in the circumstances and approval has been obtained from the authorising member to conduct the search in the absence of such a person.
- (4) The strip search is to be conducted in a location that affords reasonable privacy and in a manner that ensures the person aged under 18 years of age is not completely naked at any stage.
- (5) The search is not to involve the removal of more garments, or more visual inspection, than the member conducting the search believes on reasonable grounds to be necessary in the circumstances and the person aged under 18 years of age is to be allowed to re-dress as soon as the search is completed.

#### ORDER

**MEMBERS OR ASSISTANTS SHALL NOT BE PRESENT AT, OR CONDUCT, THE STRIP SEARCH OF A PERSON OF THE OPPOSITE SEX.**

- (6) If force is required to be used during the strip search, a report is to be submitted to the Commissioner of Police within seven days of the search.

### 2.7.10 CAUTIONING AND DIVERSION OF MINOR DRUG OFFENDERS

- (1) The Tasmania Police Illicit Drug Diversion Initiative operates as an early intervention scheme for low-level and/or first-time users of cannabis and other illicit drugs, including users of pharmaceutical drugs for non-medicinal purposes.
- (2) The [Tasmania Police Illicit Drug Diversion Initiative \(IDDI\) Protocol](#) sets out the drug caution and diversion processes, including criteria that identifies if an offender is eligible to receive a drug caution or diversion.
- (3) Offenders are not barred from receiving a drug caution or diversion by virtue of committing concurrent offences. Under no circumstances, however are drug offenders to be diverted



where any of the following concurrent crimes or offences is committed:

- (a) Cause Death by Dangerous Driving;
- (b) Dangerous Driving causing Grievous Bodily Harm;
- (c) any offence where violence is used, or offered, to the victim;
- (d) administering a drug to facilitate an offence;
- (e) all sex offences or crimes;
- (f) any drug offence which involves the illegal trafficking, supply or selling of drugs; and
- (g) any minor drug offence committed concurrently with an offence under the [Road Safety \(Alcohol and Drugs\) Act 1970](#).

#### **2.7.11 DRUG RELATED INCIDENTS IN SCHOOLS**

- (1) A Memorandum of Understanding (MOU) between Tasmania Police and the Department of Education, the Catholic Education Office and the Association of Independent Schools of Tasmania, provides guidelines for managing drug-related incidents in schools and colleges. The MOU outlines the process school personnel should follow if an illicit drug is detected, or if a drug-related incident occurs or is suspected on school premises.
- (2) The MOU provides important information to assist both school personnel and Tasmania Police including:
  - (a) reporting drug-related incidents in schools;
  - (b) the seizure and handling of suspected illicit drugs;
  - (c) searches for illicit drugs and drug items;
  - (d) contacting Tasmania Police for assistance;
  - (e) Tasmania Police response to drug-related incidents; and
  - (f) Police action arising from investigations.

**2.8 [EXEMPT PER S.30(1)(C) OF RTI ACT]**

## 2.9 EXPLOSIVES

### 2.9.1 GENERAL

- (1) Members will attend and investigate all incidents and reports involving explosives or explosions.
- (2) Where an explosive incident occurs, the 'On-Call' Police Bomb Technician for the district is to be notified.
- (3) The 'On-Call' Police Bomb Technician may attend the incident or provide advice or directions to members in attendance. Members are to comply with such advice or directions. Members are also referred to the Home-made Explosives Awareness Guide.
- (4) The Bomb Response Group (BRG) is responsible for the disposal or destruction of all explosives that come into the control of Tasmania Police.
- (5) An 'Explosive/CBR Incident Report' is to be submitted for every incident involving explosives or suspected explosive substances, including detonators, fireworks or suspected homemade explosives coming to the notice of Police. A report is specifically required for:
  - (a) bombings or attempted bombings, including incendiaries;
  - (b) telephone or other threats utilising explosives;
  - (c) any explosive found at the scene of a crime;
  - (d) stolen, lost or found explosives;
  - (e) explosives found and handed to members for disposal; and
  - (f) any other mechanical, chemical or electrical explosion including fireworks and homemade explosives.

### 2.9.2 PRECAUTIONARY MEASURES

- (1) Members are to refrain from handling any explosive or explosive device until appropriate advice is obtained from a Police Bomb Technician.
- (2) Old explosives may be more dangerous than those recently manufactured.
- (3) As in all cases, the explosive should be left alone and the services of the 'On-Call' Police Bomb Technician for the district should be sought to effect its removal or disposal.
- (4) All varieties of Service ammunition or other military ordnance are often kept as war trophies. These articles may be in a particularly dangerous condition when brought to the attention of members and particular care should be taken.
- (5) The services of a Police Bomb Technician are to be immediately sought to arrange for removal or disposal.
- (6) Members shall seek advice from a member of the Bomb Response Group prior to transporting any explosive in a vehicle.

### 2.9.3 DETONATORS

- (1) There are various types of detonators:
  - (a) 'plain detonators' usually consist of an aluminium or copper tube about 40mm long by about 6mm diameter, open at one end and closed at the other;
  - (b) 'electric detonators' are similar in appearance to non-electric detonators, except the open end is replaced by a plug from which extends a pair of thin copper wires covered with coloured insulating material. It is dangerous to attempt to pull out these wires. An electric detonator must be kept with the bared ends of its wires twisted together; and

- (c) 'nonel detonators' consist of an aluminium tube, similar to electric detonators, however they have a plastic tube emanating from the rear of the detonator. These are commonly used in mining operations.
- (2) Detonators are more sensitive than other explosives and should be very carefully handled.
- (3) Under no circumstances are detonators to be carried in pockets.
- (4) **EXEMPT PER S.30(1)(d) OF RTI ACT.**

## 2.10 FIREARMS

### 2.10.1 GENERAL

- (1) A general amnesty is provided by the [Firearms Act 1996](#), against prosecution for unauthorised possession of a firearm where a person voluntarily surrenders a firearm.
- (2) Where any firearm is reported stolen, lost, found or is confiscated, relevant details are to be recorded on the Firearms and Weapons Data System (FAWDS) as well as any other required report. Firearms Services is also to be advised either by information report (if required) or by email.
- (3) Details of the owner of the firearms and their addresses are not to be broadcast over radio channels.

### 2.10.2 CRIME COMMITTED AT PREMISES WHERE FIREARMS ARE STORED

- (1) Members attending reports of crimes where firearms are stored, either at private or business premises, are to inquire with the complainant or victim whether:
  - (a) they are a registered firearms owner; and
  - (b) whether firearms are stored on the premises;
  - (c) regardless of any suggestion of their theft or use.
- (2) Members attending the premises are to inspect and ensure all firearms are accounted for and the integrity of the firearms safe is confirmed, prior to finalisation of any report.

### 2.10.3 SURRENDER OF FIREARMS WHEN LICENCE/PERMIT IS SUSPENDED OR CANCELLED

- (1) Where members are allocated a notice of suspension or cancellation of a firearms licence or permit for service on FAWDS, in accordance with the [Firearms Act 1996](#), that service should be effected by personal service where possible.
- (2) Upon service of a notice of suspension or cancellation, the person to whom the notice relates must surrender the licence and/or permit and any firearms in their possession to the serving officer.
- (3) The notice of suspension or cancellation will be accompanied by details of all firearms registered to the holder of the licence or permit.
- (4) If possible, members are to take possession of the licence or permit and all firearms, firearms parts and ammunition at the time of service of the notice of suspension or cancellation. Care should be taken that members take possession of each firearm recorded on the list accompanying the notice. Members should ensure that firearms and magazines are unloaded.
- (5) If, for any reason, members are unable to take immediate possession of the licence, permit or any firearms, firearms parts and ammunition they should serve the notice and direct the person to surrender the licence, permit and/or firearms, firearms parts and ammunition to a specified police station as soon as possible. Members must immediately notify the police station specified to expect delivery and surrender of the items concerned.
- (6) Upon surrender of the items to which the notice relates, the member receiving same is to ensure that the items surrendered are entered onto FAWDS and a receipt issued, ensuring that any firearms are securely stored in accordance with the [Firearms Act 1996](#).
- (7) The member in charge of the station is to ensure that FAWDS is updated once the documents have been served. The firearms licence is to be forwarded to Firearms Services as soon as practicable.

#### **2.10.4 SURRENDER OF FIREARMS ON SERVICE OF RESTRAINT OR FAMILY VIOLENCE ORDER**

- (1) A firearms licence is automatically cancelled if the holder becomes subject to any restraint order relating to personal injury, a family violence order or a police family violence order. Where a member serves any such order they shall ascertain if the respondent is the holder of a firearms licence or has possession of any firearms.
- (2) The Commissioner must cancel or suspend any firearms licence if the holder is subject to any restraint order, other than one referred to above. On the service of a cancellation or suspension notice, unless another date is specifically fixed, the licence is cancelled or suspended immediately upon service.
- (3) After service, members shall seize any firearms in possession of the respondent, together with the respondent's firearms licence, unless in the case of a notice, another date is specified. Firearms seized shall be recorded on FAWDS and stored in the appropriate manner.
- (4) On occasions where firearm/s are seized in the circumstances outlined above, the seizing member/s and not Firearms Services are responsible for updating FAWDS, as soon as practicable.
- (5) Any enquiries concerning the re-instatement of a firearms licence and/or return of firearms seized as a result of an order shall be referred to Firearm Services. Firearms seized shall be held until written advice is received from Firearm Services detailing how the firearms shall be disposed of.
- (6) Operational Information Services is to ensure that any Firearms Cancellation or Suspension Notice accompanies a Restraint Order received by them, when forwarded for service.

## 2.11 GAMING OFFENCES

### 2.11.1 GENERAL

- (1) The control of gaming and wagering in Tasmania is governed by the [Gaming Control Act 1993](#).
- (2) The Commissioner (Tasmanian Gaming Commission) may order a person to be excluded from a premise where there is gaming. Members then have the authority, at the request of the person-in-charge, to remove an excluded person from premises.

### 2.11.2 ISSUE OF INFRINGEMENT NOTICES FOR GAMING CONTROL OFFENCES

- (1) The Police Infringement Notice System (PINS) may be used for issuing gaming infringement notices for prescribed offences (refer Schedule 1 of the [Gaming Control \(Infringement Notices\) Regulations 2011](#)). There are 16 prescribed offences for which members can issue infringement notices.
- (2) The same protocols and procedures that apply to the issuing of infringement notices for traffic offences, apply to infringement notices issued for prescribed gaming control offences.
- (3) An infringement notice issued for prescribed gaming control offences must include the offender's name, date-of-birth, date, time, location and details of offence.
- (4) A gaming infringement notice must not be issued in respect to a person who has not attained the age of 18 years.
- (5) A brief and not an infringement notice, is to be submitted for a person who has not attained the age of 18 years or to a person who has committed four or more prescribed offences under the [Gaming Control Act 1993](#).
- (6) PINS contains an integrated validation function which will assist members in ensuring that legislative requirements, such as those referred to in (4) and (5) above are complied with.

### 2.11.3 CAUTIONING FOR GAMING CONTROL OFFENCES

- (1) Giving due consideration to the nature of the particular offence, it is a matter of police discretion whether an infringement notice should be issued.
- (2) A conditional caution may be issued, but must not be issued if the recipient has been reported or cautioned for a similar offence within the previous two years.
- (3) Cautions will be assessed against Departmental records and where a caution is found to be inappropriate, the original caution notice will be withdrawn and a new gaming infringement notice issued.
- (4) The replacement infringement notice will be transmitted to the person named therein, together with a letter explaining why the caution issued previously was outside the Departmental guidelines.
- (5) Notwithstanding this section, a commander or the Commissioner may issue a caution notice for a gaming offence, by following the same processes as prescribed for traffic offences in [14.10 Cautioning of Traffic Offenders](#), and provided an appropriate record is made for accountability purposes.
- (6) A Withdrawal Notice relating to a gaming infringement notice issued by a police officer, may be issued by the Commissioner, or an authorised member delegated with that authority by the Commissioner.
- (7) Any infringement notice which is to be withdrawn, is to be withdrawn in accordance with the provisions of Division 2 of the [Monetary Penalties Enforcement Act 2005](#).
- (8) A Withdrawal Notice may be served personally or by post. All police officers are authorised

by the Commissioner to serve Withdrawal Notices.

#### **2.11.4 GAMING, LOTTERIES AND RAFFLES**

- (1) Where members receive queries from a person wishing to conduct:
  - (a) games where wagering takes place;
  - (b) lotteries, sweepstakes or calcutta; or
  - (c) raffles (where the total prizes exceed the value of \$500),

such persons should be directed to apply to the Gaming Commission, who issue the required permits on payment of the prescribed fees.

- (2) No permit is required for raffles where the total prize value is \$500 or less.



## 2.12 HAWKERS, PEDLARS AND STREET-VENDORS

- (1) Licensing of hawkers, pedlars and street-vendors, is carried out by municipal councils for their respective municipality in accordance with by-laws made under the provisions of the [Local Government Act 1993](#).
- (2) Police officers have the power to search a hawker's vehicle or pack as provided by section 57A of the [Police Offences Act 1935](#).

## 2.13 ALARMS – GENERAL AND HOLD-UP

- (1) Tasmania Police will attend to alarm activations if the circumstances warrant police attendance. This may be determined by a member or supervisor.
  - (a) Alarm activations are classified as:
  - (b) security;
  - (c) hold-up;
  - (d) duress; and
  - (e) intruder.
- (2) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (3) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (4) In relation to hold-up alarms, all such alarms are to be treated as genuine, until determined otherwise.
- (5) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (6) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (7) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (8) [EXEMPT PER S.30(1)(c) OF RTI ACT]

## 2.14 LICENSED PREMISES

### 2.14.1 GENERAL

- (1) Members should regularly enter and check licensed premises or premises specified in a special permit, while on duty. Particular attention should be paid to the prevention or detection of under-age people on licensed premises, and to the sale, purchase and consumption of liquor to and by young persons.
- (2) Members should consult with Licensing personnel in their district prior to issuing infringement notices against a licensee or permit holder.
- (3) Liquor licences and permits are issued by the Commissioner for Licensing under the [Liquor Licensing Act 1990](#).
- (4) Members shall make every effort to identify, and where appropriate prosecute, persons involved in the sale or supply of liquor to young persons.
- (5) Appropriate records should be made for all visits including Licensing Information Reports submitted via the Information Data Management (IDM) system.
- (6) Section 92A of the [Liquor Licensing Act 1990](#) allows a responsible entity (police officer, licensee, employee of a licensee who is authorised to sell or serve liquor or a crowd controller) to seize a document of identity under certain circumstances.
- (7) A responsible entity, other than a police officer, who seizes a document, must give the document to a Police officer within 72 hours. A police officer must enter the document into the Miscellaneous Property Book.
- (8) A member who has seized, or been handed a document, is to make enquiries in relation to the document and any related offences.
- (9) A member may return the document to the person from whom it was seized if the member is satisfied that the document is in fact the authentic property of that person.
- (10) A member may return a document to a person other than the person from whom it was seized if, after making enquiries, the police officer is satisfied that it is the authentic property of that other person and that the other person is not responsible for any fraudulent use made, or attempted to be made, of the document.
- (11) Unless a seized document is to be kept for evidence in a court proceeding, disposal of such documents should be dealt with as 'valueless property'

### 2.14.2 POLICE BARRING ORDERS (LIQUOR LICENSING ACT 1990)

- (1) Under the Liquor Licensing Act 1990 (LLA 1990), a barring order may be used to prohibit a person from entering or remaining on a licensed or permit premises for a period of up to six months. A licensee (or person acting with their authority), a permit holder or a police officer (acting with the authority of a senior police officer) may issue a barring order.
- (2) A licensee or permit holder can issue a barring order for their venue or premises, with a copy of the barring order to be retained at the licensed or permit premises. If a licensee barring order is breached, police can issue an infringement. Police are also able to escalate the approach and issue a Police Barring Order (PBO) that bars a person from entering or remaining on:
  - (a) a specified licensed or permit premises;
  - (b) licensed or permit premises of a specified class within a specified area (consistent with central business district (CBD) exclusion areas for bail conditions); or
  - (c) all licensed premises or permit premises within a specified area.
- (3) Under the legislation, a PBO can be issued if:
  - (a) the police officer is satisfied that the welfare of the barred person is seriously at-risk

as a result of the barred person's consumption of alcohol;

- (b) the barred person commits an offence, or behaves in an offensive or disorderly manner, on the licensed premises; or
  - (c) on any other reasonable ground.
- (4) A police officer can issue a barring order with authorisation from a sergeant or above for a barring period of less than 72 hours, and an inspector or above for a barring period of greater than 72 hours to six months.

The PBO form and associated statewide CBD maps are available on the Departmental Templates.

#### **2.14.2.1 HOW TO ISSUE A POLICE BARRING ORDER**

**EXEMPT PER S.30(1)(c) OF RTI ACT**

#### **2.14.2.2 REVIEW OF POLICE BARRING ORDER**

- (1) A person may request a review of a PBO by written application to the Commissioner of Police. The Commissioner of Police (or delegate) will determine whether to uphold, vary or revoke a PBO. Applications must be determined within 28 days from the date received and the applicant must be notified of the review outcome in writing (template response letter available from the Departmental Templates under 'Alcohol - Police Barring Order').

## 2.15 LITTER OFFENCES

### 2.15.1 GENERAL

- (1) Members are able to enforce the control of litter and waste products under the [Litter Act 2007](#).
- (2) Members are not required to issue abatement notices pursuant to section 35 of the [Litter Act 2007](#).
- (3) If members have cause to deal with a litter and/or waste product matter and the following offences occur, then these matters should be dealt with by complaint and summons:
  - (a) a person must not obstruct, hinder, delay, impede or threaten an authorised officer in performing any function or exercising any power; and
  - (b) a person must not fail or refuse to comply with a requirement to state their name and address (power of arrest).
- (4) Offences not listed in this section are to be referred for investigation to the appropriate government agency that is responsible for waste and litter control.

### 2.15.2 LITTER INFRINGEMENT NOTICES

- (1) Infringement notices may be issued from the Police Infringement Notice System (PINS) in relation to prescribed Litter Infringement Notice offences as follows:
  - (a) deposit litter 55 litres (standard garbage bag) or less in volume;
  - (b) deposit litter consisting of small item (e.g. cigarette butt, bus ticket, food wrapper);
  - (c) deposit litter that is more than 55 litres in volume;
  - (d) deposit document on vehicle without consent of owner/driver;
  - (e) affix document to fixed structure without consent;
  - (f) fail to remove litter unlawfully deposited if requested; and
  - (g) disobey direction/traffic direction given in connection with offence.
- (2) An infringement notice is not to be issued for four or more offences or to a person who has not attained 18 years of age.
- (3) If a litter infringement notice is to be withdrawn, it shall be in accordance with the provisions of the [Monetary Penalties Enforcement Act 2005](#).
- (4) A caution may be issued for the above offences, with the exception of 'Fail to remove litter unlawfully deposited if requested'.
- (5) A caution may not be issued for a litter offence where:
  - (a) it is known that the offender has been reported or cautioned for a similar offence within the previous two years;
  - (b) the offender does not admit the offence or does not consent to a caution being issued; or
  - (c) where more than one offence has been committed at the time.
- (6) Notwithstanding section (5), a commander or the Commissioner may issue a caution notice for any litter offence provided an appropriate record is made for accountability purposes.
- (7) Where it is discovered that a caution notice has been issued to an offender who, within the previous two years, has been reported or cautioned for a similar offence, Traffic Liaison Services shall withdraw the caution notice. The matter should then be returned to the member in charge of the station who is to arrange for a Litter Infringement to be issued for that offence.

- (8) The procedure for issuing a conditional caution shall be the same as the procedure for issuing a Traffic Infringement Notice. Cautions will be assessed against Departmental records, and where a caution is inappropriate, a new Litter Infringement will be issued with a letter explaining why the caution has been converted to an infringement notice.

## 2.16 MARINE ENFORCEMENT

### 2.16.1 GENERAL

- (1) Enforcement of sea fisheries legislation, the [Living Marine Resources Management Act 1995](#), is vested with Tasmania Police.
- (2) Enforcement of marine safety legislation, the [Marine and Safety Authority Act 1997](#), is vested with Tasmania Police.
- (3) Patrols and inspections conducted in respect to Commonwealth fisheries are to be conducted in accordance with the relevant Annual Business Agreement (TRIM [A16/144007](#)), held by Marine and Rescue Services.

### 2.16.2 OFFENCES ON THE HIGH SEAS

- (1) The attention of members is directed to the [Crimes at Sea Act 1999](#), which describes evidentiary provisions and territorial boundaries with respect to jurisdiction.
- (2) Tasmania Police officers are authorised officers for the purpose of the [Commonwealth Fisheries Management Act 1991](#) and are required to administer and enforce the provisions of that Act, in respect to all fishing vessels (Australian and foreign) operating in the 200 nautical mile Australian Fishing Zone.
- (3) Where a request is received from the Master of a vessel for Police assistance to deal with a situation where a person on board that ship has committed an offence on the high seas, it is firstly necessary to ascertain which of the three following categories apply in the circumstances:
  - (a) an offence committed by Australians or by other persons on Australian ships on the high seas;
  - (b) an offence committed by British subjects or foreigners on British ships on the high seas; or
  - (c) an offence by foreign persons on foreign ships on the high seas.
- (4) Where offences are committed on Australian ships, persons on board become liable to the laws of Australia in certain circumstances.
- (5) The [Navigation Act 2012](#) provides that the offence is deemed to have been committed either in the actual place or in the place where the offender is found. When an offence is committed on an Australian ship on the high seas, and the next port of call of the ship is an Australian port, then the offence can be deemed to have been committed in that port, and the State legislation, as applied by the [Navigation Act 2012](#), should be used.
- (6) There is no doubt that a foreigner on a foreign ship committing an offence on the high seas is not amenable to Australian law when found in Australia. However, when an offence is brought to the notice of Tasmania Police by the master of the vessel or some other person, some action should be taken, especially if the offence is of a serious nature. In these circumstances, the provisions of the [Migration Act 1958 \(Cwealth\)](#) can be utilised.
- (7) Consideration should also be given to the [Extradition Act 1988 \(Cwealth\)](#) for the extradition of such offenders. However, proceedings for extradition cannot be commenced by an Australian State until such time as a request is made by some other interested State, and then only with the approval of the Attorney-General.
- (8) Offences by foreigners on foreign ships cannot be dealt with if the offence was committed on the high seas. Although not able to lay charges against the offender, it is legally possible to have the offender kept in custody while the ship is in an Australian port. Crew members of ships entering Australian ports are the holders of Special Purpose Visas (SPVs).
- (9) The [Migration Act 1958](#) empowers the Minister or an authorised officer to declare in writing that it is undesirable that a person, or any person in a class of persons, travel to and enter

Australia or remain in Australia.

- (10) Such a declaration ceases the SPV and the person becomes an unlawful non-citizen unless the person is the holder of another class of visa. As an unlawful non-citizen, the person is subject to detention. Certain officers of the Department of Immigration and Multicultural Affairs are 'authorised officers'.
- (11) Under certain circumstances, the unlawful non-citizen can be taken off the ship and kept in custody while the vessel is in port. This can be done either at the request of the Master of the vessel or on the direction of an 'authorised officer'.
- (12) The practical application of this procedure is (when dealing with a foreigner on a foreign vessel), a notice or declaration under Section 33 of the [Migration Act 1958](#) is issued by an 'authorised officer' declaring such person to be an unlawful non-citizen. Authorised officers have official forms of declaration for this purpose.

### **2.16.3 INLAND FISHERIES**

- (1) Management of inland fisheries is vested in the [Inland Fisheries Service](#). While this Commission does have its own enforcement officers, members should give attention to any breaches of inland fisheries legislation and report any breaches that are detected.
- (2) Members should cooperate with Inland Fisheries officers and give them assistance as and when required.

### **2.16.4 MARINE SAFETY (MISUSE OF ALCOHOL) ACT 2006**

- (1) A person who is, or has just ceased, operating a vessel may be required to submit to a breath test. In other circumstances a person operating a vessel may be required to submit a breath analysis and/or blood test.
- (2) The provisions of this Manual relating to breath tests, breath analysis and blood tests under the [Road Safety \(Alcohol and Drugs\) Act 1970](#) apply to the [Marine Safety \(Misuse of Alcohol\) Act 2006](#).



**2.17.1 GENERAL**

- (1) Definitions:
  - (a) 'Authorised detention period'- means a period not exceeding 4 hours, calculated from the precise time of the person's arrival at the approved assessment centre.
  - (b) 'Mental Health Officer' - MHO
- (2) A person who appears to be suffering from a mental illness and as a consequence, a serious risk of harm to the person or to others, should be persuaded, where possible, to go to hospital voluntarily.
- (3) Where a police officer considers on reasonable grounds that a person has a mental illness and there is a serious risk of harm to the person or others, they may take the person into protective custody for assessment.
- (4) A police officer who takes a person into protective custody must escort the person to an approved assessment centre (or ensure that another MHO or police officer does so).
- (5) A police officer is not required to confirm whether any other process is in train in respect to the person taken into protective custody for assessment.
- (6) A person taken into protective custody must be taken, as soon as possible, to an approved assessment centre. The police officer taking the person into protective custody may ask any MHO at the approved assessment centre, to take over protective custody of the person.
- (7) Any MHO who is asked to take over the protective custody of a person pursuant to 18(1)(b) of the [Mental Health Act 2013](#) must comply with the request unless it would be unsafe in the circumstances to do so.
- (8) A person's protective custody is not taken to have been interrupted or terminated merely because physical control of the person has been handed over from a police officer or MHO to another such officer.
- (9) The person must be released from protective custody if, before or during the authorised detention period:
  - (a) informed consent is given to assess or treat the person; or
  - (b) an assessment order is made in respect of the person; or
  - (c) the MHO or police officer reasonably forms the belief that the person no longer meets the criteria for being taken into protective custody, as specified in section 17(1) of the [Mental Health Act 2013](#); or
  - (d) the authorised detention period expires and none of the things referred to in (8)(a),(b) or (c) above has occurred.
- (10) Before or during the authorised detention period if, at the end of that period, an order for the involuntary admission of the person to an approved hospital has not been made, the person must be released.
- (11) A police officer who takes a person into protective custody is to make an appropriate record of the matter on the [Mental Health Protective Custody Form](#). On transferring the protective custody of a person to another police officer or MHO, a copy of the Mental Health Protective Custody Form is to be handed to the person to whom protective custody is transferred.
- (12) A police officer who releases a person from protective custody is to:
  - (a) make an appropriate record of the matter on the Mental Health Protective Custody form; and
  - (b) give the person a copy of the form; and

- (c) provide the chief civil psychiatrist with a copy of the form, as soon as practicable.
- (13) Where a person suffering from a mental illness is to be admitted to a hospital, members should discreetly procure particulars of their previous history, character and pursuits to assist the authorities in determining the course of treatment to be adopted.
- (14) To reduce waiting time at hospitals, in addition to other necessary documentation, members will be required to complete and provide Part A of the [Mental Health Protective Custody Form](#). Part A is to include the details referred to in (12) and is to be available on arrival at the hospital.
- (15) A memorandum of understanding titled [Memorandum of Understanding between Tasmania Health Organisations, Ambulance Tasmania and Tasmania Police](#) has been developed and presents a strong commitment by all parties to work together to ensure safe outcomes for patients, their families and support persons, paramedics, health workers and members of Tasmania Police.

#### **2.17.2 RETURN OF INVOLUNTARY PATIENTS**

- (1) An involuntary patient means a person who is subject to an assessment order or treatment order in an approved hospital. If an involuntary patient is:
  - (a) absent without leave from an approved hospital; or
  - (b) contravenes a condition on which leave of absence was given; or
  - (c) the leave is cancelled or the period of leave expires; or
  - (d) the patient has not returned to the approved hospital;
  - (e) and the order authorising the patient's detention in the approved hospital is still in effect, the treating medical practitioner may alert the Commissioner of Police of the circumstances. Any police officer or MHO may take the patient into protective custody and return them to the approved hospital ([S61 Mental Health Act 2013](#)).
- (2) Patients detained in a Secure Mental Health Unit (SMHU) who are not subject to restriction orders, may be granted a period of leave in certain circumstances ([Division 6, Mental Health Act 2013](#)). A responsible authority may, by notice, cancel the leave at any time, if the authority believes its continuation would or is likely to seriously endanger the patient's health or safety, or place the safety of other persons at serious risk.
- (3) On cancellation of the period of leave, a police officer may apprehend and return any such patient, under escort ([refer Schedule 2, Custody and Escort Provisions](#)), to the SMHU.

## 2.18 ENVIRONMENTAL COMPLAINTS

### 2.18.1 GENERAL

- (1) The [Environmental Management and Pollution Control Act 1994](#) provides for offences committed on private premises, including residential noise or pollutants.
- (2) The provisions concerning excessive noise from barking dogs are not relevant to this legislation and are contained in the [Dog Control Act 2000](#).
- (3) Members who respond to complaints of excessive noise, smoke, fumes or odours from premises should in the first instance direct the owner or occupier of the premises concerned to cease committing or reduce the amount of environmental nuisance.
- (4) Where such person fails or refuses to cease or reduce the level of environmental nuisance being emitted from the premise, members may issue an Environmental Infringement Notice (EIN), seize the offending item and/or arrest the offender.
- (5) If, in a proceeding for an offence of causing an environmental nuisance, a member gives evidence based on the officer's senses, that noise, smoke, dust, fumes or odour was emitted from a place occupied by the defendant and travelled to, or was, or was likely to be, detectable at, a place occupied by another person, that evidence is prima facie evidence of the matters so stated.

### 2.18.2 ENVIRONMENTAL INFRINGEMENT NOTICES

- (1) Members may issue an Environmental Infringement Notice (EIN) for prescribed offences involving pollutants and noise.
- (2) The Police Infringement Notice System (PINS) is to be used to issue an EIN for prescribed offences
- (3) An EIN must not be issued in respect to a person who has not attained the age of 18 years.
- (4) Court proceedings are to be instituted where there is a commission of two or more prescribed offences.
- (5) The owner or occupier of the premises must be personally served with EIN.
- (6) A caution may be issued for a prescribed environmental offence.
- (7) A caution may not be issued where:
  - (a) it is known that the offender has been reported or cautioned for a similar offence within the previous two years;
  - (b) the offender does not admit the offence or consent to a caution being issued; or
  - (c) more than one offence is committed at the time.
- (8) The procedure for issuing a conditional caution shall be the same as that for issuing a traffic infringement notice caution.
- (9) Supervisors shall assess a caution against Departmental records and where a caution is inappropriate a new EIN will be issued and accompanied by a letter explaining why the caution was outside the Department's guidelines. These documents must be personally served.
- (10) Notwithstanding this section, a commander or the Commissioner may issue a notice for any environmental offence, provided an appropriate record is made for accountability purposes.
- (11) Any EIN which is to be withdrawn, is to be withdrawn in accordance with the provisions of Division 2 of the [Monetary Penalties Enforcement Act 2005](#).

**2.18.3 RETURN OF PROPERTY SEIZED BY POLICE UNDER THE ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL ACT 1994**

- (1) Pursuant to the provisions of section 94(3) of the Act, property seized by police for offences committed under the Act can only be returned to the person from whom they were seized, or to any person who had legal title at the time of its seizure, if the Director, Environment Protection Authority, Commissioner of Police or a council officer, on application, authorises its release.
- (2) To facilitate the return of property in appropriate situations (e.g. where property seized by police was being used by someone other than the owner), the Commissioner of Police has delegated his authority to Inspectors of Police, pursuant to section 94(2)(b).
- (3) Inspectors can determine, on request, whether to return property seized by police to the person from whom it was seized, or to any person who had legal title to it at the time of the offence/s were committed against the Act (a copy of the delegation is saved in EDRMS at A18/185416).
- (4) Any assessment for determining whether seized property should be released may include consideration of the following:
  - (a) the circumstances of the seizure;
  - (b) whether the release of the property is necessary or desirable in the circumstances;
  - (c) prior convictions or charges;
  - (d) the severity of the offence committed resulting in the seizure;
  - (e) likelihood of person from whom the property was seized reoffending;
  - (f) whether the seized item belongs to a third person (with 'legal title' at the time of seizure) and that person is seeking its return;
  - (g) if the item belonged to a third person, whether the person from whom it was seized had permission to use it;
  - (h) age of the offender;
  - (i) how and if the matter would proceed;
  - (j) any other relevant matter.
- (5) The delegation from the Commissioner of Police also provides that an Inspector, who has determined that seized property will be returned, may impose such conditions on its return as the Inspector thinks appropriate (section 94(3) of the Act).
- (6) If the Inspector of Police does not return property seized under the Act, a person seeking the return of the seized property may apply to a council (municipal) or a court for its release.

## 2.19 OFFENCES COMMITTED BY MEMBERS OF OTHER AUSTRALASIAN POLICE SERVICES

### ORDER

Members must notify their divisional inspector or the duty inspector promptly if they detect a member of any other police force or police service committing:

- a criminal offence; or
- a drug offence; or
- a serious traffic offence which is likely to result in a driver's licence cancellation or suspension.

An incident sheet must be submitted prior to the conclusion of duties and forwarded for the information of the commander and the Office of the Commissioner.

- (1) The Deputy Commissioner is to notify their counterpart within the police force or police service of the offending member promptly ([Abacus 5.6](#)).

## 2.20 PARADES AND PROCESSIONS

- (1) All parades and processions conducted in cities and towns require authorisation of a permit issued under the [Police Offences Act 1935](#).
- (2) Exceptions to the issuing of a permit are funerals and a march or parade of any of the Defence Forces.
- (3) The prescribed route of any parade or procession, including formation and dismissal areas, should be set out in detail in the permit.
- (4) Any other requirement should be outlined in the permit as deemed appropriate by Tasmania Police, which may include medical response, applicable time frames, appropriate insurance covers, authorities and relevant consideration having regard to the proposed activity.
- (5) If considered appropriate, divisional inspectors should ensure an operation order is completed.

## 2.21 PROPERTY

### 2.21.1 GENERAL

- (1) Commanders shall ensure an annual audit of the property books be conducted by an inspector and subsequent report be provided to the district commander.
- (2) Divisional inspectors shall ensure annual audits are conducted of all property books in their division, and cause a physical inspection of the relevant property to be made at the same time.
- (3) Members should be conversant with the provisions of this Manual, the [Police Offences Act 1935](#), [Police Service Act 2003](#) and [Justices Act 1959](#), relating to the treatment and disposal of property coming into the possession of Police.
- (4) In relation to high risk property such as drugs, money, jewellery and other valuables, members should also be conversant with the [Drug Procedures Manual](#) and the policy relating to the [Use of Tamper Evident Exhibit Bags for Drugs, Money, Jewellery and Other Valuables](#).
- (5) Insurance companies seeking information relating to property should be advised to write to Operational Information Services, Hobart, enclosing the prescribed search fee.
- (6) Where property in the custody of Police is removed, the member releasing the property is to obtain a signature and all other relevant details considered necessary by the member.
- (7) Any receipt received is to be filed for audit with the relevant entry.

#### ORDER

**MEMBERS WHO DISCOVER, OR BECOME AWARE, THAT PROPERTY UNDER THE CONTROL OF TASMANIA POLICE IS MISSING OR UNACCOUNTED FOR, SHALL:**

- **IMMEDIATELY NOTIFY THEIR SUPERVISOR, DIVISIONAL INSPECTOR OR DUTY OFFICER; AND**
- **SUBMIT A REPORT FORTHWITH.**

### 2.21.2 LOST PROPERTY

- (1) Where a person reports lost property, a completed Lost Property form is to be forwarded immediately to Operational Information Services.
- (2) Where lost property is recovered, notification is to be forwarded to Operational Information Services.

### 2.21.3 ISSUE OF FIELD RECEIPTS

- (1) Where practicable, members who take possession of property in the field for further investigation or as an exhibit shall issue a Field Receipt, containing details of the property, to the owner or person from whom the property was taken.
- (2) The original Field Receipt has provision for the person from whom property is taken to acknowledge having received a copy of the receipt. Such person should be requested to sign the receipt accordingly, but it should be emphasised that signing the receipt is not an acknowledgment in regard to the property. If the person concerned refuses to sign, an appropriate notation is to be made on the receipt, but the receipt is to be delivered on every occasion, whether signed for or not.
- (3) Members shall not use Field Receipts to record the return or disposal of property.

#### **2.21.4 PERISHABLE PROPERTY**

- (1) Where property of a perishable nature comes into the possession of a police officer, it should not be retained but disposed of as soon as possible, by return to the owner, as directed by a Justice in accordance with the [Police Offences Act 1935](#) or in accordance with the provisions of the [Police Service Act 2003](#).

#### **2.21.5 MONEY**

- (1) Members should count money in the presence of the owner/finder or witness, and seal in a tamper evident exhibit bag (TEEB) in accordance with the policy on the [Use of Tamper Evident Exhibit Bags for Drugs, Money, Jewellery and other Valuables](#).
- (2) Where it is impractical to count the money at the time of finding, for example to maintain the forensic integrity of the exhibit, the money should be photographed or recorded in situ and then sealed in a TEEB, which should be signed by two members, unless a second member is not available.
- (3) In such cases where a second member is not available as a witness, the money is to be counted and verified by a witness and resealed in a TEEB as soon as possible thereafter.
- (4) Where applicable, money is to be photographed or recorded prior to being sealed in a TEEB. Denominations must be recorded and the serial numbers photographed or recorded.
- (5) The amount of money, quantities of denominations and TEEB reference number are to be included on any Field Receipt issued.
- (6) The details of the money and its seizure must be entered in the relevant Police property book at the first opportunity.
- (7) The photographs or recording of the money should be entered onto the Forensic Register where applicable.
- (8) Normal exhibit handling procedures are to apply to any money seized as an exhibit.
- (9) Members must ensure that money is secured appropriately when no longer being handled.
- (10) Members are to immediately report any discrepancy with the handling of money to their inspector or manager.
- (11) Amounts of money equal to or greater than \$50, including found property, are to be deposited into the appropriate Departmental bank account at the earliest opportunity, unless required to be retained
- (12) Money required to be retained for forensic examination or some other purpose is to be dealt with as per the policy on the [Use of Tamper Evident Exhibit Bags for Drugs, Money, Jewellery and other Valuables](#).
- (13) Examples of money that may need to be retained include money which needs to be forensically examined, money which is needed as evidence, money that may be more than its face value such as old bank notes, foreign currency and money over which there is a dispute.
- (14) In considering whether to retain money as an exhibit, the member concerned should confer with and seek advice from, the relevant prosecution service or the [Office of the Director of Public Prosecutions](#) or in all other cases, advice should be obtained from a commissioned officer.
- (15) Money subject to forensic examination, shall be deposited as above upon completion of the forensic examination, unless continued retention is required for evidentiary reasons or other reasons.
- (16) Following the deposit of monies, the original bank deposit receipt and a copy of the Field Receipt are to be attached to the relevant entry in the property book and the banking reconciliation form is to be completed and sent to Financial Management Services.



- (17) Amounts of money less than \$50, which are not required for forensic examination, can be entered directly into a property book and retained at the property office. If this money is Found Property, then following the expiration of four months from the date the money was received, if not claimed by the owner or finder, the money is to be deposited into the appropriate Departmental bank account.
- (18) On all occasions, an appropriate notation is to be made in the Found Property Book as to the location of the money.

#### **2.21.6 FOUND PROPERTY**

- (1) When any property found by any person is handed in at a police station, the member or property officer is to immediately check the property in the presence of the person, enter the particulars of the property under the appropriate headings in the Found Property Book and issue a detailed receipt to the finder from that book.
- (2) The responsibility for checking found property against stolen property records maintained on the offence reporting system rests with the member receiving the property. When a member performs this check, a suitable notation advising that this function has been completed is to be made in such a manner that the entry is recorded on the blue copy of the receipt and in the property book.
- (3) The blue copy of the found property receipt is to be forwarded to the district property officer who will be responsible for checking the property against 'lost property' records.
- (4) Any found property is to be immediately marked or labelled as 'found property' with the number clearly displayed and must then be put into safe custody. Money is to be dealt with in accordance with the provisions contained within this Manual.
- (5) Every reasonable effort should be made to identify and locate the owner of found property.
- (6) Where property is claimed by the owner or finder, the person's signature must be obtained and witnessed by a justice, inspector of police or a member in charge of a police station.
- (7) Prior to the release of any found property, the member releasing the same shall check the offence reporting system to identify where the property has not been reported stolen until after it has been handed to Police.
- (8) When a mobile telephone is to be returned to the finder, or otherwise disposed of other than to the owner, a request for information (RFI) is to be submitted to the State Intelligence Service in an attempt to determine if the telephone has been reported stolen or lost.
- (9) Electronic equipment such as mobile telephones or computers are not to be returned to the finder or sent for sale, without the information it contains being deleted so that it cannot be retrieved.
- (10) Members are to contact the Digital Evidence Unit, Forensic Services to determine the most effective and appropriate way to delete the stored information.

#### **2.21.7 MISCELLANEOUS PROPERTY**

- (1) When property other than found property or prisoner's property is handed into a police station or otherwise comes into the possession of police officers, such property is to be immediately checked and a detailed receipt issued from the Miscellaneous Property Receipt Book and Register.
- (2) The property is to be immediately marked or labelled as 'Miscellaneous Property' with the receipt number clearly displayed and must then be placed in safe custody.
- (3) Miscellaneous property should only be retained in Police possession when deemed absolutely necessary.
- (4) Subject to paragraph (5), where the Police are satisfied as to who is entitled to such property, that property should be photographed and returned as soon as practicable.
- (5) Property required for production in court as an exhibit may be retained in Police

possession. In considering whether to retain any such item, the case officer should confer with and seek advice from Prosecution Services, or the [Office of the Director of Public Prosecutions](#), as the case may be.

- (6) Members should be conversant with the provisions of Section 138 of the [Justices Act 1959](#) in relation to applications for disposal of property and Section 90 of the [Police Service Act 2003](#). In relation to drugs, members should also be conversant with the [Drug Procedures Manual](#), [Direction for the Disposal of Controlled Substances Seized, Surrendered or Found By Police](#) under the [Misuse of Drugs Act 2001](#), and the [Direction for Disposal of Substances and Plants Seized under the Poisons Act 1971](#).
- (7) Where any property is sold or otherwise disposed of, the member who arranges its sale or disposal shall obtain a receipt for that property for audit purposes.

#### **2.21.8 MOTOR VEHICLES**

- (1) The original of the inventory receipt may be provided to the person from whom the vehicle was taken, or their agent. The duplicate is to be attached to the file relating to the incident.
- (2) Where a motor vehicle in police possession is to be released, the member in charge of the station is to:
  - (a) ensure that the release of the vehicle is authorised;
  - (b) where appropriate, collect any towage fees due, prior to release;
  - (c) have the vehicle and contents checked against the inventory and obtain and witness the signature of the person to whom the vehicle and contents are released; and
  - (d) ensure that the printed name and address of the claimant accompanies their signature. Where the claimant is not the owner, the claimant must produce an 'authority to release' in writing signed by the owner which is to be attached to the relevant page of the Motor Vehicle Inventory Book.

#### **ORDER**

**MEMBERS WHO TAKE POSSESSION OF A MOTOR VEHICLE, SHALL REMOVE THE VEHICLE TO A SECURE COMPOUND OR OTHER APPROPRIATE LOCATION, AND:**

- **RECORD IN DETAIL IN THE MOTOR INVENTORY BOOK, A COMPLETE LISTING OF THE VEHICLE AND ITS CONTENTS;**
- **SEARCH THE VEHICLE THOROUGHLY IN THE PRESENCE OF THE OWNER, AGENT OR AN INDEPENDENT PERSON OR ANOTHER MEMBER, AND HAVE THAT PERSON WITNESS THE INVENTORY;**
- **RECORD A DESCRIPTION OF THE CONDITION OF THE VEHICLE, NOTING ANY DAMAGE OR DEFECTS OR PARTS MISSING;**
- **SIGN THE ENTRY AND HAVE THE RECORD WITNESSED WHERE POSSIBLE;**
- **REMOVE VALUABLE/ATTRACTIVE PROPERTY FROM THE VEHICLE, AND ENTER IT AS MISCELLANEOUS PROPERTY AND ISSUE A RECEIPT ACCORDINGLY. ATTACH ANY MISCELLANEOUS PROPERTY RECEIPT TO THE MOTOR VEHICLE INVENTORY BOOK;**
- **WHERE ANY PROPERTY IS REMOVED FROM THE VEHICLE TO ANOTHER LOCATION FOR SECURITY OR OTHER REASONS, A NOTATION IS TO BE RECORDED IN THE MOTOR VEHICLE INVENTORY BOOK, IN ADDITION TO**

**ATTACHING A COPY OF ANY RELEVANT RECEIPT; AND**

- **WHERE PROPERTY IN A VEHICLE, OR PROPERTY REMOVED FOR SAFE KEEPING, IS CLAIMED BY THE OWNER OR PERSON AUTHORISED BY THE OWNER BEFORE THE RELEASE OF THE VEHICLE, A RECORD MUST BE MADE IN THE MOTOR VEHICLE INVENTORY BOOK.**

**2.21.9 VALUELESS PROPERTY**

- (1) For the purposes of this section 'valueless property' means property that a police officer reasonably believes does not have any realisable value or a value more than the reasonable costs of selling it.
- (2) Where valueless property, other than found property or prisoners' property, comes into police possession, it is to be entered in the Miscellaneous Property Receipt Book and Register, and a receipt obtained.
- (3) When valueless property is no longer required by Police, the relevant divisional inspector, Director, Forensic Science Services Tasmania or a nominated delegate of the Director, Forensic Science Services Tasmania, is to confirm that it is valueless and may authorise in writing its destruction or disposal. Provisions of Section 90 of the [Police Service Act 2003](#) relating to the sale of goods need not apply to valueless property.
- (4) Prior to authorising any such destruction or disposal, the person referred to in sub-section (3) is to be satisfied that sufficient enquiries have been made to return the property to its owner.
- (5) The destruction or disposal of such items should be witnessed by two persons, both of whom are to sign and date an acknowledgment that it has occurred.
- (6) All destruction or disposal orders are to be filed in sequential order at the relevant station for audit purposes.

## 2.22 PUBLIC ORDER

### 2.22.1 PUBLIC MEETINGS/ASSEMBLIES

- (1) Any person is entitled to be present at, and take part in, a public assembly provided that their participation or presence is non-violent and non-offensive.
- (2) The chairperson at a public meeting may verbally direct members to remove persons disrupting the meeting, from the place or vicinity, and a member so directed is to comply.
- (3) The chairperson of a public meeting is also entitled by common law to call upon any disorderly person to behave properly or else to withdraw from the meeting. If such person refuses to leave when requested by the chairperson and continues to misbehave, that person may be directed by the chairperson to be removed from the meeting, with the use of such force as may be reasonably necessary for the expulsion of that person.
- (4) The power of removal may be exercised by any persons, such as stewards or managers who are acting as agents of the chairperson for the purpose of maintaining order.
- (5) Unless complying with the directions of a chairperson, police should not take action until there is a breach of the peace or reasonable grounds to believe that a breach of the peace will occur.
- (6) Where a large number of persons are likely to gather at a public assembly, sufficient police officers should be detailed to attend.

### 2.22.2 COMMONWEALTH PREMISES

- (1) In relation to Commonwealth premises within this State, the applicable Commonwealth legislation is the [Public Order \(Protection of Persons and Property\) Act 1971](#) (Cwealth). Any member of a police service may exercise the powers of a 'constable' under this Act.
- (2) The Act provides that a constable may arrest, without warrant, any person for an offence under the Act, if the constable has reasonable grounds for believing that the person has committed that offence, and that proceeding by summons would not be effective, or that the arrest is necessary to prevent persistence by that person, or repetition of the conduct of that person.
- (3) In prosecutions for any of these offences:
  - (a) a certificate is required from an authorised person to prove that particular premises are Commonwealth premises; and
  - (b) proceedings can only be taken or continued with the consent in writing of the Crown Solicitor for the Commonwealth, or the Deputy Crown Solicitor in the State where the offence is alleged to have been committed.
- (4) The Act also provides further powers relating to assemblies in relation to protected persons or protected premises which are defined as diplomatic or consular persons and places, or officials of international organisations. In relation to such assemblies, a member of the rank of sergeant or above has powers under certain circumstances, to order the dispersal of the assembly. The order is to be given orally, and must be audible to the persons constituting the assembly.

### 2.22.3 DISPERSAL OF PERSONS FROM PUBLIC PLACES ORDER

- (1) Police officers who intend to rely upon the provisions of section 15B of the [Police Offences Act 1935](#) (dispersal of persons in a public place) shall, before effecting an arrest:
  - (a) if in plain clothes identify themselves as police officers, stating their name rank and station; and
  - (b) direct the person/s to leave the public place; and

- (c) on failure or refusal, the directed person/s must again be directed to leave. A failure to comply at this point completes the offence and the person/s are subject to arrest and prosecution.
- (2) These provisions are not to be applied to resolve demonstrations, disputes or processions which are being conducted lawfully and in a peaceful manner.
- (3) Section 15B of the [Police Offences Act 1935](#) provides police officers with the power to disperse individuals or groups who are behaving in a threatening or disorderly manner. This type of behaviour can escalate to violence or intimidation requiring strong police intervention.
- (4) Section 15B of the [Police Offences Act 1935](#) also provides police officers with the power to require a person or group of persons in a public place to disperse where they interfere with police investigating an offence or incident. This includes motor vehicle accidents, disturbances, crime scenes and other incidents where interference may impact on the way an investigation is conducted, or where interference may impact on the safety of victims or other people in the vicinity.

#### **2.22.4 PUBLIC ORDER MANAGEMENT TEAM**

The role of the Public Order Management Team (POMT) is to provide a response to public order incidents and civil disturbances within Tasmania. The POMT undertakes regular training in crowd intervention strategies (where either passive or violent resistance may be encountered). The POMT relies upon teamwork and specific techniques in order to meet their objective.

- (1) Geographical districts are to establish a Public Order Management Team (POMT) to provide an appropriate response capability to civil disturbances.
- (2) POMT training is to be undertaken on an annual basis however additional training may be implemented as identified by the Assistant Commissioner, Operations.
- (3) Equipment currently issued to the POMT is to be centrally stored in each district and available only to members who have undertaken specific POMT training.
- (4) Funding for district POMT equipment, its maintenance and/or upgrade, is the responsibility of the geographic districts. The purchase of district POMT equipment is to be approved by the Assistant Commissioner, Specialist Support on advice from the Manager, People and Culture.
- (5) Each district POMT is under the command of an inspector and each district is to ensure a further inspector is trained to assume command of the POMT if necessary.
- (6) [Operational Guidelines for the Management of Civil Disturbances](#) have been developed outlining the initial response and the escalation of incidents.
- (7) The call out of a district POMT is contained within a two level response model:
  - Level 1 – Response to low-mid level incidents of public disorder involving passive or obstructive behaviour.
  - Level 2 – Response to high level incidents of public disorder involving violent behaviour.
- (a) a level 1 response requires the approval of the commander for the district in which the incident is occurring; and
- (b) a level 2 response requires the approval of an Assistant Commissioner.
- (8) A verbal request and approval for the deployment of POMT is sufficient in the event of an emergency situation. During the planning phase for major events a written request and approval is required.
- (9) Where practicable, consultation between districts should occur prior to POMT deployment regarding release of members and anticipated costs. Unless exceptional circumstances exist, members should be provided to support POMT duties when called upon.
- (10) Any additional costs such as overtime, resulting from POMT activities are to be funded by the member's respective district or command, regardless if the POMT duties were

performed in, or at the request of, another district or command.

- (11) Where POMT resourcing requirements cannot be met, a written report from the affected district or command shall be forwarded to the Assistant Commissioner, Specialist Support, outlining the circumstances.

#### **2.22.5 2.22.5 DUTIES OF PUBLIC ORDER MANAGEMENT TEAM COMMANDER**

- (1) The Tasmania Police Public Order Management Team (POMT) Commander is appointed by the Assistant Commissioner, Specialist Support.
- (2) The duties and functions of a POMT Commander can be undertaken by a member who is an Inspector or Sergeant qualified for promotion to the rank of Inspector.
- (3) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (4) The POMT Commander is responsible and accountable for the overall strategic and tactical command of members of the POMT and their specialist resources in response to an incident.
- (5) The duties to be undertaken within the POMT Forward Commanders role entails coordinating human resources and management of those resources during a POMT deployment in a command and control environment whereby normal work practices and work health safety considerations are key factors.
- (6) **EXEMPT PER S.30(1)(c) OF RTI ACT**

## 2.23 SECOND-HAND DEALERS AND PAWNBROKERS

- (1) The [Second-hand Dealers and Pawnbrokers Act 1994](#) governs persons wishing to establish a second-hand dealer or pawn broking business.
- (2) The following procedures apply when persons make application to conduct business in accordance with the Act:
  - (a) the application in writing is to be forwarded to the district commander for registration;
  - (b) the commander is to forward the application to a detective inspector for investigation and recommendation;
  - (c) the detective inspector is to cause a record of convictions to be obtained and attached to the file. If not recommended, objections should be set out fully and notice of objection prepared;
  - (d) the file and recommendation is to be returned to the commander;
  - (e) if recommended, the commander is to send a letter to the applicant notifying success of the application;
  - (f) if not recommended, the commander is to forward the file to district Prosecution Services for registration, lodging of objection and hearing; and
  - (g) all files are to be forwarded to Operational Information Services for recording of persons or firms as second-hand dealers or pawnbrokers.
- (3) Operational Information Services is responsible for recording the details of all pawnbrokers and second-hand dealers in the State.
- (4) After details are recorded, completed files and reports will be filed at the Records Information Services, Office of the Commissioner, Hobart.

## 2.24 STREET STALLS

- (1) The [Vehicle and Traffic Act 1999](#) authorises the general manager of the relevant council to grant or issue permits for:
  - (a) the use of street stalls in a public street; and
  - (b) the canvassing or sale of goods in a public street.
- (2) In determining whether or not to grant an application for a permit, the general manager of the relevant council:
  - (a) must consult the police officer in charge of the police district in which the public street is located; and
  - (b) must have regard to relevant traffic conditions and the safety and convenience of the public; and
  - (c) may have regard to such other considerations as appear relevant in the circumstances.
- (3) The permits apply to town and country areas, and are of two types which authorise the operation of:
  - (a) stalls during daylight hours from a fixed location on a public street; and
  - (b) mobile stalls or vans during daylight hours from a variety of locations on public streets.
- (4) Where a stall is set up on private property to sell goods to persons who enter on to that property, no permit is required.
- (5) Where a stall is operating either day or night from private property, such as a hotel car park, speedway, council operated market, regatta, Mardi Gras or similar place, no permit is required provided the approval of the property owner or controlling authority has been obtained. Where these areas are a public street and open to the public, a member may, when necessary, direct the removal or relocation of stalls which create an obvious traffic hazard.
- (6) Members should report particulars of persons operating a street stall in a public street without the required permit being issued, so that proceedings may be considered for a breach of the [Vehicle and Traffic Act 1999](#).



**ORDER**

**A POLICE OFFICER WHO BECOMES AWARE OF A THREAT AGAINST THE LIFE, SAFETY OR PROPERTY OF A POLICE OFFICER OR A VIP, SHALL PROMPTLY:**

- **VERBALLY ADVISE THEIR DIVISIONAL INSPECTOR OR THE DUTY OFFICER OF ALL KNOWN DETAILS; AND**
- **SUBMIT AN INFORMATION REPORT (IR) VIA THE IDM.**

- (1) For the purposes of this section:
  - (a) 'threat' means intimidation by words or action; and
  - (b) 'VIP' means persons in the political arena, visiting dignitaries and persons in the judicial/justice system.
- (2) Details of the threat should include details of any known prior incident between the parties involved.
- (3) **[EXEMPT PER S.30(1)(c) OF RTI ACT]**
- (4) **[EXEMPT PER S.30(1)(c) OF RTI ACT]**
- (5) **[EXEMPT PER S.30(1)(c) OF RTI ACT]**
- (6) **[EXEMPT PER S.30(1)(c) OF RTI ACT]**

## 2.26 PEOPLE WITH DISABILITY AND IMPAIRMENT

### 2.26.1 GENERAL

- (1) Members are to ensure people with disability, their families and carers, have equal access to the full range of services, information and facilities provided by Tasmania Police.
- (2) People with disability include those who have long-term physical, mental, intellectual or sensory impairments, which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. ([United Nations Convention on the Rights of Persons with Disabilities](#))
- (3) Members are to refer to the guidelines '[Interacting with People with Disability](#)' and **Abacus 5.25 'Special Assistance Required by Complainants or Witnesses'**.
- (4) The [Department of Health and Human Services, Disability Services](#), may also be contacted during business hours to assist police when dealing with people with disabilities.
- (5) If a person is identified as having a disability, appropriate assistance should be secured.
- (6) Members should ask the person if they have an advocate or a support person. If so, endeavours must be made to contact that person.
- (7) If the person has difficulty in communicating or comprehending speech, an interpreter should be arranged (if being interviewed as an offender, an independent interpreter should be sought).
- (8) Where possible, a consistent approach should be used when dealing with incidents involving recurring behaviour of a particular individual and, if possible, individuals who come to the attention of Tasmania Police on a regular basis should be dealt with by members who may have had prior dealings and have developed a good rapport or knowledge of support mechanisms for that person. To assist future incidents, the details, support person, and management information for such a person should be recorded on an Information Report by the attending member.

### 2.26.2 VICTIMS OF CRIME WHO HAVE A COGNITIVE DISABILITY OR COMPLEX COMMUNICATION NEEDS

- (1) Tasmania Police members dealing with victims of crime who are intellectually disabled or have complex communication needs, are to afford them respect, consideration and protection and are to make themselves conversant with the provisions of the [Evidence \(Children and Special Witnesses\) Act 2001](#) and the [Guidelines for Interacting with People with Disabilities](#).
- (2) Members are to obtain guidance from officers who have been trained in interviewing vulnerable witnesses prior to any interview being conducted and as required during the course of the interview.
- (3) Members who are dealing with a victim of sexual assault should also refer to Sex Crimes contained within section [4.4.10](#) of this Manual.

### 2.26.3 TRANSPORTATION OF PEOPLE WITH PHYSICAL DISABILITY IN POLICE VEHICLES

- (1) Where it becomes necessary to transport (in a police vehicle) a person with physical disability, the following points should be considered:
  - (a) the type and severity of the person's disability;
  - (b) the necessity and urgency for that person to be transported in a police vehicle; and
  - (c) the availability of alternative or more appropriate transport.
- (2) Before a person with physical disability is transported in a police vehicle, the person should be asked whether any special requirements are necessary for their safe transport.

- (3) Where possible, arrangements should be made for the transportation of a person with severe disability by means other than a police vehicle.
- (4) Should it become necessary to transport a person with physical disability, care should be exercised when placing that person into, or removing that person from, the police vehicle.
- (5) A police officer who has concerns about the transportation of a person with disability should, where practicable, seek advice from a medical practitioner, preferably that person's personal doctor, or from a service which deals with the transportation of people with disability, including the Tasmanian Ambulance Service.
- (6) When people with disability are to be transported in a police vehicle and they require the assistance of any physical aid, for example, a wheelchair, then care must be taken to ensure that the physical aid is not damaged and its placement within the police vehicle cannot cause harm to any person, or damage the police vehicle.

## 2.27 CROSSBOWS

- (1) A person must not use, carry or have possession of a crossbow unless authorised in writing by the Commissioner of Police. A person must carry a copy of the authorisation with them at all times while in possession of, carrying or using the crossbow.
- (2) A member may seize and detain any crossbow used, carried or kept in contravention of Section 15D, [Police Offences Act 1935](#).
- (3) When a crossbow has been seized, an official receipt is to be issued and the item detained for court proceedings. Disposal of the crossbow is at the direction of the court.
- (4) Members are to direct any enquiries concerning applications for a permit to use, carry or possess a crossbow, to Firearms Services, Hobart.

## 2.28 ELECTRONIC GRAPHIC MATERIAL

- (1) Electronic Graphic Material is any item that contains images likely to be offensive to an ordinary person and includes all images related to death and/or serious injury.
- (2) Where any Electronic Graphic Material is produced by or comes into the possession of Tasmania Police the following protocols apply:
  - (a) the original production (master copy) of any such Electronic Graphic Material is to be securely stored at the station of origin;
  - (b) the master copy is only to be removed from secure storage if required for court purposes, copying or for some other purpose with approval by an inspector or above;
  - (c) when a copy is required it must only be made from the master copy (not from a copy);
  - (d) the master copy and all copies must be numbered/watermarked or otherwise recorded for tracking purposes;
  - (e) a register is to be maintained to accurately record the movement of the master copy and all copies made from the master;
  - (f) all copies must be returned to the station of origin when the investigation is complete and/or all court proceedings have concluded or the copy is no longer required; and
  - (g) all copies will then be destroyed. Authorisation for destruction is to be first obtained in writing from the Manager, Records Information Services.

## 2.29 CONVEYANCING ACT REPORTS

- (1) An application for the granting of a licence issued under the [Conveyancing Act 2004](#) is to be lodged with the Director of Consumer Affairs and Fair Trading through [Service Tasmania outlets](#). It has to be determined if the applicant is a fit and proper person to hold such a licence.
- (2) If requested to investigate the matter, the Commissioner of Police has delegated the responsibility for the investigation of applicants to district commanders.
- (3) The commander of the district is to cause an investigation to be carried out to ascertain whether the applicant is a fit and proper person to hold a licence under the Act and, following that investigation, forward the file with the commander's recommendation directly to the Director of Consumer Affairs and Fair Trading, enclosing a report summarising the findings.
- (4) The final report to the Director, Consumer Affairs and Fair Trading should contain:
  - (a) where applicable, a copy of any relevant prior conviction/s or extract of record; and
  - (b) a sound basis for each and every comment or assertion made in the course of an analysis or summary which forms part of the Report.
- (5) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (6) The Report is to be made available to the Director of Consumer Affairs and Fair Trading within 28 days of initial receipt by Tasmania Police.

## 2.30 INFRINGEMENT NOTICES – POLICE OFFENCES ACT 1935

- (1) Members may issue an infringement notice for a number of [offences](#) committed against certain provisions of the [Police Offences Act 1935](#).
- (2) The Police Infringement Notice System (PINS) is to be used to issue an infringement notice for these offences.
- (3) An infringement notice must not be issued in respect to a person who has not attained the age of 18 years.
- (4) Court proceedings are to be instituted where there is a commission of two or more prescribed offences.
- (5) A caution may be issued for an offence, for which an infringement notice can be issued, under provisions of the [Police Offences Act 1935](#).
- (6) A caution may not be issued where:
  - (a) it is known that the offender has been reported/cautioned for a similar offence within the previous two years;
  - (b) the offender does not admit the offence or consent to a caution being issued; or
  - (c) more than one offence is committed at the time.
- (7) The procedure for issuing a caution is the same as that for issuing a traffic infringement notice caution.
- (8) Supervisors must assess a caution against Departmental records and where a caution is inappropriate a new infringement notice will be issued and accompanied by a letter explaining why the caution was outside the Department's guidelines. These documents must be personally served.
- (9) Notwithstanding this section, a commander or Commissioner may issue a notice for any infringement notice offence, provided an appropriate record is made for accountability purposes.
- (10) Any infringement notice which is to be withdrawn, is to be withdrawn in accordance with the provisions of Division 2 of the [Monetary Penalties Enforcement Act 2005](#).

## 2.31 DANGEROUS ARTICLES

### 2.31.1 GENERAL

- (1) [Section 15C of the Police Offences Act 1935](#) prohibits the possession, carriage or use of a 'dangerous article' in a public place, without lawful excuse. A 'dangerous article' includes weapons (other than firearms), articles intended to be used as weapons and knives.
- (2) A list of lawful excuses is contained in [subsection \(4\)](#) of the provision. The list is non-exhaustive, and members should exercise discretion when considering action.

### 2.31.2 KNIVES

- (1) There are a number of lawful activities that involve the use of knives, such as use in the course of employment, or in recreational activities such as camping and fishing (including transit to and from such activities). It is not intended that police officers should unnecessarily interfere with persons possessing knives for such purposes. Police officers should satisfy themselves that a lawful excuse exists for the possession, carriage or use of a knife and exercise discretion accordingly.
- (2) The enforcement focus in regard to knives should primarily concentrate on urban areas, especially in areas where the public congregate, including in and around licensed premises.
- (3) Where it is considered necessary to seize and detain a knife, this should be followed up with the submission of a prosecution file. In exceptional circumstances, where it is considered appropriate to return a seized knife without further prosecution, it is the responsibility of the seizing member to authorise the return of the seized knife and ensure the reasons for this action are recorded in the miscellaneous property book.

### 2.31.3 RELIGIOUS OBSERVANCE

- (1) Members should be aware of the lawful excuse for religious observance. This exists primarily to accommodate members of the Sikh faith, who are required by their religion to carry a small ceremonial dagger known as the 'Kirpan'.
- (2) In addition to the Kirpan, practicing Sikhs will:
  - (a) have uncut hair ('Kes') which is covered by a turban;
  - (b) carry a wooden comb ('Kunga');
  - (c) wear an iron/steel bangle ('Karaa')
  - (d) wear prescribed undershorts ('Kucchayraa').
- (3) All of these items have deep personal and spiritual significance to the Sikh religion. Members are to be mindful of the significance of these items when interacting with persons identifying themselves as practicing Sikhs.



### 3.1 GENERAL POLICING PROCEDURES

- (1) District commanders should determine the patrol strategies to operate within their district. commanders should ensure that foot and/or mobile patrols of those areas are maintained and worked in accordance with their instructions.
- (2) Foot patrols are to be a regular part of patrol strategies especially in the larger metropolitan areas. Foot patrols are to be implemented to achieve the following objectives:
  - (a) proactive police presence through visibility;
  - (b) community reassurance; and
  - (c) business engagement.
- (3) Inspectors have the autonomy to utilise foot patrols in whatever manner they deem necessary to meet the aforementioned objectives. Sergeants and constables are able to use their initiative in relation to foot duties.

#### **ORDER**

**MEMBERS ARE NOT TO LEAVE THEIR ALLOCATED PATROL AREA OR OTHER AREA OF RESPONSIBILITY UNLESS AUTHORISED BY AN OFFICER, THEIR SUPERVISOR OR RADIO DISPATCH SERVICES.**

- (4) It is the responsibility of inspectors to ensure appropriate recording and dissemination of information relating to operational activities within their Division.
- (5) Shift supervisors are to be conversant with the [Statement of Rank and General Position Description - Sergeant](#) and to ensure that members under their control are appropriately supervised.
- (6) All members should make accurate, professional and contemporaneous notes of dealings with members of the public or relating to their duties. These notes may be made in Departmental systems or in an appropriate book. Such books will be available for inspection by supervisors if required.
- (7) Members receiving any public money for fees or other payments shall ensure that it is properly receipted and that it is appropriately acquitted in accordance with the [Finance Manual](#). All request concerns and enquiries in relation to financial issues should be direct to district executive officers.

## 3.2 DUTY OFFICERS

### 3.2.1 GENERAL

- (1) For the purpose of performing the role of duty officer, Southern District includes Professional Standards, Operations Support, Education and Training, Business and Executive Services, and Special Response and Counter Terrorism.
- (2) The hours of duty for duty officers will be determined by the Deputy Commissioner of Police.
- (3) All inspectors are to participate in the duty officers roster unless exempted in writing by the Commissioner.
- (4) The role of duty officer is to be performed by a substantive inspector, unless the provisions of paragraph (5) apply.
- (5) A district commander may approve a member performing authorised higher duties to the rank of inspector to perform the role of duty officer in order to satisfy local resourcing requirements.

### 3.2.2 DUTIES

- (1) In addition to other duties specifically referred to in this Manual, it is the responsibility of the duty officer to:
  - (a) assume responsibility for all police officers who are on duty within their region and provide advice and direction where necessary;
  - (b) ensure compliance by all members with the provisions of the [Police Service Act](#), [Occupational Health and Safety Standards](#), Tasmania Police Manual, and policies;
  - (c) monitor all police incidents occurring during the duty officer's hours of duty and where necessary attend and assess them;
  - (d) ensure that adequate supervision is provided by sergeants within their respective areas of responsibility;
  - (e) take command of any serious or potentially serious incident, arranging the appropriate call out of personnel, notification of relevant officers and the proper management of the incident in accordance with the relevant plans and procedures. Incidents likely to continue for lengthy periods should be handed over to the relevant divisional inspector at the first available opportunity;
  - (f) take command of major crime scenes;
  - (g) ensure any breach of the Code of Conduct is corrected immediately and submit the appropriate report on BlueTeam™ in accordance with the directions and obligations in [Abacus](#);
  - (h) ensure that they can be contacted at all times;
  - (i) attend all collisions involving police vehicles and ensure the provisions of this Manual relating to police collisions are adhered to ([refer 3.8.5 Police Vehicle Crashes](#));
  - (j) ensure complaints made against police officers by members of the public are managed in accordance with [Abacus](#);
  - (k) be aware of the contents of the [Service Charter](#);
  - (l) act as a point of contact for Radio Dispatch Services in relation to media requests for information on incidents out of hours;
  - (m) ensure timely and accurate public information is released to media during incidents;
  - (n) liaise with the on-call Media Liaison Officer as necessary;

- (o) provide media interviews on incidents if required;
- (p) report relevant incidents to the respective commanders and the Commissioner at the conclusion of the shift;
- (q) visit any holding cells regularly, inspecting all relevant documentation and entries made therein, ensuring those persons in custody are appropriately charged and detained. The duty officer is to ensure the well-being of prisoners and whether or not they have any concerns. Any comments made are to be recorded in the Online Charge Record, noting the time of the visit and the condition of the cells; and
- (r) submit a 'Duty Officer's Report' prior to concluding duty at the end of each rostered shift, and forward the report to the Office of the Commissioner by email.

### **3.2.3 ILLNESS/INJURY**

- (1) In the event the duty officer becomes ill or injured whilst on duty, or cannot attend duty through illness or injury, the duty officer is to notify their commander so that alternative arrangements may be made.

### **3.2.4 ROSTERS**

- (1) Rosters for duty officers are to be prepared and posted in accordance with the provisions of the [Police Award](#).
- (2) The Commander, Strategy and Support is responsible for the development of the roster including inspectors attached to the Southern District, Professional Standards, Operations Support, Education and Training, Business and Executive Services and Special Response and Counter Terrorism.
- (3) Commanders in charge of the Northern and Western Districts are responsible for the development of their duty officers rosters.

### 3.3 EQUIPMENT AND STORES

- (1) Inspectors are responsible for the issuing of all requisitions for stores and equipment. This function may be devolved to subordinate members.
- (2) The following information can assist with the procurement process: [Procurement; Finance Manual](#) and [Corporate Card Guidelines](#).

## 3.4 FLAGS

- (1) The Tasmanian Flag should be flown on Tasmania Police buildings where flags and flag staffs are provided, from opening office hours until the close of office business for a normal working day.
- (2) Information relating to other flag flying protocols can be located at [www.itsanhonour.gov.au/symbols/flag.cfm#protocols](http://www.itsanhonour.gov.au/symbols/flag.cfm#protocols).

## 3.5 STATIONS

- (1) The member in charge of a station should maintain a computerised inventory of all chattels held at the station and ensure annual checks are conducted of the station inventory and that any discrepancies are noted and reported.
- (2) The member in charge of a station is to ensure that the station is properly secured and that all items of equipment and other property is stored appropriately. Exterior station lights should be illuminated during hours of darkness.

## 3.6 SYSTEM INSPECTIONS

- (1) Systems Inspection involves the examination of operational and administrative practices and the identification of best practice, with a view to ensuring optimum compliance with organisational policy, practice and standards. Commanders are to determine the frequency that system inspections are to be conducted for areas under their command.

## 3.7 PROPERTIES

### 3.7.1 NEW PROPERTIES

#### ORDER

**MEMBERS SHALL NOT MAKE ANY COMMITMENT ON BEHALF OF THE DEPARTMENT FOR ANY INTEREST IN LAND, EITHER BY WAY OF LEASEHOLD OR FREEHOLD.**

- (1) A commitment made in contravention of the above order and without the express approval of the Manager, Procurement and Property Services will be regarded as a personal commitment on behalf of the member concerned.
- (2) Proposals for acquiring a new property or sub-leasing an existing property must be discussed with Procurement and Property Services.

### 3.7.2 ALLOCATION AND USE

- (1) Commanders are responsible for the allocation and use of all Tasmania Police buildings and residences allotted to their control. Commanders should ensure that where a member is assigned or transferred to a position and a residence is allocated, the member occupies the residence.
- (2) Where a member ceases to occupy a Police residence which has previously been allocated for a position, that position may become vacant and the position re-gazetted.

### 3.7.3 MAINTENANCE

- (1) A member in charge of a police station, or a member or employee occupying a police building or residence as the tenant, is responsible for ensuring that:
  - (a) all buildings, fences and other property are kept clean and in good repair;
  - (b) the premises and grounds are kept neat and tidy;
  - (c) precautions are taken to prevent any damage to the buildings;
  - (d) as far as practical, the grounds and site are kept clear of noxious weeds or substances;
  - (e) all services provided are kept in good working order; and
  - (f) buildings are preserved and not neglected or allowed to deteriorate.
- (2) Where repairs become necessary through neglect, such member or employee may become liable for the cost of repairs.
- (3) Where repairs or maintenance become necessary to any police building or residence, the tenant should forward a report detailing the maintenance required.
- (4) Where urgent minor repairs or maintenance become necessary, the tenant should report directly to the inspector responsible for the premises.

#### ORDER

**MEMBERS SHALL NOT CARRY OUT ALTERATIONS OR ADDITIONS TO ANY POLICE BUILDING OR PREMISES UNLESS AUTHORISED BY THE MANAGER, PROPERTY AND PROCUREMENT SERVICES.**



#### **3.7.4 APPLICATIONS AND REPORTS**

- (1) All applications and reports dealing with repairs, renovations and other matters relating to a Police residence or building are to be submitted to the inspector responsible for the inspection of the premises, irrespective of the district or division to which the applicant is attached.
- (2) Requests by telephone or otherwise should not be made to Procurement and Property Services concerning Police properties, unless an emergency situation such as a health or fire hazard has arisen and then only when authorised by the divisional inspector.

#### **3.7.5 INSPECTION**

- (1) Inspectors are to regularly inspect all Police buildings under their control. After completing such inspections, they are to submit an Inspection Report and forward copies promptly to the district commander and Procurement and Property Services. They should also ensure that any urgent minor repairs are carried out (refer [Residential Tenancy Act 1997, Div. 4](#)).
- (2) Members occupying Police buildings or residences are to permit any officer or other authorised person to carry out inspections or maintenance of Police buildings, and to have access for those purposes at any reasonable time.
- (3) Where a member is vacating a Police building or residence, the inspector is to arrange for an inspection of the premises, with the tenant present if possible, to ensure that the premises have been left in a clean, tidy and undamaged condition.
- (4) If the premises are not left in a clean, tidy or undamaged condition, the vacating tenant should be notified and given the opportunity to correct any faults within a reasonable period.
- (5) A tenant who, after receiving notification, fails to correct any faults, may be held responsible for the cost of any repairs.
- (6) Inspections of the interior of an occupied police residence are to be carried out in the presence of the tenant or spouse.
- (7) Where a building other than a residence is occupied solely by members of a district other than a geographic district, the commander having the control of the members occupying the building assumes responsibility for the inspection.
- (8) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (9) Police residences and other buildings are to be inspected by the inspector at least once every 12 months.
- (10) The commander of the district concerned may inspect a Police residence should they consider it desirable or necessary as a result of an Inspection Report.
- (11) Commanders are to ensure inspections of Police residences and other buildings are conducted and where maintenance matters are raised, action is undertaken to correct the situation as required.
- (12) Commanders are to visit and inspect Tasmania Police stations and other premises, other than a Police residence, at least once a year.

#### **3.7.6 NOTIFICATION OF OCCUPANCY**

- (1) Where a member or employee occupies or vacates a Police residence, the member is to forward a report stating the date of occupancy or vacating for the information of Property and Procurement Services.

#### **3.7.7 PETS**

- (1) The Department does not prohibit pets in Police residences. It is the responsibility of the tenant to repair any damage caused by such pets.

- (2) Pets kept in Police residences and required to be registered should be registered and all relevant laws and by-laws complied with.

### **3.7.8 USE OF POLICE RESIDENCES BY OTHERS**

- (1) Except with approval from the Office of the Commissioner, no member occupying a residence is to allow the property to be used by persons other than the member's family or to seek and receive a contribution in the form of rent from any party.
- (2) Use of residences for other than staff accommodation should be at the discretion of the Manager, Procurement and Property Services.

## 3.8 POLICE VEHICLES

### ORDER

**MEMBERS SHALL NOT DRIVE ANY MOTOR VEHICLE UNDER THE CONTROL OF THE DEPARTMENT, UNLESS:**

- **THEY ARE THE HOLDER OF A CURRENT DRIVER'S LICENCE FOR THE TYPE OF VEHICLE TO BE DRIVEN, AND**
- **THEY HAVE PASSED A POLICE DRIVING ASSESSMENT FOR THE TYPE OF VEHICLE BEING DRIVEN OR THEY ARE UNDER INSTRUCTION/ASSESSMENT BY A POLICE DRIVER EDUCATION INSTRUCTOR.**

#### 3.8.1 MINIMISING PRIVATE USE

- (1) Private use of Tasmania Police vehicles is limited to members or Departmental employees who have the use of a vehicle as a condition of their appointment or officers authorised specifically by the Commissioner of Police.
- (2) Members authorised specifically in the above shall have the approval and conditions reviewed every 12 months from the date authorised by the Commissioner of Police.

#### 3.8.2 HOME GARAGING

- (1) Home garaging permits a member or employee occupying an authorised position the use of a Police vehicle in travelling to and from their place of work.
- (2) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (3) All vehicles authorised for home garaging under subsection (2) shall be clearly identified as a Police vehicle (other than those specifically exempted) and will be equipped with:
  - (a) radio;
  - (b) 'Police' signs front and rear;
  - (c) chequered bands; and
  - (d) bar lights and siren.
- (4) The commander shall, upon receipt of an application, determine other authorised positions and/or may specifically authorise home garaging for a member or employee under specified conditions.
- (5) These requirements do not apply to any member or other employee where a vehicle forms part of their employment conditions; where an annual transport levy is payable and/or where authorised through their commander for special one-off overnight operational purposes from time to time.
- (6) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (7) Where a commander has determined that it is necessary for a member at a non-24-hour station to be rostered and available for operational call-back during a period outside the normal rostered hours of that station, such member may home garage a Police vehicle in accordance with these provisions provided that the location of the home garaged vehicle is such as to allow an appropriate and timely response.
- (8) Commanders shall ensure outstation personnel utilise marked vehicles when attending out-of-hours calls.

#### 3.8.3 MAINTENANCE AND REPAIRS

- (1) Maintenance and repairs of Police vehicles are undertaken at Police Garages or other authorised outlets.
- (2) In urgent or emergency situations repairs may be undertaken at local garages. Members should provide a detailed report of the circumstances to the Manager, Fleet Services.
- (3) It is the responsibility of the member in charge of a station/section to ensure that each vehicle is in a serviceable condition and kept clean.
- (4) Vehicles are to be cleaned and all property removed on changeover.

#### **3.8.4 POLICE ROOF SIGNS, EMERGENCY LIGHTS AND SIRENS**

- (1) Where fitted, 'police' roof signs, are to be illuminated for night patrols, unless otherwise directed by the divisional inspector, duty officer or shift supervisor.
- (2) The use of emergency lights and/or sirens on Police vehicles is to be curtailed to situations of necessity or emergency and are not to be used indiscriminately.

#### **3.8.5 POLICE VEHICLE CRASHES**

##### **3.8.5.1 GENERAL**

- (1) Members involved in a Police vehicle crash shall not issue a traffic infringement notice to any other driver of a vehicle involved in the crash.
- (2) The provisions of this section apply to the driver of any Police vehicle involved in a crash.
- (3) Police vehicle means any motor vehicle owned, leased or operated by DPFEM, and includes Police bicycles.
- (4) Serious crash means a crash in which a person receives injuries which result in, or may result in, death or admission to hospital.

##### **3.8.5.2 POLICE VEHICLE DRIVER**

- (1) When involved in a Police vehicle crash, the driver of the vehicle shall
  - (a) advise Radio Dispatch Services of the nature of the crash, and the extent of any injuries or damage caused;
  - (b) ensure the area supervisor is notified;
  - (c) remain at, and, as far as practicable, preserve the scene, unless circumstances dictate otherwise, pending the arrival of the investigating supervisor;
  - (d) where it is necessary for the driver to leave the scene due to any circumstances, Radio Dispatch Services is to be notified at the first opportunity that the driver is no longer at the scene and the reason;
  - (e) if necessary to move or interfere with any vehicle involved prior to the arrival of the investigating supervisor, note the original position of the vehicle;
  - (f) comply with all provisions of the [Road Safety \(Alcohol and Drugs\) Act 1970](#);
  - (g) submit a statutory declaration to the investigating member prior to the conclusion of shift, or as soon as practicable; and
  - (h) where the driver of a Police vehicle is incapacitated as a result of injuries received in a crash, that person's responsibilities, where applicable, devolve to the next most senior person present or becoming aware of the crash.

##### **3.8.5.3 RADIO DISPATCH SERVICES**

- (1) When notified of a crash involving a Police vehicle, Radio Dispatch Services are to notify
  - (a) the divisional inspector or duty officer if available; and

- (b) the supervisor for the area concerned.

#### **3.8.5.4 INVESTIGATING SUPERVISOR – INITIAL INVESTIGATION**

- (1) When notified of a crash involving a Police vehicle, a supervisor shall
  - (a) attend the scene of the crash unless circumstances dictate otherwise;
  - (b) request the attendance of the divisional inspector or duty officer if;
    - i. the crash occurred as the result of a pursuit or vehicle interception;
    - ii. the crash is a 'serious crash';
    - iii. the driver of the Police vehicle is suspected of having consumed alcohol or drugs; or
    - iv. it is considered necessary in the circumstances.
  - (c) investigate the crash, unless instructed otherwise by the divisional inspector or duty officer;
  - (d) **EXEMPT PER S.30(1)(c) OF RTI ACT**
  - (e) submit all drivers to a breath test as per the [Road Safety \(Alcohol and Drugs\) Act 1970, s.8](#);
  - (f) where there is reason to suspect the use of a prescribed/illicit drug by any driver, submit that driver to an oral fluid test;
  - (g) for a 'serious crash' or where there is reason to believe a person may be driving under the influence of alcohol or a drug, ensure all drivers submit to a breath analysis and/or provide a sample of blood for analysis;
  - (h) obtain details from civilian drivers, occupants and witnesses;
  - (i) where there is a breach of legislation or the crash is a 'serious crash', obtain a statutory declaration from all occupants and witnesses;
  - (j) provide parties involved with necessary driver and vehicle details;
  - (k) if considered necessary, request additional resources to ensure a thorough and complete investigation e.g. Forensic Services, Crash Investigation Services;
  - (l) prior to the conclusion of shift, or as soon as practicable, obtain a statutory declaration from the driver of the Police vehicle;
  - (m) make necessary arrangements to have any Police vehicle involved replaced or repaired as soon as possible (if applicable); and
  - (n) verbally report the outcome of the preliminary investigation to the divisional inspector or duty officer as soon as practicable.

#### **3.8.5.5 INVESTIGATING SUPERVISOR - REPORTING**

- (1) Upon completion of the investigation, the investigating supervisor shall
  - (a) submit the following reports prior to the conclusion of duty
    - i. Tasmania Police Crash Report (ensuring that the relevant file is completed to reflect that a Police vehicle was involved); and
    - ii. the approved insurance claim documentation, (referencing the Crash Report number) via email or facsimile to Fleet Services within 24 hours. The TCRS will send an automated email to the Operational Skills Unit at the Tasmania Police Academy and Fleet Services to advise of the Police vehicle crash.
    - iii. a BlueTeam™ *Police Vehicle Crash Report* and any other BlueTeam™ reports that might be applicable (e.g. *Vehicle Pursuit Report*)
  - (b) within 14 days submit a report to the divisional inspector on BlueTeam™ that

includes details of

- i. date, time and location of the collision;
  - ii. the parties and vehicles involved;
  - iii. injuries and damage caused, including estimates of repair;
  - iv. any witnesses;
  - v. the version of events given by all parties and witnesses, and comment as to the extent of consistency between the various versions;
  - vi. the apparent cause of the crash; and
  - vii. recommendations as to any offences committed by any driver involved.
- (c) within the timeframes applicable in [Abacus](#), submit a *Provisional Report* (if required) in relation to any offence or breach of the Code of Conduct arising out of the crash involving the member.

### 3.8.5.6 DIVISIONAL INSPECTOR/DUTY OFFICER

- (1) When advised of a Police vehicle crash, the divisional inspector or duty officer shall:
  - (a) provide assistance or advice to the investigating supervisor where required.
  - (b) attend the scene if:
    - i. requested by the supervisor;
    - ii. the crash occurred as the result of a pursuit or vehicle interception;
    - iii. the driver of the Police vehicle is suspected of having consumed alcohol or drugs;
    - iv. the crash is a 'serious crash'; or
    - v. it is otherwise considered necessary in the circumstances.
- (2) On receipt of a verbal report from the investigating member regarding the preliminary investigation the divisional inspector or duty officer shall:
  - (a) consider any necessity to immediately suspend or restrict the driving status of the driver of the Police vehicle having regard to breaches of legislation, the Code of Conduct, and/or presence of alcohol or a drug; and
  - (b) notify relevant commanders where appropriate.
- (3) The divisional inspector or duty officer shall submit a report to the relevant district commander on BlueTeam™ within 14 days of the receipt of the investigators report,
- (4) In addition to the details already contained in the investigators report, the divisional inspector or duty officer shall ensure the report to the commander contains:
  - (a) recommendations as to whether the driver of the Police vehicle should be charged with any summary or disciplinary offence (noting that any action taken must be taken in accordance with [Abacus](#)); and
  - (b) recommendations as to the future driving status of the Tasmania Police driver.
- (5) When developing recommendations for the commander, consider that appropriate options may include:
  - (a) verbal guidance or refresher training where the crash involved parking, manoeuvring or reversing;
  - (b) refresher training or a driver status restriction where the crash involved a breach of the traffic or road safety legislation; and
  - (c) a driver status suspension where there were injuries resulting from the crash, or there was evidence of the use of alcohol or drugs by the driver of the Police vehicle.

### **3.8.5.7 DISTRICT COMMANDER**

- (1) The district commander shall:
  - (a) where applicable, determine the duration of any driver status restriction or suspension;
  - (b) consider the appropriateness of the driver being required to undertake refresher driver training;
  - (c) where there is evidence of contributing negligence, carelessness or absence of compliance with legislation, Commissioner's orders/instructions or policy guidelines, the commander may:
    - i. take any action detailed in Abacus within the Commander's delegation;
    - ii. issue a traffic infringement notice using PINS ; or
    - iii. where there is a breach of the legislation which cannot be proceeded with by way of a traffic infringement notice, recommend to the Deputy Commissioner of Police that appropriate legal proceedings be initiated against the responsible member.
  - (d) where a commander invokes or continues a period of driver status restriction or suspension, the Operational Skills Unit, Tasmania Police Academy is to be advised;
  - (e) in any case where damage occurs to a police vehicle and the driver is found to be responsible for the damage through:
    - i. unauthorised, improper or inappropriate use; or
    - ii. consumption of alcohol or drugs;

the driver, in addition to any other penalties, may be liable for the cost of repairs to such vehicle.

### **3.8.5.8 POST CRASH REFRESHER TRAINING & ASSESSMENT**

- (1) Where considered appropriate for the driver of a Tasmania Police vehicle, an assessment is to be conducted within 28 days of the crash, or in the case of a member who sustains crash-related injuries, within 28 days of returning to operational duties.
- (2) If the member concerned has not been assessed within the required period, their driving status may be suspended until such time as the assessment is completed.
- (3) The assessment will be conducted by a district driver training instructor, who should liaise with the Operational Skills Unit, Tasmania Police Academy.
- (4) The assessment will include recommendations and be forwarded to the relevant commander.

### **3.8.6 PASSENGER TRANSPORT VEHICLES (BUSES)**

- (1) Pursuant to the provisions of the [Passenger Transport Services Act 2011](#), the [Passenger Transport Services Operator Accreditation](#) (PTSOA) scheme has been developed to provide guidance in relation to the accreditation and licensing requirements of passenger vehicles.
- (2) Under the PTSOA, buses with a seating capacity of 13+ (including the driver) are classified as Category B large passenger vehicles. The Department is required to hold Category B operator accreditation to operate these vehicles.
- (3) Members operating a Category B vehicle are to ensure they comply with the provisions of the [Transport Operator Accreditation Guidelines and Manual \(Category B – Large Passenger Vehicle\)](#).

## 3.9 POLICE VESSELS

### 3.9.1 GENERAL

- (1) 'Police vessel' means any ship, boat, launch, dinghy or vessel of whatever description owned or operated by the Tasmania Police.
- (2) 'Operate' means to use, navigate, drive, steer or control in any manner as a member of the crew, in carrying out any action ancillary to the operation of a Tasmania Police vessel.
- (3) 'Skipper' means a member of Tasmania Police or other person authorised for the time being to be in charge of and responsible for operating a Police vessel.

### 3.9.2 AUTHORITY TO OPERATE

- (1) Members shall not operate any Tasmania Police vessel, under the control of Department, unless:
  - (a) they are the holder of an appropriate [National Standard for Commercial Vessels \(NSCV\)](#) competency for the type of vessel being operated; and
  - (b) they have passed a Police vessel operation assessment for the type of vessel being operated and have been issued with the appropriate police vessel permit, or they are under instruction/assessment by a qualified vessel operator.

### 3.9.3 RESPONSIBILITY FOR POLICE VESSELS

- (1) The member in charge of each division where Police vessels are based is responsible for:
  - (a) the efficient operation of all Police vessels based within the division, including the annual survey of such vessels;
  - (b) submitting recommendations to the commander of the district as to the number, type, deployment and use of Police vessels necessary for police purposes in the division and the appointment of suitably qualified members to be in charge of, operate or otherwise crew vessels;
  - (c) maintaining close liaison with the member in charge, Marine and Rescue Services regarding maintenance and operation of vessels; and
  - (d) regularly inspecting operational records and inspecting all vessels and equipment, to ensure that they are properly maintained and in a serviceable condition.

### 3.9.4 DUTIES OF SKIPPER

- (1) A skipper in charge of a Tasmania Police vessel, regardless of rank, is to:
  - (a) Operate the vessel in accordance with the [International Regulations for Preventing Collisions at Sea 1972 \(Colregs\)](#), and all relevant state legislation
  - (b) be responsible for the proper security, maintenance and cleanliness of the vessel and its engine/s and equipment, whilst being operated by that member.
  - (c) notify RDS of the intended voyage, including:
    - i. the vessel being used;
    - ii. all persons on board;
    - iii. the area of operation; and
    - iv. the expected time of return.
  - (d) immediately report any defect in the vessel or its engine/s or equipment;
  - (e) ensure that it is fully equipped with supplies and other requisites before being used, and resupplied at the cessation of use;



- (f) complete the vessel logbook on each day the vessel is used, detailing:
  - i. date and time of departure and return;

reason for use;

area of deployment;

any damage or operational failure;

fuel usage; and

engine hours, trip and total.

### **3.9.5 MAINTENANCE AND REPAIRS**

- (1) Damage or mechanical/structural failure to any Tasmania Police vessel or its associated equipment should be reported to the member in charge, Marine and Rescue Services.
- (2) No work or expenditure of finance other than normal operating costs should be incurred without prior approval of the member in charge, Marine and Rescue Services.

### **3.9.6 POLICE MARITIME INCIDENTS**

- (1) 'Police maritime incident' means:
  - (a) the occurrence in navigable waters of any of the following:
    - i. the death or serious injury of a person on board a Police vessel;
    - ii. the death or serious injury of a person caused by a Police vessel;
    - iii. the loss overboard or presumed loss overboard of a person from a Police vessel;
    - iv. the loss or presumed loss of a Police vessel (whether from sinking, structural failure, explosion or fire or otherwise);
    - v. the abandonment of a Police vessel;
    - vi. the theft, hijacking or suspicious disappearance of a Police vessel; or
  - (b) the occurrence in navigable waters of any of the following to a serious degree:
    - i. the collision of a Police vessel with another vessel or any object;
    - ii. the grounding or stranding of a Police vessel;
    - iii. the flooding or swamping of a Police vessel;
    - iv. the capsizing or complete roll-over of a Police vessel;
    - v. a loss of steerage or propulsion on a Police vessel;
    - vi. the disablement of a Police vessel to such extent that it requires assistance;
    - vii. a structural failure in the hull or superstructure of a Police vessel;
    - viii. damage caused to or by a Police vessel;
    - ix. a fire, explosion or dangerous substances emergency on a Police vessel;
- (2) 'serious degree' means to such degree that:
  - (a) a navigation hazard is or is realistically likely to be created; or
  - (b) a vessel sustains or is realistically in danger of sustaining damage that is not merely superficial; or
  - (c) the environment sustains or is realistically in danger of sustaining serious harm; or
  - (d) the safety of any person is at serious risk.
- (3) Where a Tasmania Police maritime incident occurs, the skipper is to comply with all relevant legislative provisions and is to immediately notify, or cause to be notified:

- (a) Radio Dispatch Services of the nature of the casualty and the extent of any injuries or damage caused;
  - (b) the member's supervisor;
  - (c) the member in charge of the division; and
  - (d) the member in charge, Marine and Rescue Services.
- (4) If applicable, the Skipper of a Police vessel involved in a Police maritime incident is to consult the Office in Charge, Marine and Rescue Services, regarding the relevant insurance process.
- (5) Where a Police maritime incident has occurred, the Commander, Operations Support is to conduct, or cause to be conducted, an investigation into the incident.
- (a) endeavour to determine whether the account given by the member/s concerned is consistent with the known facts; and
  - (b) report on any evidence of negligence or other conduct in the operation of the vessel that may have contributed to the incident.
- (6) Serious Police vessel incidents, including those involving loss of life and serious injuries, are to be investigated in a manner as determined by the Deputy Commissioner of Police.
- (7) Police vessel skippers and crew members shall not undertake the investigation of any Police maritime incident in which they were personally involved.
- (8) Members investigating Police maritime incidents should:
- (9) endeavour to determine whether the account given by the personnel concerned is consistent with the known facts; and
  - (10) report on any evidence of negligence or other conduct in the operation of the vessel that may have contributed to the casualty.
- (11) Copies of reports dealing with casualties involving vessels are to be forwarded to [Marine and Safety Tasmania](#) (MAST).

## 4.1 COMPLAINTS

### ORDER

**MEMBERS WHO RECEIVE A FILE FOR INVESTIGATION SHALL, AS SOON AS POSSIBLE AFTER RECEIVING THE FILE, AND WHERE PRACTICABLE:**

- **MAKE EVERY EFFORT TO CONTACT THE COMPLAINANT AND ENSURE THAT THE COMPLAINANT IS KEPT INFORMED OF ACTION BEING TAKEN AND OF THE OUTCOME OF THE INVESTIGATION; AND**
- **IF THE INVESTIGATION BECOMES PROTRACTED, PROVIDE THE COMPLAINANT WITH REGULAR PROGRESS REPORTS.**

- (1) Members have a duty to receive complaints of crime and any other occurrence requiring investigation.
- (2) Where appropriate, a member taking a complaint is to:
  - (a) record in proper statement form the facts to which the complainant can testify;
  - (b) undertake immediate action necessary to ascertain the truth of the matter; and
  - (c) submit a report on the matter.
- (3) In the event that a complainant declines to sign a statement, the reasons for doing so should be recorded.
- (4) Unless exceptional circumstances exist, members shall not direct complainants to another station or office to make their complaint.
- (5) In appropriate cases, when an offence is reported, members are to attend the scene as soon as practicable.
- (6) Anonymous complaints are to be treated with caution but should generally be investigated where they deal with matters of public interest or breaches of the law.
- (7) Members are to ensure that any appropriate evidence relating to the complaint is obtained without delay.

## 4.2 CORONIAL

### 4.2.1 INITIAL ATTENDANCE AND INVESTIGATION

- (1) Every death is to be treated as suspicious until otherwise determined.
- (2) Immediately on receipt of a reportable death, the investigating member should proceed to the place where the deceased person is and take charge of it and the scene. A 'Report of Death For the Coroner' form must be completed in full and is to be delivered to the coroner's associate as soon as possible (including electronically), and in any event, prior to the commencement of the coroner's associate's office hours, the morning following the death.
- (3) In the event of a violent, suspicious or unnatural death, the relevant divisional inspector, supervision inspector and coroner's associate should be notified by the investigating officer or member delegated that task as soon as practicable (but in any case before leaving the scene of the incident).
- (4) The investigating member should also ensure the coroner's associate is notified of every reportable death as soon as practicable after Tasmania Police becomes aware of the death, regardless of the time of day or day of the week concerned.

- (5) After-hours, the divisional or supervision inspector in consultation with the detective inspector (if applicable) and on-call coroner's associate will decide whether the coroner and the state pathologist are to be contacted.
- (6) Where there are any suspicious circumstances relating to the death or where suicide or murder is suspected, the duty member at the scene should request immediate attendance of the Criminal Investigation Branch and Forensic Services. The member is to secure and preserve the scene until attendance by such members. **EXEMPT PER S.30(1)(c) OF RTI ACT.**
- (7) In any case in which death appears to be associated with a fire, Forensic Services is to be tasked to attend and conduct a crime scene examination which will be independent of any fire cause examination undertaken by the Tasmania Fire Service.
- (8) Drug Investigation Services or Criminal Investigation Branch personnel will attend and assess all cases of suspected drug overdose or which are otherwise drug related.
- (9) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (10) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (11) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (12) No person, other than a member concerned with the investigation, a medical practitioner or an ambulance officer should be permitted to approach the deceased or to interfere in any way with any article of clothing, weapon or other thing upon or near the deceased.
- (13) If an inquiry is made, or information is provided, to a police officer concerning an investigation into a death, and the police officer has no first-hand knowledge of the investigation, the inquiry or information shall be immediately referred to the coroner's associate or the member in charge of the investigation.

#### **4.2.2 NATURAL CAUSES OF DEATH**

- (1) Where death was apparently due to natural causes, enquiries are to be made to ascertain whether a medical practitioner is prepared to issue a Medical Certificate of Cause of Death. If a death certificate is to be provided and a medical practitioner or a responsible person issues a Declaration of Life Extinct then members are not required to submit any paperwork.
- (2) Where death was apparently due to natural causes and a Medical Certificate of Cause of Death cannot be issued, immediate enquiries should be made concerning the medical history of the deceased and all available information obtained reported to the coroner. This information should include:
  - (a) period of the medical practitioner's attendance to deceased;
  - (b) date when deceased was last seen by the medical practitioner;
  - (c) particulars of deceased's illness, treatment and medication (if any); and
  - (d) all medications, empty medication packs and prescriptions should be photographed and seized.

#### **4.2.3 NEXT-OF-KIN NOTIFICATION**

- (1) If the death is a 'reportable death', the investigating member is to make every attempt to identify and contact the senior next-of-kin.
- (2) If the senior next-of-kin cannot be easily identified, then a supervisor is to attend the scene and assist, where practicable.
- (3) If Forensic Services is to attend the scene and the senior next-of-kin has not been identified, photographs of any items that might assist in disclosing/identifying next-of-kin are to be taken.
- (4) If the senior next-of-kin has not been identified prior to the attending member concluding

duty then this is to be recorded on the Report of Death form and the member is to ensure that this information is brought to the attention of the coroner's associate. It will then become the responsibility of the coroner's associate to make all subsequent enquiries to identify the senior next-of-kin.

- (5) Once identified, the senior next-of-kin should be provided with information as to how the coronial process works. The senior next of-kin needs to be advised that they may object to a post mortem. The answer to this question is to be recorded on the Report of Death form.
- (6) Where the next-of-kin of a deceased person is overseas, notification of the death to the next-of-kin may be accomplished at any time as follows:
  - (a) Where the person to be notified is an Australian National travelling abroad, the Department of Foreign Affairs and Trade (DFAT) should be contacted to facilitate notification in the first instance. DFAT maintain a ['Smart Traveller'](#) website on which Australians can register their travel itinerary and contact details whilst overseas; or
  - (b) Where the person to be notified is an Australian National living or travelling abroad, and the person's current whereabouts is already known, Interpol can be contacted to complete notification instead of DFAT through Radio Dispatch Services (RDS). Interpol liaise directly with local policing authorities so in some cases can make speedier contact than DFAT might through embassies and diplomatic contacts. The Australian Federal Police (AFP) are Australia's Interpol-Europol contact point.
  - (c) Where the person to be notified is a Foreign National, Interpol (AFP) should be contacted to facilitate notification through Radio Dispatch Services (RDS).
- (7) Where the death of a foreign national occurs, the appropriate [local consulate](#) should also be informed of the death by the attending police officer, without delay.
- (8) Where assistance is required, the Dignitary Protection Unit may be contacted. Requests should be made in the first instance to the Inspector, Special Response and Counter-Terrorism, who will make arrangements via Dignitary Protection Unit members. The following additional information, if known or obtainable, should be supplied at the time:
  - (a) full name, address and passport and/or other official identification details;
  - (b) date and place of death;
  - (c) brief circumstances of cause of death;
  - (d) any known next-of-kin burial arrangements, objections to post mortem; and
  - (e) a contact in the State from whom the next-of-kin may obtain further information.

#### **4.2.4 REMOVAL OF DECEASED TO MORTUARY**

- (1) After attention and investigations at the scene are complete, the body of a deceased person should be removed to the nearest mortuary.
- (2) The removal of the deceased to a mortuary should be carried out under police supervision and a member should be detailed to attend the mortuary and take possession of all property on the deceased on arrival and attach an identification tag to that body.
- (3) A member should remain in charge of the body of the deceased person until it is placed in the mortuary.
- (4) Where the removal of the deceased to a mortuary is required, the government contractor is to be used, except in the case of a Sudden Unexpected Death in Infancy whereby the Tasmania Ambulance Service will perform this function.

#### **4.2.5 PROCEDURE AT MORTUARY**

- (1) Unless a pathologist otherwise determines in exceptional cases, such as murder, Sudden Unexpected Death in Infancy or other suspicious circumstances, the member attending to the body of a deceased person at the mortuary at either the Royal Hobart or Launceston

General Hospital and the mortuary attendant is to remove all clothing from the deceased, thoroughly search the clothing and make a list of all valuables, money and other property found. The list is to be signed by the member and the mortuary attendant.

- (2) Soiled, damaged or contaminated clothing and the clothing from the bodies of persons recovered from the water, unless required by a pathologist or investigating members owing to suspicious circumstances surrounding the death, should be disposed of in the incinerator at the hospital after permission of the coroner or the relatives has been obtained.
- (3) The procedure prescribed in this section does not apply in the case of a patient who dies at either hospital. In such cases, normal routine hospital procedure is applicable.

#### **4.2.6 PROPERTY OF DECEASED PERSONS**

- (1) All property taken by members from bodies of deceased persons or which otherwise comes into their possession is to be dealt with as required by this Manual.
- (2) Such property should not be released to any person without the approval of the coroner's associate.
- (3) An entry should be made on Police coronial files showing the disposition of all property found with a deceased person.

#### **4.2.7 IDENTIFICATION OF DECEASED PERSONS**

- (1) Identification of the deceased person, where possible, should be made at the scene to the mortuary ambulance driver by a police officer. Where this is not possible, or where there is a likelihood of serious charges arising, the coroner's associate should be advised of the arrangements made for the official identification of the deceased to a police officer.
- (2) The person obtained to identify the deceased person should preferably be a relative or friend of the deceased or some other person to whom the deceased was well known who can supply the necessary particulars for the Report of Death for the Coroner.
- (3) The identification of a deceased person should be made in the presence of the accompanying member and wherever possible, the pathologist or a person who will be assisting the pathologist or otherwise present at the post-mortem examination.
- (4) Where a deceased person is badly mutilated, burnt or decomposed or there is injury or blood about the face and head, the person to make the identification should be selected with care having regard to the distress and other likely effects that may be suffered through having to view the body in such condition. Close relatives should not be asked to make the identification if a more suitable person is available for that purpose. In any event, the person to make the identification should be warned about the condition of the body before viewing.
- (5) **EXEMPT PER S.30(1)(c) OF RTI ACT**

#### **4.2.8 UNIDENTIFIED DECEASED PERSONS**

- (1) Where a deceased person cannot be identified, the particulars are to be also reported the Missing Persons Unit.
- (2) Reports concerning unidentified deceased persons should give an accurate and full description of the deceased, the circumstances of finding, the clothing worn and of any property found with the remains.
- (3) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (4) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (5) Whenever the identity of any previously unknown deceased person is ascertained a detailed report of particulars is to be furnished for the information of the coroner.

- (6) Where reasonable grounds exist for suspecting that a missing person is deceased, a Report of Death form is to be submitted.

#### **4.2.9 MANAGEMENT OF UNIDENTIFIABLE HUMAN REMAINS**

- (1) Human remains may include fragments, single bones or historical remains, which come into the possession of Tasmania Police members.
- (2) The following procedures are to be observed by members who take possession of human remains found in circumstances where:
  - (a) it is impossible to identify a crime scene; or
  - (b) impossible or impractical to declare a crime scene at which to conduct an investigation;
- (3) For example, when bones are discovered washed up on a beach.
- (4) Where possible, advice is to be sought from Police Forensic Services in the first instance, whether, in their opinion, the remains are human.
- (5) If this initial advice is not available from Police Forensic Services (including situations where members are posted to isolated stations) or in all other instances where examination of the remains is advised or required, then the following process is to be observed:
  - (a) A [Submission of Articles for Forensic Examination](#) (SAFE) form and [Sample to Lab Offence Report](#) are to be completed;
  - (b) the SAFE form must include full and precise details of the circumstances surrounding the discovery, for example precise location (including map coordinates if known), condition of scene, reporting person contact details, and time and date of discovery;
  - (c) the SAFE form must stay with the remains and accompany them to the experts for examination;
  - (d) the regional coroner's associate should be notified and the remains are to be sent to the State Forensic Pathologist for examination;
  - (e) if the remains are not human, they are to be disposed of as per procedures for 'valueless property' under current exhibit management practises, via Forensic Services;
  - (f) if the remains are confirmed as human, then the circumstances surrounding their discovery require investigation;
  - (g) the matter should then be referred to the divisional inspector in the division in which they were located, for allocation for investigation;
  - (h) the member to whom the matter is allocated is responsible for completing the Report of Death for the Coroner, investigating the circumstances surrounding the discovery of the remains, including contact with the Missing Persons Unit (SIS), and following the progress of the remains as they are examined by the experts (Forensic Science Service Tasmania); and
  - (i) where human remains cannot be identified in these circumstances, the particulars are to be also reported to the Missing Persons Unit.
- (6) Should all the available forensic examination processes be exhausted without the remains being identified, the final decision for management (retention or disposal) will fall to the Office of the Coroner.

#### **4.2.10 PUBLICITY**

- (1) The name, address and other personal details of a deceased person and circumstances of the death are not to be released to any news media or to a private person unless such release is authorised by the coroner and made in accordance with this Manual.

- (2) Members, when notifying the next-of-kin of a death, should ascertain from the next-of-kin whether there is any valid or reasonable objection not to release the name and other personal details of the deceased person to news media.

#### 4.2.11 ABORIGINAL REMAINS

- (1) If at any stage, a member suspects that any historical human remains may be Aboriginal, the coroner's associate is to be notified as soon as possible.
- (2) The coroner must refer the matter to an approved Aboriginal organisation. If the Aboriginal organisation advises the coroner that the remains are Aboriginal, the jurisdiction of the coroner in respect of the remains ceases.
- (3) In such cases, members are not to carry out any investigations in respect of the remains.

#### 4.2.12 SUICIDE

##### ORDER

- **EXEMPT PER S.30(1)(C) OF RTI ACT**

- (1) Notes or other records, including electronic records, purported or probably made by persons preceding a suicide, should be taken possession of by attending police. Members should also be aware that in some circumstances such notes or records can be regarded as legally binding Wills.
- (2) Members locating or becoming aware of the existence of such a written note are to:
  - (a) photograph the written note in-situ;
  - (b) take possession of the written note being careful not to damage or contaminate it in any way (Do not staple, pin, fold, **EXEMPT PER S.30(1)(c) OF RTI ACT**); and
  - (c) deliver the written note to the coroner's associate as soon as practicable.
- (3) **EXEMPT PER S.30(1)(c) OF RTI ACT**

#### 4.2.13 SUDDEN UNEXPLAINED DEATH IN INFANCY

- (1) A death is classified as Sudden Unexplained Death in Infancy (SUDI) where the death of an infant or child from live birth to 12 months of age occurs, and such death is unexpected or occurred for no obvious reason. In certain circumstances, children older than 12 months can be classified as SUDI, and if any doubt exists, members should seek advice from the Coroner's Office.
- (2) Members should appreciate that deaths of this nature often place a great burden of guilt on parents involved, however every SUDI death is to be treated as suspicious until otherwise determined.
- (3) The initial attending member is to request the attendance of personnel from the Criminal Investigation Branch (CIB) and Forensic Services.
- (4) The attending detectives will undertake a thorough examination of the scene and enquire into the circumstances preceding the death. CIB will be required to complete the [SUDI Check Sheet](#) prior to leaving the scene and either retain it or provide it to the investigating member.
- (5) Where the attending detectives are satisfied that there are no suspicious circumstances, the Coroner's Report and subsequent file is to be completed by the initial reporting member.
- (6) In cases where there are any suspicious circumstances or there is a previous history of family violence, child protection issues, or other matters of physical trauma involving the



child or members of the immediate family, or the death is unexplained, the matter is to be fully investigated and reported to the coroner by the CIB.

- (7) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (8) Members of Forensic Services are responsible for the photographic recording of the scene and the identification and collection of exhibits.
- (9) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (10) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (11) Where practicable, members from the Coroner's Office will attend and provide advice and direction to the investigating members and members of the family in relation to the coronial process.
- (12) It is not unusual for the body of the deceased child to be moved after discovery and often is found being held by a parent on arrival of police. The attending member needs to be considerate of the needs of the family, while at the same time undertaking all necessary enquiries.
- (13) The identification of the deceased can be made to the investigating member by a parent. This most likely occurs at the place of residence of the deceased.
- (14) The body of the child is to be conveyed to the local hospital for the certification of life extinct. Ambulance Tasmania will provide transport to the hospital for the child. If the parents desire to travel in the ambulance with the child, this should be facilitated.
- (15) At the hospital the body of the deceased child is to be examined in the normal manner.
- (16) As soon as practicable after the death of a child is reported, the coroner's associate or, in the absence of the associate, the attending member should ensure notification is made to the Sudden Infant Death Association in the area, to arrange a counsellor to assist the parents. Contact details are available from Radio Dispatch Services.
- (17) Prior to the post-mortem examination being undertaken (usually the following morning after the death has occurred), the investigating member is to have submitted to the Coroner's Office:
  - (a) a comprehensively completed Report of Death to the Coroner;
  - (b) a completed SUDI Check Sheet;
  - (c) a digital copy of all photographs taken at the scene; and
  - (d) any affidavits relating to the circumstances surrounding the death.
- (18) The following information is required to be included in any affidavit taken from a parent:
  - (a) hospital or place of birth of the child;
  - (b) details of the family general medical practitioner;
  - (c) details of any visiting nursing staff;
  - (d) details of both parents and siblings.
- (19) The following affidavits are also required from:
  - (a) the attending ambulance officers;
  - (b) the attending police officers; and
  - (c) the members of Forensic Services, if applicable.
- (20) As the parents and families involved will be distressed and grieving, in consultation with the Coroner's Office, members are to ensure that regular meetings are held with families, and/or families are provided with regular updates and information.
- (21) The Coroner's Office can coordinate attendance of the State Forensic Pathologist at early meetings with the family to answer and assist with the questioning by grieving parents and families, as required.

#### 4.2.14 DIVING FATALITIES

- (1) For the purposes of this section a 'diving death' is a death which occurs when a person is using scuba or hookah equipment whilst diving.
- (2) In some instances of diving deaths, it may be considered necessary that the deceased urgently undergo a CT scan (within eight hours of time of suspected death) in order to assist the coroner in determining the cause of death.
- (3) A member attending the scene of such a diving death is to determine from any witnesses or by any other means available, the most probable time of death.
- (4) In all cases of diving deaths, the attending member is to immediately notify the coroner's associate or duty officer and inform that person of the circumstances and a suspected time of death. In order to determine if the deceased is to undergo a CT scan, the member notified should seek direction from the duty pathologist and, if necessary, the coroner.
- (5) Any CT scan which is to be conducted will occur at the Royal Hobart Hospital (RHH).
- (6) The coroner's associate or duty officer is to provide advice to the attending member as to the need to have the deceased scanned. Where it is considered necessary for CT scanning to occur, it is the responsibility of the attending member to immediately initiate arrangements to transport the deceased person to the RHH.
- (7) In every case where CT scanning is to occur, if the relevant government mortuary ambulance contractor is unable due to exceptional circumstances to complete the transfer within the required time frame, the use of other forms of transportation may be authorised by an officer of the rank of inspector or above.
- (8) Members are to notify an inspector at Work Place Standards if the deceased was undertaking the diving as part of their employment at the time of death.

#### 4.2.15 PERSONAL SAFETY EQUIPMENT

- (1) Members investigating a death where there is the requirement for wearing and/or use of personal safety equipment are to ensure that enquiries are made as to whether:
  - (a) there was such a device available for use;
  - (b) if it was available, was it being used and correctly adjusted/fitted or able to be used; and
  - (c) it was in a condition to be used/operated as intended and met with authorised standards/requirements.
- (2) If any issues are identified with the operation or use of the personal safety equipment then this is to be recorded in the coronial file, irrespective of whether it was a direct cause of death.

#### 4.2.16 CORONIAL FILES

##### **ORDER**

**MEMBERS RESPONSIBLE FOR INVESTIGATING DEATHS AND SUBMITTING CORONIAL FILES, SHALL ENSURE SUCH FILES ARE SUBMITTED WITHIN 60 DAYS OF THE DECEASED BEING FOUND, UNLESS AN EXTENSION IS OBTAINED FROM THE APPROPRIATE CORONER'S ASSOCIATE.**

- (1) Where a person has been charged with a criminal offence, the coroner is required to adjourn any opened inquest until after the conclusion of the court proceedings (as outlined in section [4.2.17 Criminal Proceedings](#)). The member in charge of the investigation is required to complete two files relating to the death of a person.

- (2) The original file is to be endorsed and referred to as the 'Police File'. The second file is to be endorsed and referred to as the 'Coroner's File'. The Police File will be submitted as the Prosecution File and the Coroner's File will form the basis of the report required to be submitted to the coroner following the conclusion of court proceedings.
- (3) Each file is to be a duplicate of the other and should contain all relevant documents including statements and statutory declarations. Each file should also contain the following information:
  - (a) the identity of the deceased;
  - (b) how death occurred;
  - (c) the cause of death;
  - (d) when and where death occurred;
  - (e) the particulars needed to register the death under the [Births, Deaths and Marriages Registration Act 1999](#); and
  - (f) all other information relevant to the investigation.
- (4) An affidavit is to be taken from all persons who can attest to any matter that is likely to be the subject of an inquest into the death of any person. Healthcare professionals, including members of the Ambulance Tasmania, may provide, when requested, a report addressing their involvement on an appropriate letterhead or email unless directed otherwise.
- (5) Arrangements should be made by the member in charge of the investigation for an affidavit, letterhead or email report, to be obtained from such persons as soon as practicable.
- (6) Members who experience difficulties in acquiring affidavits or medical reports should contact the coroner's associate. In most instances, the coroner's associate can assist in facilitating the provision of necessary reports.
- (7) Members who require an extension of the 60 day period are to make contact with the coroner's associate and proceed in accordance with any directions given.
- (8) In all cases where death or serious injury arises from the use of a motor vehicle, the advice of the Office of the Director of Public Prosecutions (DPP) must be sought as to whether charges should or should not be pursued, regardless of whether they are summary or indictable. The report requesting this advice must be forwarded to DPP within 60 days of the incident to which it refers.

#### **4.2.17 CRIMINAL PROCEEDINGS (INCLUDING ADJOURNMENT OF AN OPENED INQUEST)**

- (1) In every instance where a reportable death results in the charging of an offender with any of the following crimes pursuant to section 25(2) of the [Coroners Act 1995](#), the coroner is required to adjourn any opened inquest until after the conclusion of the court proceedings:
  - (a) murder, manslaughter or infanticide of the deceased;
  - (b) causing grievous bodily harm of the deceased;
  - (c) causing death of the deceased by dangerous driving;
  - (d) an offence under section 32 (1) of the [Traffic Act 1925](#) arising out of an accident that resulted in the death of the deceased (dangerous/reckless driving);
  - (e) arson;
  - (f) unlawfully causing a fire; or
  - (g) unlawfully causing an explosion.
- (2) Where an arrest is made for an offence listed in paragraph (1), the following additional particulars are to be reported through the coroner's associate to the coroner concerned:
  - (a) full name of person arrested;
  - (b) date to which the person has been remanded;

- (c) whether the person is in custody or on bail; and
  - (d) dates of any further remands, stating in such cases, whether such person is in custody or on bail.
- (3) When a trial results in a guilty plea or a finding of guilt, the investigating officer is to forward the following documents to the relevant coroner's associate:
- (a) a covering report;
  - (b) comments on passing sentence by the trial judge;
  - (c) report of death;
  - (d) post-mortem report;
  - (e) statements of police officers and civilians; and
  - (f) photographs.
- (4) In the event a trial results in an acquittal of the accused or acquittal by reason of mental impairment or being found unfit to plead, the following documents are to be forwarded to the relevant coroner's associate:
- (a) a full coronial file (incorporating the original documentation);
  - (b) a focus on the evidence as to why acquitted; and
  - (c) the summing up of the case by the trial judge.
- (5) There is no requirement to convert any statutory declaration which was taken to a coronial affidavit.
- (6) Upon the resumption of an inquest, a finding cannot be given which is inconsistent with the determination outlined by the court.
- (7) The focus of the file submitted by the investigating officer for the coronial finding must clearly move the focus from the accused back to the deceased. The coroner investigating the death must find, if possible, pursuant to [section 28\(1\) of the Coroners Act 1995](#):
- (a) the identity of the deceased; and
  - (b) how death occurred; and
  - (c) the cause of death; and
  - (d) when and where death occurred; and
  - (e) the particulars referred to register the death under the [Births, Deaths and Marriages Registration Act 1999](#).

## 4.3 FIRES AND EXPLOSIONS

- (1) The response by members to fires and explosions is to be in accordance with this Manual.
- (2) When investigations are completed and it is then considered that an inquest should be held, the file is to be submitted in duplicate and forwarded with recommendations by the divisional inspector.
- (3) The file may be referred to the Attorney-General or Chief Coroner for decision as to whether an inquest is warranted in the circumstances.
- (4) Where it is considered by the divisional inspector or duty officer that an inquest may be required in relation to a fire or series of fires, or an explosion, the coroner is to be notified as soon as possible of all the circumstances relating to such fire or explosion. The chief coroner will decide whether an inquest should be conducted.
- (5) It is not normally necessary to report a fire or explosion to a coroner. The prime purpose of holding an inquest into a fire or explosion is the public interest associated with the incident. It may also be desirable to hold an inquest to allay suspicion or to stifle rumours relating to fires and explosions.

## 4.4 CRIME

### 4.4.1 GENERAL

- (1) For the purpose of this section 'crime' includes:
  - (a) any crime within the meaning of the Criminal Code;
  - (b) offences involving dishonesty, injury to persons or property; and
  - (c) offences which, because of their nature, method of commission, or the offender concerned, are important from a criminal intelligence point of view.
- (2) It is the responsibility of all members to make every effort to prevent crime and to solve any crime committed.
- (3) Members who take a report of a crime shall complete an offence report prior to completing duty. No other system shall be used to record a matter which falls within the definition of 'crime'. This includes situations where a report is for information only. In all instances an Offence Report is to be completed.
- (4) When taking the report of a crime, a signed statement is to be obtained, where practicable, from the complainant setting out the essential facts to prove the commission of the crime and from any other person present who may be able to assist with the identification of the offender.
- (5) Where a crime has been reported and an offence report has been created and:
  - (a) additional property is reported stolen or damaged;
  - (b) any property reported stolen has been recovered or disposed of without chance of recovery;
  - (c) a suspect or the description of a suspect is obtained;
  - (d) an offender has been arrested, charged or identified;
  - (e) it is desired to furnish any other additional information or details; or
  - (f) the report of the offence is withdrawn;
  - (g) the member who receives or becomes aware of such details or information, is to update the relevant offence report/s.
- (6) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (7) [EXEMPT PER S.30(1)(c) OF RTI ACT]

### 4.4.2 INVESTIGATION PROCEDURES

- (1) Members must conduct sufficient reasonable inquiries in an investigation to establish that a crime has been committed and to identify the person/s responsible for committing that crime.
- (2) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (3) Relevant inquiries must be conducted regardless of whether such issues are raised during an investigation or later during court proceedings.
- (4) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (5) [EXEMPT PER S.30(1)(c) OF RTI ACT]

### 4.4.3 MOTOR VEHICLE STEALING

- (1) When a complaint of theft of a motor vehicle, trailer or registration plates is made to Tasmania Police, the member receiving the complaint is to immediately communicate the particulars to Radio Dispatch Services (RDS), and submit an offence report.

- (2) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (3) A member receiving the initial advice with respect to the recovery of the vehicle or plates is to immediately communicate the particulars to RDS and submit or update an offence report.
- (4) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (5) The RDS Operator receiving the information is to immediately:
  - (a) enter appropriate details directly onto the Stolen/Recovered Motor Vehicle System; and
  - (b) advise all appropriate stations and operational personnel.

#### **4.4.4 CRIME SCENES**

- (1) Crime scenes must be protected and access restricted to those who have a specific and required task to perform within that crime scene.
- (2) [EXEMPT PER S.30(1)(c) OF RTI ACT]

#### **4.4.5 MAJOR CRIMES**

##### **4.4.5.1 INITIAL ACTION**

- (1) [EXEMPT PER S.30(1)(c) OF RTI ACT]

##### **4.4.5.2 CIB RESPONSIBILITIES**

- (1) A senior CIB member should take charge and control of the crime scene on arrival.
- (2) In order to retain the integrity of the scene, the CIB member in charge should, where practicable, after assessment, await the arrival of Forensic Services and only then view the scene accompanied by a Crime Scene Examiner to coordinate and plan that part of the investigation.
- (3) A CIB member should be designated to remain at the crime scene at all times to liaise with Forensic Services.

##### **4.4.5.3 CRIME SCENE CONTROLLER**

- (1) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (2) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (3) [EXEMPT PER S.30(1)(c) OF RTI ACT]

##### **4.4.5.4 SCENE COORDINATOR**

- (1) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (2) Major crime scenes are defined as:
  - (a) all murders and attempted murders;
  - (b) all abductions or kidnapping offences;
  - (c) all terrorism incidents;
  - (d) all serial sex-related crimes; and
  - (e) any other incident as determined by a detective inspector and the Inspector, Forensic Services.
- (3) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (4) [EXEMPT PER S.30(1)(c) OF RTI ACT]

- (5) [EXEMPT PER S.30(1)(c) OF RTI ACT]

#### **4.4.5.5 FORENSIC CASE CONFERENCES**

- (1) In all major crime investigations, regular case conferences should be held to ensure all key stakeholders receive updates of the progress of the investigation and have a clear understanding of the strategies proposed to advance the investigation.
- (2) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (3) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (4) At this meeting, attendees will review the forensic scene process to date and identify priorities for any subsequent investigations.
- (5) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (6) Records of any meetings held are to be documented and maintained within the Forensic Register.

#### **4.4.6 PUBLICITY**

- (1) Only the member in charge of the investigation or their delegate should comment publicly on a crime.
- (2) Media and Communications should be consulted in appropriate cases. Media releases are to be disseminated through Media and Communications, and after hours through Radio Dispatch Services.
- (3) Requests should not be made to the news media to publish the photograph of a prisoner or wanted person without the approval of the relevant member in charge of the investigation.

#### **4.4.7 IDENTIFICATION PARADES**

- (1) An identification parade shall be conducted at a police station in accordance with the following procedures:
- (a) the member/s concerned in the case should be present but take no part in the proceedings connected with the identification;
  - (b) the identification proceedings should be conducted by the member in charge of the station or another experienced member;
  - (c) a list of the names and addresses of the witnesses attending for the identification should be previously supplied to the member conducting the proceedings;
  - (d) it is important that the place selected for the identification parade is well lit;
  - (e) all unauthorised persons should be strictly excluded from the place where the identification parade is held;
  - (f) whenever practicable, the services of not less than six persons should be obtained for the identification parade. In selecting such persons, care should be taken that they are, as far as possible, of similar age, height and general appearance as the suspect;
  - (g) police should not be used in identification parades except in cases involving a police officer as a suspect;
  - (h) [EXEMPT PER S.30(1)(c) OF RTI ACT];
  - (i) [EXEMPT PER S.30(1)(c) OF RTI ACT];
  - (j) [EXEMPT PER S.30(1)(c) OF RTI ACT];
  - (k) [EXEMPT PER S.30(1)(c) OF RTI ACT];
  - (l) the witnesses should be brought into the room where the parade is held one by one



and requested to point out the suspect if they can be identified. Should a witness indicate anyone but be unable to make positive identification, that fact should be carefully noted by the member conducting the proceedings; and

- (m) after witnesses have viewed the identification parade, they should be escorted from the room and taken to another part of the building to avoid collusion between witnesses.
- (2) Suspects put up for identification are to be informed prior to the identification parade that:
  - (a) they will be placed among a number of other persons who are, as far as possible, of similar age, height and general appearance as themselves;
  - (b) they may stand in any position that they choose among them and that they may, after each witness has left, change position if they so desire;
  - (c) they may object to any of the persons selected or the arrangements made;
  - (d) no intimation as to their identity will be given to the witnesses; and
  - (e) they may, if so desired, have a solicitor or friend present at the parade, providing that such person does not, in any way, interfere by action or words with the proceedings.
- (3) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (4) Care should be taken that witnesses are treated with patience, consideration and courtesy. It is often found that witnesses, more especially those who have been subjected to violence and robbery, are nervous and will require additional support.
- (5) Members conducting an identification parade should keep a careful note of the proceedings and in particular, the specific act of identification (if one is made) such as whether it was done by pointing, at the witness or whatever else was done or said that constituted the act of identification. Identification parades, where practicable are to be audio visually recorded. At the conclusion of the parade, they should record the facts for production in any proceedings.

#### **4.4.8 PHOTOGRAPHIC IDENTIFICATIONS**

- (1) Photographs shall only be shown to a witness:
  - (a) if a suspect has been given the opportunity and declined to take part in an identification parade; or
  - (b) if the suspect cannot be found; or
  - (c) in the initial stages of the investigation merely to establish the identity of a suspect or offender based on a verbal description given by the witness; or
  - (d) in an attempt to obtain information as to the identity of the offender; or
  - (e) in all circumstances when it is not practicable to conduct an identification parade. Members must be able to justify to a court the reasons for not conducting such a parade.
- (2) Extreme care must be exercised to ensure that this type of identification is carried out under fair and proper conditions. As such, the following procedures shall be adopted:
  - (a) the witness is not to be asked to make an identification from only one photograph;
  - (b) the photograph of any suspect shall be placed among a minimum of 10 photographs and the witness then asked if they can identify the suspect from them;
  - (c) all photographs shall be similar in appearance;
  - (d) photographs shall not contain names, identifying marks or other indications of identity, or any reference to previous dealings or identification with Police;
  - (e) where it is necessary to show more than one witness a photo-board, then separate photo-boards, shall be made, placing the suspect or alleged offender in different

positions on each of the boards;

- (f) when a witness makes an identification they are to sign or initial the photograph identified;
  - (g) in cases where at least one witness has identified the suspect or offender from a photo-board, that suspect or offender when interviewed must be asked if they wish to participate in an identification parade.
- (3) No assistance shall be given to any witness in making an identification and they must not be permitted to consult other witnesses for that purpose.
  - (4) Photo-boards shall be generated by the relevant district Crime Management Unit (CMU).

#### **4.4.9 STREET IDENTIFICATION**

- (1) Street identifications may be undertaken as an alternative to an identification parade, but only in those situations where:
  - (a) a suspect has been arrested and is in lawful custody and has previously been given the opportunity and declined to take part in an identification parade; or
  - (b) in all circumstances when it is not practicable to conduct an identification parade.
- (2) On these occasions, members must be able to justify to a court the reasons for not conducting a formal identification parade.
- (3) Street identifications, where practicable, will be electronically recorded, **EXEMPT PER S.30(1)(c) OF RTI ACT**. This will produce evidence as to the numbers of persons in the selected area at the time and as to how well or otherwise the suspect or offender 'blended' in to that specific environment.

#### **4.4.10 SEX CRIMES**

##### **4.4.10.1 GENERAL**

- (1) The investigation of alleged sex crimes should be carried out with the greatest care and discretion.
- (2) Every effort should be made to avoid keeping victims unnecessarily at police stations, hospitals and other places.
- (3) Members detailed to interview and/or obtain statements from victims should be suitably experienced or trained in dealing with such victims and possess the necessary attributes for that duty. If the victim is a child or a person who has complex communication needs, a member who has been trained in interviewing vulnerable witnesses should be tasked to obtain the victim's account.
- (4) Where practicable the victim should be offered a choice as to the gender of the officer who is detailed to interview them.
- (5) The member who has interviewed the victim of a sex crime should ensure that regular contact is maintained with the victim and provide updates on developments in the case. If an offender is charged with an indictable offence, the Office of the Director of Public Prosecutions (DPP) should be provided with electronic notification of charges laid within 48 hours. The DPP Witness Assistance Unit will subsequently provide updates on court proceedings.
- (6) In all cases, the services of the appropriate sexual assault support service should be offered.
- (7) Protocols have been established in Launceston, Burnie and Hobart between Tasmania Police, hospital staff and local sexual assault support services to deal with victims of sexual assault. Those protocols should be followed, where practicable.
- (8) Prior to the examination of any victim of sexual assault, the member in charge of the investigation should meet with the examining doctor and inform them of:

- (a) the facts of the case;
  - (b) the purpose of the examination;
  - (c) the evidentiary requirements; and
  - (d) the need to maintain full victim co-operation.
- (9) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (10) Consideration should be given to obtaining an audio visual recording of the statement with the consent of the victim. A recorded statement may be admissible as the evidence in chief of the victim under the [Evidence Act \(Children and Special Witnesses\) Act 2001](#). It is preferred that those members who have been trained in interviewing vulnerable witnesses, obtain that statement or be sought to provide advice prior to the interview.
- (11) When investigating sexual offences involving persons under 17 years of age, members should consider obtaining the certificate of birth of the accused, as well as that of the victim concerned. It is further recommended that relevant photographs be taken of the victim to assist in portraying the perceived age of the victim at the time of the offences for any future criminal proceedings
- (12) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (13) If the victim of a sexual assault is identified as being in a significant relationship with the alleged offender then officers are also to refer to the [Family Violence Manual, Section 2.5 of the Tasmania Police Manual](#) and the [Family Violence Act 2004](#).

#### **4.4.10.2 EXAMINATION OF SUSPECTS OR PERSONS CHARGED**

- (1) It may be desirable during an investigation to facilitate an examination of a suspect or charged person. Depending on the area of the body that needs to be examined, the examination can be classed as a Non-Intimate Procedure or an Intimate Procedure, as defined in the [Forensic Procedures Act 2000](#).
- (2) The [Forensic Procedures Act 2000](#) also allows for the taking of samples, photographs and casts or impressions from persons, if required.
- (3) The examination must be authorised and carried out in compliance with the provisions of the [Forensic Procedures Act 2000](#) and the member in charge of the investigation should arrange for this to occur.
- (4) Forensic Science Service Tasmania (FSST) has created a number of kits for collection of samples from suspects and these have been distributed to Criminal Investigation Branches.
- (5) If unsure of the appropriate samples to be taken for scientific examination, Forensic Services should be contacted for advice. Forensic Services may consult with FSST if additional advice is required.

#### **4.4.10.3 CHILD EXPLOITATION MATERIAL**

- (1) Child Exploitation Material is defined by the [Criminal Code Act 1924](#) and the [Classification \(Publications, Films and Computer Games\) Enforcement Act 1995](#) as material that describes or depicts, in a way that a reasonable person would regard as being, in all the circumstances, offensive, a person who is or who appears to be under the age of 18 years:
  - (a) engaged in sexual activity; or
  - (b) in a sexual context; or
  - (c) as the subject of torture, cruelty or abuse (whether or not in a sexual context).
- (2) Photographs of children who are naked does not necessarily constitute child exploitation material as there must be evidence of engagement in sexual activity or a sexual context. Officers should refer to the [Director of Public Prosecutions Child Exploitation Material Charge Selection Guidelines](#) for further directions and advice on whether charges should

be laid under the [Criminal Code Act 1924](#) or the [Classification \(Publications, Films and Computer Games\) Enforcement Act 1995](#).

- (3) Members investigating crimes involving child exploitation material are to seek the support and advice of Fraud and e-Crime Services, Serious and Organised Crime Division, Hobart.
- (4) When members are investigating suspects for child exploitation material they should consider any access that suspect has to children and whether the material has been downloaded from the internet or actually created by the individual.
- (5) Information that may lead to the identification of those responsible for producing or distributing child exploitation material outside of Tasmania should be collated and forwarded to the relevant law enforcement agency/agencies, via State Intelligence Services (SIS).
- (6) Websites that depict child pornography or other illicit sexually explicit material are not to be accessed from Departmental networked computers. If such websites have to be accessed for investigation purposes, dedicated stand-alone computers are available in each district, for such purpose.
- (7) If such a website is accessed, the member accessing the site is to make a suitable written record detailing the date, time and reason for the access, which is to be retained by that member.
- (8) Members are also referred to the guidelines for the deleting of such material from electronic devices.
- (9) Due to the highly sensitive nature and content of Child Exploitation Material (CEM), members tasked with investigating or dealing with CEM should be vigilant at all times and adhere to the following protocols:
  - (a) under no circumstances is CEM product to be forwarded via Departmental email systems or uploaded to any unauthorised internet servers;
  - (b) no unauthorised copies of CEM are to be made;
  - (c) CEM images and videos should not be attached to any prosecution file. The investigating officer is to retain the product until such time it is requested for prosecution purposes;
  - (d) in relation to the disposal and forfeiture of CEM, prosecution files must list the items containing CEM requiring forfeiture;
  - (e) upon the making of a court order, the investigating officer is to complete a forfeiture order, which is to be forwarded to the Attorney-General's Department for authorisation. Specific orders in relation to CEM can be located under Departmental Microsoft Word Templates;
  - (f) requests by solicitors to view CEM should be made through Prosecution Services. CEM product is not to leave a police station to facilitate viewing by to solicitors;
  - (g) CEM images and videos should not be saved onto any Departmental networked computer. CEM product should be saved to an external storage device and stored in a secure location;
  - (h) images and videos should be categorised in accordance with a nationally recognised classification system, where possible, using Child Exploitation Tracking System (CETS) computers located in all Tasmania Police regions; and
  - (i) refer to Fraud and e-Crime Services for advice regarding CEM investigations.

#### **4.4.11 EXAMINATION OF SHOOTING VICTIMS**

- (1) Where a person has been killed as a result of being shot, including suicide, the Ballistics Section is to be contacted and a decision will be made as to whether a Ballistics member attends the scene. The scene should be cordoned off to prevent contamination and the entry of unauthorised personnel, including police officers not directly involved in the

investigation. The Ballistics Section should attend all post-mortem examinations of victims of shooting incidents, except where preliminary investigations have ascertained that the cause of death is suicide.

(2) Where a person has been injured as a result of a shooting incident, the Ballistics Section is to be contacted. In most instances, they will attend the scene and complete such examinations as they deem necessary.

(3) [EXEMPT PER S.30(1)(c) OF RTI ACT]

(4) [EXEMPT PER S.30(1)(c) OF RTI ACT]

#### **4.4.12 MEDICAL EXAMINATIONS**

(1) Where, as a result of a crime, a person is injured, arrangements should be made to have a medical practitioner examine the injured person. In all cases the injured person should be requested to sign an appropriate authority to release medical details/treatment, authorising the medical practitioner to release details of the injuries to Tasmania Police.

(2) In suspected homicide cases, Forensic Services and the State Forensic Pathologist are to be notified and requested to attend the scene.

#### **4.4.13 BLOOD SAMPLES OF VICTIMS**

(1) Where the medical treatment of victims injured by a criminal act requires a blood transfusion to be performed, Tasmania Police should be present at the scene or at the hospital or surgery when the victim is admitted, and a request should be immediately made for a pre-transfusion blood sample to be taken.

(2) Such a sample may be required for toxicology, blood alcohol analysis and/or DNA profiling.

(3) If the victim is able, a saliva sample by buccal swab can be obtained for DNA profiling.

#### **4.4.14 FINGERPRINT EXAMINATION**

(1) [EXEMPT PER S.30(1)(c) OF RTI ACT]

(2) [EXEMPT PER S.30(1)(c) OF RTI ACT]

(3) [EXEMPT PER S.30(1)(c) OF RTI ACT]

#### **4.4.15 DEOXYRIBONUCLEIC ACID (DNA)**

(1) [EXEMPT PER S.30(1)(c) OF RTI ACT]

(2) [EXEMPT PER S.30(1)(c) OF RTI ACT]

(3) [EXEMPT PER S.30(1)(c) OF RTI ACT]

(4) [EXEMPT PER S.30(1)(c) OF RTI ACT]

(5) [EXEMPT PER S.30(1)(c) OF RTI ACT]

(6) A sample obtained by buccal swab is the preferred option for DNA sampling from a person.

(7) Where a blood sample is required:

(a) blood can only be taken by a medical practitioner or registered nurse (the name and position are to be recorded on the appropriate label);

(b) a 5 ml sample in an EDTA tube (usually a pink cap) is required; and

(c) samples should be kept refrigerated and delivered to Forensic Science Service Tasmania within one week, along with the appropriate request form.

(8) Where blood is also required for the purposes of drug or alcohol screening, it is preferable to obtain separate EDTA tubes for each screening required.

#### 4.4.16 PHOTOGRAPHY

- (1) Forensic Services should be utilised to capture photographic evidence in the following instances:
  - (a) major crime, such as murder, rape, arson, armed robbery;
  - (b) injuries to a person;
  - (c) crime scenes at night;
  - (d) large or complex scenes;
  - (e) serious and fatal motor vehicle accidents;
  - (f) sudden deaths; and
  - (g) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (2) Where practicable, Forensic Services members are the primary response for the photographic recording of evidence.
- (3) If other members take photographs of a scene or evidence, then the [\*National Guidelines for the Use of Digital Imaging Processes\*](#) require that:
  - (a) images should not be altered in any way when saving a file from a camera onto a storage device (including hard drive, CD, DVD). The saved file on the camera is considered to be the 'original image';
  - (b) the original image must not be cropped, re-coloured, compressed, re-sized or rotated when downloaded from the camera; and
  - (c) software programs designed to make changes in quality and appearance should not be used.

## 4.5 MISSING PERSONS

### 4.5.1 GENERAL

- (1) A missing person is anyone who is reported missing to police, whose whereabouts are unknown and where there are concerns for the safety or welfare of that person.
- (2) A person may be reported missing by any person who has genuine concerns for the safety or welfare of a missing person.
- (3) Members will investigate all reports of missing persons until:
  - (a) the missing person is located;
  - (b) criminal charges are instigated; or
  - (c) a report of death is submitted to the coroner.

### 4.5.2 INITIAL ACTION

- (1) Members taking a report of a missing person should obtain details for a Missing Person Report, in person where practicable, and include the full circumstances leading up to the disappearance.
- (2) Full particulars of the missing person shall be obtained and members should also endeavour to obtain a recent photograph.
- (3) Where the reporting person is not a parent or the next-of-kin of the missing person, the attending member shall make arrangements to notify, as appropriate, the parent/s or next-of-kin.
- (4) Immediate enquiries aimed at locating the missing person are to be initiated as a priority.
- (5) Where the level of urgency is Medium or High Response as contained within the Missing Person Report, the divisional inspector or duty officer is to be notified as soon as practicable.
- (6) If there are any suspicious circumstances surrounding the disappearance of a missing person, the relevant detective inspector is also to be notified,
- (7) If the missing person is a child who is subject to a court order under the [Family Law Act 1975 \(Commonwealth\)](#), then this information is to be included in the Missing Person Report.
- (8) If the investigation is continuing at the conclusion of a shift then the relevant supervisor should:
  - (a) brief the divisional inspector or duty officer; and
  - (b) brief the on-coming supervisor and advise of any matters requiring attention.
- (9) The divisional inspector or duty officer: shall notify the relevant district commander:
  - (a) if there are any suspicious circumstances surrounding the disappearance of a missing person;
  - (b) if the detective inspector is notified;
  - (c) if a Search and Rescue operation is required; or
  - (d) prior to a media release.

### 4.5.3 INVESTIGATION

- (1) The investigation of a missing person is a district responsibility and such reports are to be allocated for active investigation.
- (2) All enquiries relating to the missing person are to be recorded on the electronic running sheet attached to the relevant Missing Person Report.

- (3) The member who has been allocated a missing person investigation is to contact the reporting person and advise of progress within 24 hours of making the initial report to Tasmania Police. Regular contact is to be maintained with the reporting person, next-of-kin or parent/s of the missing person.
- (4) Where reasonable grounds exist for suspecting that a missing person is deceased, the investigating member is to submit a Report of Death for the coroner.
- (5) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (6) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (7) If suspicious circumstances exist in a missing person investigation, the CIB will take carriage of the investigation.
- (8) The Missing Person Unit, State Intelligence Services (SIS) is a resource for investigating members to assist in any missing person investigation. This Unit will coordinate requests to and from interstate and international jurisdictions for assistance in relation to missing person inquiries.
- (9) The Missing Person Unit is to maintain a record of all missing persons and unidentified bodies or body parts, located within the State and assist the investigating officers with inquiries to establish identity.
- (10) If a media release is to be prepared, the authority of the reporting person or, as appropriate, the next-of-kin or parent/s of the missing person, is to be obtained prior to such a document being released.
- (11) When a missing person has been or is currently involved in Family Law Court action, members are to refer to [Section 121 Family Law Act 1975](#) prior to any information being released to the media.
- (12) Long-term missing person cases, where all enquiries have been exhausted, should be the subject of a coroner's file, where appropriate. The submission of the coroner's file is the responsibility of the investigating officer.
- (13) A long-term missing person case may be classed as a 'cold case' by the district responsible for the carriage of the file.

#### **4.5.4 LOCATED MISSING PERSONS**

- (1) If a missing person is reported as located and there is no further cause for concern, then that report is to be confirmed by direct police observation or corroborated by other reliable means.
- (2) The investigating officer is to notify the reporting person or next-of-kin that the person is located, if appropriate.
- (3) Depending on the circumstances of the case, the location of a missing person should not be divulged to the reporting person or next-of-kin, without the consent of the missing person.
- (4) Where a missing person is under the age of 18 years and does not want their location divulged to the reporting person or next-of-kin, the investigating officer should seek advice from the divisional inspector or duty officer and record the outcome on the Missing Person Report.
- (5) The member responsible for the investigation is to advise Radio Dispatch Services and Media and Communications, where appropriate, if a missing person is located.

#### **4.5.5 CUSTODY DISPUTES**

- (1) A Recovery Order issued by the Family Law Court, on application by the relevant parent/s or guardian/s, will be required to remove a child who has been reported as missing.
- (2) If a child is reported missing and that child is subject to a custody dispute, then the attending officer should, where necessary:



- (a) obtain all relevant information concerning current Family Law Court orders; and
  - (b) contact the Australian Federal Police.
- (3) Any Recovery Order issued by the Family Law Court will specify and clarify the powers and authority of Tasmania Police.

#### **4.5.6 AUSTRALIAN NATIONALS REPORTED MISSING OVERSEAS**

- (1) If a person is reported missing overseas, members are to still to complete a Missing Person Report. This Report is to include details of travel arrangements, intended itinerary and overseas contacts.
- (2) The Missing Person Unit (SIS) will coordinate all international enquiries for such missing persons.

## 4.6 POLICE INTERVIEWS

- (1) Tasmania Police recognises that whilst forensic or other material evidence may provide verifiable information about elements of a crime the majority of crimes are solved through obtaining accurate accounts from witnesses (including victims) and suspects. Accurate accounts also contribute to successful court outcomes.
- (2) For conducting interviews with witnesses or suspects officers should refer to the ***Guidelines for Interviewing Witnesses and Suspects***. These guidelines are designed to set out procedural and legislative requirements, as well as community and stakeholder expectations for investigative interviewing.
- (3) Tasmania Police recognises that the communication skills of community members may be diverse and therefore police should utilise evidence based best practice, ongoing experience and specialist skills in the course of their investigations.

## 4.7 SEARCHES AND [EXEMPT PER S.30(1)(C) OF RTI ACT]

### 4.7.1 TASMANIA POLICE PLANNED SEARCH SAFETY CHECKLIST

- (1) The Tasmania Police Planned Search Safety checklist was designed to increase the general awareness of safety issues when executing a planned search. It is to be completed prior to any planned search, either a search by warrant or other legislated authority, including a telephone warrant, unless an emergency situation makes it impractical or places people at risk of injury.
- (2) This checklist is not a replacement for a risk assessment – where a specific threat to Tasmania Police or the public is identified a separate risk assessment should be considered in consultation with a supervisor.
- (3) The following documents, as well as the Planned Search Safety Assessment, are available in Word Templates under the subheading '*Warrants*'.
- (4) Information regarding the use of the checklist can be obtained at: [http://intranet.police.tas.gov.au:8888/dpem/assets/files/Templates\(doc\)/Warrants/Planned Search Safety Assessment - Guidelines.docx](http://intranet.police.tas.gov.au:8888/dpem/assets/files/Templates(doc)/Warrants/Planned Search Safety Assessment - Guidelines.docx)

### 4.7.2 SEARCHES

- (1) All searches of premises are to be conducted in accordance with relevant legislative provisions and it is the responsibility of the warrant holder, or in their absence the senior officer present, to ensure the search is conducted in the presence of:
  - (a) an occupant;
  - (b) a resident; or
  - (c) a person representing the occupant or resident.
- (2) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (3) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (4) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (5) [EXEMPT PER S.30(1)(c) OF RTI ACT]

## 4.8 KIDNAP SITUATIONS

- (1) In any case in which a person is kidnapped or believed to have been kidnapped, and a demand for ransom is made, the Police response and investigation will be in accordance with the procedures detailed in the [Tasmania Police Kidnap Response Plan](#).



## 5.1 VICTIMS OF CRIME

### 5.1.1 VICTIMS OF CRIME

- (1) Tasmania Police supports the [Charter of Rights for Victims of Crime](#). Members should be conversant with the charter and its applications. Members, when attending to victims should, wherever practicable, notify victims of the services available in their area and the potential for claiming compensation under the Criminal Injuries Compensation Scheme.
- (2) [The Sentencing Act 1997 Section 81A](#) and the [Justice Rules 2003 Part 9A](#), enable a victim of crime to provide a Victim Impact Statement to the court. A victim of an indictable offence is eligible to make a Victim Impact Statement. The Statement is to be obtained as soon as practicable after the charging of the offender.
- (3) The coordination of the Victim Impact Statement process is facilitated through the [Department of Justice](#). Members, when attending to victims of an indictable offence or immediate family member in respect of a deceased victim, are to advise the victims of their right to make a Victim Impact Statement.

## 5.2 FORENSIC SCIENCE SERVICE TASMANIA

### 5.2.1 FORENSIC BIOLOGY - CRIME SCENE EXAMINATION

- (1) Experienced forensic biologists from Forensic Science Service Tasmania (FSST) are available to attend crime scenes anywhere within Tasmania at any time. The "on-call" forensic biologist can be contacted via Radio Dispatch Services.
- (2) Call-outs should be initiated by the forensic services officer in control of the crime scene examination, as and when required. The on-call forensic biologist should attend every murder scene where there may be biological evidence, and attendance at other scenes is at the discretion of the police officers attending in the first instance.
- (3) The on-call forensic biology service includes the following:
  - (a) provision of advice over the phone at any time concerning any aspect of forensic biology or forensic chemistry testing, including correct sample handling procedures and collection requirements for forensic exhibits; and
  - (b) attendance at crime scenes by one forensic biologist and one forensic assistant at any time.
- (4) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (5) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (6) Where appropriate, crime scenes should be preserved until the next working day and be examined during the day by forensic staff from the laboratory.

### 5.2.2 SUBMISSION OF ITEMS FOR FORENSIC EXAMINATION

- (1) Apart from the forms used specifically by Drug Investigation Services, the forensic pathologist and samples taken for blood alcohol under the [Road Safety \(Alcohol and Drugs\) Act](#), all samples submitted to the laboratory must be accompanied by a '[Submission of Articles for Forensic Examination \(SAFE\)](#)' form.
- (2) Where blood samples from alleged offenders and victims are taken for alcohol and/or drug screening, a sample of blood in a 10ml fluoride oxalate tube is to be obtained.
- (3) To comply with the [NATA Forensic Accreditation](#) neither FSST nor the Police Forensic Services will accept inadequately sealed evidence items. A container is properly sealed only if its contents cannot readily escape or become contaminated and only if entering the container results in obvious damage/alteration to the container or its seal. The person applying or closing a seal must be capable of confirming the seal's identity at a later date (e.g. by signing/dating, applying uniquely numbered tamper proof seals and recording the numbers). It is desirable that all items where applicable be sealed at the point of collection. Blood tubes can be placed in a plastic bag which is then sealed with evidence tape.
- (4) Evidence may be sealed by:
  - (a) tamper-proof evidence tape;
  - (b) tamper-proof adhesive tape (e.g. by crossing with evidence seals or signing and dating tape);
  - (c) tamper-proof heat seal (for plastic bags, e.g. by signing and dating the seal);
  - (d) other means that can be shown to comply with the requirements; or
  - (e) sealing in a Tamper Evident Exhibit Bag in accordance with the policy on [the Use of Tamper Evident Exhibit Bags for Drugs, Money, Jewellery and other Valuables](#).
- (5) Further requirements are:
  - (a) the tape or seals must stick strongly to the container;
  - (b) the opening of a container must be covered sufficiently to prevent evidence from

escaping or becoming contaminated (taking into account the type of evidence contained and the examination to be performed); and

- (c) items must be sealed in separate containers (except for medical/post mortem samples collected from one individual at one time, which may be sealed in a single outer container).
- (6) It is acknowledged that some items of evidence cannot be sealed in accordance with these criteria, e.g. motor vehicles. In such cases, appropriate measures must be taken to ensure their security.
- (7) If exhibits have been submitted for examination to the laboratory and are no longer required for testing, the laboratory shall be advised immediately. Conversely, if the case is urgent, the laboratory should be advised so the examination can be given high priority.
- (8) **EXEMPT PER S.30(1)(c) OF RTI ACT**. The 'DNA Person Sample Information' form, and the 'DNA Person Sample Kits Register' are to be completed. There is no requirement to complete a ['Submission of Articles for Forensic Examination \(SAFE\)' form](#).

### **5.2.3 PRIORITISATION OF EXHIBIT ANALYSIS AND EXAMINATION**

- (1) The relevant detective inspector is to contact the Inspector, Forensic Services, Hobart to request prioritisation. In the first instance the request may be verbal, but a formal request is to be made in all circumstances by e-mail. The Inspector, Forensic Services will maintain a register of all prioritisation requests and outcomes.
- (2) The Inspector, Forensic Services will cause the relevant district Forensic Services to be notified of the prioritisation. FSST will only prioritise exhibits on advice from the Inspector, Forensic Services or their designated representative in the absence of the Inspector.
- (3) To assist the Inspector, Forensic Services in assessing a prioritisation request, the detective inspector is to provide the Inspector, Forensic Services with the following information:
  - (a) whether a suspect has been identified and/or charged ;
  - (b) the offence committed;
  - (c) the type and number of exhibits sought to be prioritised;
  - (d) the offence report number; and
  - (e) the reason the prioritisation request is made.
- (4) Any disagreement in relation to prioritisation issues will be managed by the Inspector, Forensic Services. If agreement cannot be reached, the matter is to be referred to the Commander, Operations Support, who will determine the matter in consultation with the relevant commander/s.

### **5.2.4 FSST LIAISON**

- (1) Upon request made through the Inspector, Forensic Services, FSST will appoint a case officer in respect to any investigation. This officer will act as the contact point for ongoing liaison between the investigating officer and FSST during the investigation.
- (2) The investigating officer is to act as the liaison officer between the Office of the Director or Public Prosecutions and FSST.



## 5.3 INVESTIGATION SUPPORT SERVICES

### 5.3.1 SURVEILLANCE AND TECHNICAL SUPPORT

- (1) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (2) ISS also coordinates the "Police Powers Legislation Package", namely the [Police Powers \(Surveillance Devices\) Act 2006](#), [Police Powers \(Controlled Operations\) Act 2006](#), [Police Powers \(Assumed Identities\) Act 2006](#) and [Witness \(Identity Protection\) Act 2006](#).
- (3) Members are to comply with the processes and procedures contained within the document [Investigation Support Services - Guidelines for Applications and Use](#).

## 5.4 INTERPRETERS AND TRANSLATORS

- (1) Where a person is to be interviewed, either as a complainant or a suspect to a crime or offence, and the ability of that person to comprehend the English language is in doubt, members shall engage the services of a suitably qualified interpreter for the purposes of the interview (refer to [The Use of Interpreters Operational Guidelines](#)).
- (2) Members will engage either on-site interpreters or interpreters by means of telephone, in the following circumstances;
  - (a) if the client makes a request for an interpreter or translator; or
  - (b) if a member deems it necessary to engage the services of an interpreter or translator.
- (3) Members are to make every effort to engage the services of interpreters or translators who are appropriately accredited by the [National Accreditation Authority for Translators and Interpreters \(NAATI\)](#).
- (4) A member may refuse to engage an interpreter or translator if that interpreter or translator is not able to satisfy the member as to their qualifications and/or accreditation.
- (5) A member may terminate the services of an interpreter or translator at any time where the member has a reasonable belief to contest the competency or level of professionalism of the interpreter or translator.



## Disasters and Emergency Management Arrangements

### 6.1.1 LEGISLATION AND PLANS

#### 6.1.1.1 EMERGENCY MANAGEMENT ACT 2006

- (1) The [Emergency Management Act 2006](#) provides for the protection of life, property and the environment in the event of an emergency in Tasmania, the establishment of Tasmania's emergency management arrangements and the provision of certain rescue and retrieval operations. The Act includes provisions for the identification, assessment and effective management of community risks or risk activities.
- (2) Emergency powers may be authorised by the State Emergency Management Controller (currently the Commissioner of Police) for the effective management of significant emergencies or potential emergency events.

#### 6.1.1.2 TASMANIAN EMERGENCY MANAGEMENT PLAN (TEMP)

- (1) The [Tasmanian Emergency Management Plan](#) (TEMP) is a resource to assist emergency services and emergency management partners to prepare for emergency events and to be able to respond and recover from those events. The arrangements articulated in the TEMP are dynamic and responsive to change.
- (2) The TEMP is established under The [Emergency Management Act 2006](#) and is an essential element in assisting Tasmanian communities in the prevention and mitigation, preparedness, response and recovery from disasters. For further information on the TEMP go to <http://www.ses.tas.gov.au/h/em/publications/temp/temp8>.

#### 6.1.1.3 STATE SPECIAL PLANS

- (1) Supporting the TEMP are State Special Plans that are created to address particular issues or risks. One such plan is the [Emergency Management Framework for Vulnerable People](#).

### 6.1.2 EMERGENCY MANAGEMENT FRAMEWORK

- (1) The current framework that supports governance and management of emergency management in Tasmania is represented in the diagram below. Further details on the arrangements can be found in the [State Emergency Management Plan](#).



### 6.1.3 STATE EMERGENCY MANAGEMENT COMMITTEE

- (1) The State Emergency Management Committee consists of:
  - (a) the Commissioner of Police, who is also the State Controller (Committee Chairperson);
  - (b) each person holding a position or office determined by the State Controller; and
  - (c) any other persons the State Controller considers appropriate.
- (2) The general function of the Committee is to advise and assist the State Controller in the coordination of emergency management and in the performance and exercise of their functions and powers, but specifically:
- (3) to institute and coordinate, and to support the institution and coordination of, emergency management, including the preparation and review of the TEMP and Special Emergency Management Plans that relate to emergency management for the State;
  - (d) to determine and review emergency management policy;
  - (e) to review the management of emergencies that involve more than one region, and other emergencies as the State Committee considers appropriate, and to identify and promote opportunities for improvement in emergency management;
  - (f) at the direction of the State Controller, to assist them in the performance and exercise of their functions and powers;
  - (g) other emergency management functions imposed by the Minister;
  - (h) other functions imposed by the [Emergency Management Act 2006](#) or any other Act; and/or prescribed functions.

#### **6.1.4 MINISTERIAL COMMITTEE**

- (1) For the purposes of emergency management, the Premier may establish a committee consisting of the State Controller and such Ministers and other persons as the Premier considers necessary or appropriate. The Premier is the chairperson of the committee.

#### **6.1.5 REGIONAL EMERGENCY MANAGEMENT COMMITTEES**

- (1) For each region, there is a Regional Emergency Management Committee which consists of the district commander of Tasmania Police who is the regional controller (chairperson) and senior representatives from other agencies and services.
- (2) The functions of each committee are to:
  - (a) institute and coordinate, and to support the institution and coordination of, emergency management in the region, including the preparation and review of the Regional Emergency Management Plan and Special Emergency Management Plans that relate to emergency management in the region;
  - (b) determine and review emergency management policy for the region;
  - (c) review the management of emergencies that have occurred in the region and identify and promote opportunities for improvement in emergency management;
  - (d) report to the State Controller on any regional matters that relate to the functions of the State Controller or State Committee;
  - (e) at the direction of the regional controller, assist them in the performance and exercise of their functions and powers;
  - (f) from time to time carry out other functions imposed by the State Committee or the State Controller;
  - (g) carry out other functions imposed by this or any other Act; and
  - (h) carry out prescribed functions.

#### **6.1.6 DECLARATIONS**

- (1) The Premier may declare a state of emergency if they are satisfied on reasonable grounds that an emergency is occurring or has occurred in Tasmania, and that the circumstances require the use of special emergency powers.
- (2) A declaration of a state of emergency may be oral or in writing. If it is oral it is to be confirmed in writing as soon as practicable.
- (3) A declaration is to describe the:
  - (a) general nature of the emergency to which the declaration relates;
  - (b) area in respect of which the declaration is made;
  - (c) special emergency powers exercisable under the declaration and by whom;
  - (d) date and time at which or the event on whose occurrence the declaration takes effect; and
  - (e) period for which the declaration has effect and any conditions and instructions the State Controller considers appropriate.
- (4) A declaration of a state of emergency may not be made for a period exceeding:
  - (a) 12 weeks in the case of an emergency relating to disease in humans or animals; or
  - (b) 2 weeks in any other case.
- (5) The Premier may extend a state of emergency for one or more further periods if satisfied there are reasonable grounds for doing so.

#### **6.1.7 EMERGENCY POWERS**

- (1) The State Controller may authorise the exercise of emergency powers if they are satisfied that;
  - (a) an emergency is occurring or has occurred in Tasmania and there are reasonable grounds for doing so for the purpose of;
  - (b) protecting persons from distress, injury or death;
  - (c) protecting property or the environment from damage or destruction; or
  - (d) on credible information, an emergency that may impact on Tasmania is occurring elsewhere in Australia.
- (2) The State Controller may make an authorisation whether or not a state of emergency has been declared.
- (3) An authorisation may be oral or in writing. If it is oral it is to be confirmed in writing as soon as is practicable.
- (4) An authorisation is to describe the:
  - (e) general nature of the emergency to which it relates;
  - (f) area in respect of which it is made;
  - (g) emergency powers exercisable under the authorisation and by whom;
  - (h) date and time at which or the event on whose occurrence the authorisation takes effect; and
  - (i) period for which the authorisation has effect and any conditions and instructions the State Controller considers appropriate.
- (5) An authorisation may not be made for a period exceeding seven (7) days.
- (6) The State Controller may extend an authorisation for one or more further periods if satisfied there are reasonable grounds for doing so and the Minister consents to the extension.

#### **6.1.8 EMERGENCY BROADCASTS AND WEB ALERTS**

##### **6.1.8.1 EMERGENCY ALERT**

- (1) Emergency Alert is a computer-based alert system that can deliver a large number of emergency alert calls to fixed and mobile telephones within a specified area. The Emergency Alert capability is located at Tasmania Fire Service (TFS) – State Operations.
- (2) The [Protocols for Use of Emergency Alert](#) require that the agency requesting the use of Emergency Alert appoint a Liaison Officer to oversee the request.
- (3) The Liaison Officer must obtain authorisation from one of the Authorisation Officers listed in the Protocols.
- (4) The Liaison Officer must attend or at least be in telephone contact with TFS – State Operations to oversee message preparation in line with the format outlined in the Protocols.

#### **6.1.8.2 STANDARD EMERGENCY WARNING SIGNAL (SEWS)**

- (1) SEWS is a nationally consistent audio and visual alert system for use on radio and television as an introduction to emergency broadcasts.
- (2) Emergency broadcasts are authorised and managed by Media and Communication or Radio Dispatch Services.
- (3) The purpose of SEWS is to ensure that any person in range of a radio or television set should be alerted to the fact that an unusual broadcast is about to be made, ensuring maximum potential listener coverage for emergency information.

#### **6.1.8.3 WEB ALERTS**

- (1) Media and Communication and Radio Dispatch Services manage an alert system on the Tasmania Police website titled "[Community Alerts](#)".
- (2) Community Alerts is available to communicate a range of alerts in respect to community emergencies.

#### **6.1.9 OFFICE OF SECURITY AND EMERGENCY MANAGEMENT**

- (1) The [Office of Security and Emergency Management](#) (OSEM) supports whole-of-government strategies to prevent, prepare for, respond to and recover from, emergencies arising from acts of terrorism, natural disasters and other emergencies. The primary focus of the Office is to assist with the implementation of Council of Australian Government (COAG) reforms in the areas of natural disasters and counter terrorism.
- (2) OSEM is currently located within Special Response and Counter-Terrorism (SRCT) Command and involves personnel from Department of Premier and Cabinet, State Emergency Service and DPFEM working cohesively in the preparation, prevention, response and recovery to emergencies.
- (3) Further information can be found at <http://www.dpac.tas.gov.au/divisions/osem>.

#### **6.1.10 STATE EMERGENCY SERVICE**

- (1) The [State Emergency Service](#) (SES) provides whole of government advice and executive support to the State Emergency Management Committee and Regional Emergency Management Planning Groups. It also takes the lead with much of the State's emergency management planning and emergency risk management work. SES provides a volunteer response capability for severe storms and floods, road crash rescue, search and rescue/recovery and a range of other general rescue and community support roles. For further information relating to the role of the SES go to <http://www.ses.tas.gov.au/h/es/about-ses>.

#### **6.1.11 TASMANIA POLICE EMERGENCY MANAGEMENT SECTION**

- (1) The Emergency Management Section (EMS) is located within SRCT and provides advice on the preparation, coordination and review of emergency management policy, planning and training for Tasmania Police. EMS has a number of responsibilities that includes identifying and creating policies relating to emergency management for Tasmania Police and assisting the coordination of exercises to develop and practice Tasmania Police emergency management responsibilities.
- (2) The full responsibilities of the Emergency Management Section are outlined in the sections [Terms of Reference](#).

#### **6.1.12 WEBEOC**

- (1) WebEOC is a web-based information sharing and management system that provides a single access point for the collection and dissemination of emergency or event-related information that can be accessed in real time by multi-agencies. WebEOC is the primary incident management tool for use when coordinating the emergency response to an incident.
- (2) The Emergency Management Section, SRCT is responsible for the administration of WebEOC for Tasmania Police and other participating agencies.



## 6.2 HELICOPTER SERVICES

### 6.2.1 PURPOSE

- (1) Rotor-Lift Propriety Limited is contracted to the State of Tasmania to provide an air search, rescue and medical emergency and evacuation service. The Director, Finance and Physical Resource, DPFEM is required to manage the Contract on behalf of the Government.
- (2) The responsibility of the callout protocols for the service will be the primary responsibility of DPFEM.
- (3) Flying hours commence when the aircraft engine is started and conclude when the engine is turned off. Equipment on board the aircraft will provide an accurate reading of the time the aircraft is in use.

### 6.2.2 TRAINED HELICOPTER CREW

- (1) The [Civil Aviation Safety Authority \(CASA\) Regulations](#) require suitably qualified crew to operate the helicopter. The member in charge of Marine Rescue Services (MRS) will be responsible for selecting suitable persons to be trained as helicopter crew.
- (2) Members of DPFEM are required to meet standards as set by the CASA Regulations to act as crew members, assisting the pilot/s with the overall management of personnel in and around the aircraft.
- (3) Suitably trained Ambulance Tasmania personnel will be provided to act as paramedics on medical rescue missions and are to be dispatched on the winch as and when required.
- (4) The member in charge, MRS will ensure adequate resources, plans and advice are provided to determine an appropriate training schedule each year.
- (5) The Assistant Commissioner, Specialist Support, in consultation with the Director, Finance and Physical Resources, will be responsible for management of the hours.

### 6.2.3 CREWING REQUIREMENTS

- (1) The member in charge, MRS will determine the crewing requirements of the helicopter for every mission.
- (2) Members of DPFEM are required to sign the CASA Approved Daily Flying Record, at the conclusion of each mission.

### 6.2.4 SEARCH AND RESCUE

- (1) The Divisional or Duty Inspector of the relevant district where the search is being conducted will approve the use of a helicopter. The relevant District Commander is to be advised of the helicopter's use as soon as practicable.
- (2) The Divisional or Duty Inspector for the division in which the search is being conducted will assume Forward Command responsibilities for all search and rescue missions, unless another member is specifically assigned by the relevant District Commander.
- (3) The Forward Commander will notify the Inspector Marine & Rescue Services of the dispatch of the helicopter and its role. The Inspector – Marine & Rescue Services will provide specialist advice and/or assistance to the Forward Commander conducting the search. In some circumstances, the Inspector – Marine & Rescue Services may be appointed as Forward Commander by the Assistant Commissioner, Operations or a Duty Commissioner.
- (4) In an emergency where the Divisional or Duty inspector cannot be contacted, the decision to use a helicopter rests with the Inspector – Marine & Rescue Services who will advise the relevant district or duty inspector as soon as practicable.

- (5) Where multiple or conflicting requests for the use of a helicopter occur, activation priority will be managed by the Inspector – Marine & Rescue Services.

#### **6.2.5 AMBULANCE TASMANIA REQUESTS**

- (1) In the case of medical emergencies, Ambulance Tasmania may request helicopter authorisations. Ambulance Tasmania request authorisation via communicating with Radio Dispatch Services. The Inspector – Marine & Rescue Services in consultation with the Inspector – Radio Dispatch Services, shall ensure there is a process in place that ensures efficient activation.
- (2) Where multiple or conflicting requests for the use of a helicopter occur, activation priority will be managed by the Inspector – Marine & Rescue Services.

#### **6.2.6 OTHER PURPOSES**

- (1) The relevant District Commander will approve use of a helicopter for any other policing related missions and notify the Inspector – Marine & Rescue services. The District Commander will notify the Assistant Commissioner (Operations) in due course.
- (2) Where multiple or conflicting requests for the use of a helicopter occur, activation priority will be managed by the Inspector – Marine & Rescue Services.

#### **6.2.7 REPORTING REQUIREMENTS**

- (1) The member in charge, MRS will report on the annual flying hours allocated for all search and rescue missions and will provide each district commander with monthly usage rates.
- (2) At the conclusion of each month, the member in charge, MRS will report to the Director, Finance and Physical Resources on the use of the helicopter and the purpose for which it was used.

#### **6.2.8 DISPUTE RESOLUTION**

- (1) In the case where a dispute arises as a result of an issue relating to training, contractual, flying hour allocation or cost recoverable missions the dispute will be referred to the Director, Finance and Physical Resources, who will refer the matter to the Corporate Management Group. If further resolution is required, the aggrieved party may refer the matter to the Commissioner of Police for final determination.

#### **6.2.9 ADMINISTRATION PROCEDURES**

- (1) An operational helicopter meeting will occur on at least one occasion per month. This meeting will include the member in charge, MRS, a senior member of Ambulance Tasmania, the Managing Director of Rotor-Lift or representative, and a representative from the Director, Finance and Physical Resources Office.
- (2) Meetings will discuss operational issues, flying hours used, training requirements, and any other issue that requires discussion from time to time. District commanders should raise issues directly with the Director, Finance and Physical Resources for inclusion to the agenda.
- (3) The member in charge, MRS will keep a written record of all meetings and flying hours used by the helicopter and submit minutes to the Director, Finance and Physical Resources.

#### **6.2.10 CONTROL OF LANDING SITES AND LANDING REQUIREMENTS**

- (1) Where information is received by any member that the helicopter will be landing on a public street or public place, RDS should be notified immediately of the circumstances and of the estimated time of arrival (ETA) of the helicopter.

- (2) The senior member attending at the proposed landing site is to take responsibility for the site and shall ensure that:
- (a) the proposed landing site is secured and conforms with the following:
    - i. landing size should be 40m x 40m (approximately the size of a double tennis court);
    - ii. is level or preferably no more than 8 degrees;
    - iii. clear of loose debris that could be affected by the rotor wash;
    - iv. close or barricade the public street or public place (refer [Traffic Act 1925](#), section 40(5) and (6));
    - v. clear all objects, livestock and persons not essential to the immediate operation of the helicopter pad during landing, take-off and hovering operations and at any time the rotor blades are rotating; and
    - vi. be aware of obstacles such as power, telephone wires, antennae, trees;
  - (b) they have radio contact with the helicopter pilot;
  - (c) advise the pilot of weather conditions such as wind strength and direction, cloud cover and rain. Directions should be given from a compass quadrant;
  - (d) arrange for appropriate traffic and general duty police to attend for traffic and/or crowd control duties as the particular circumstances require. Police members should not wear hats or caps;
  - (e) prevent all unauthorised persons from entering beyond the perimeter or remove all unauthorised persons from the helicopter pad
  - (f) control the movement of emergency services, news media or general public, persons or vehicles at the site and ensure access to ambulances and emergency vehicles; and
  - (g) ensure that patients or victims are not harassed or distressed by sightseers, media or distraught family members.
- (3) When the helicopter has landed, no person should approach the helicopter until the pilot has indicated that it is safe to approach by way of a thumbs up gesture. If any person is affected by the dust or rotor wash, they are to crouch down, turn away and cover their eyes. Helicopter crew will approach and render assistance.

## 6.3 EMERGENCY OPERATIONS AND MAJOR INCIDENTS

- (1) In the case of a significant incident it may be necessary to respond with the establishment of a dedicated command, control and coordination structure. This structure provides a framework to all for fast and effective decision making.
- (2) Members are to refer to information, processes and procedures contained under the [Incident Command and Control](#) heading on the [Plans and Guidelines](#) page on the Tasmania Police intranet site.

## 6.4 FIRES

### 6.4.1 GENERAL

- (1) The control of fires in the State is vested in the Tasmania Fire Service by virtue of the [Fire Service Act 1979](#).
- (2) The senior fire officer attending the scene of a fire or potential fire, has the responsibility for control of the fire ground. Police are responsible for assisting fire officers and enforcing compliance with the orders and directions of the fire officer.
- (3) Fire officers have authority to control traffic on the fire ground. The term 'fire ground' relates to the total area of the fire, or potential fire, and the area in the vicinity considered necessary by the fire officer to be used to control the fire.
- (4) A police officer may, or, at the request of the appropriate fire officer, shall:
  - (a) close any street, road, lane or other thoroughfare in the vicinity of a fire;
  - (b) regulate the use of any street, road, lane or other thoroughfare in the vicinity of the fire; and
  - (c) order to withdraw or, in the event of a refusal to withdraw, remove:
    - i. any person who, by their presence or otherwise, interferes with any fire-fighting operations; or
    - ii. any person, other than a member of the Tasmania Fire Service, who is in or on any land or premises that is burning or is threatened by fire.
- (5) For the purpose of removing a person from any land or premises, a police officer may use such force as may be reasonably necessary.

### 6.4.2 INITIAL ACTION BY POLICE

- (1) A member who discovers or is informed of an outbreak of fire should:
  - (a) ensure that the Tasmania Fire Service is notified immediately and take whatever immediate action is necessary to save life or property; and
  - (b) where appropriate, commence to evacuate the occupants of any building affected by or in dangerous proximity to the fire.
- (2) The street or area in the immediate vicinity of the fire should be cleared of all persons not involved in the control of the fire, to ensure that fire officers are not hampered in their operations.
- (3) Members should provide assistance as required by the Tasmania Fire Service.
- (4) The CIB should be notified where a fire is categorised by the Fire Service as deliberate or undetermined.
- (5) A crime scene examination may be conducted where a fire is categorised by the Tasmania Fire Service as deliberate or undetermined.
- (6) A Fire Report shall be submitted for all fires attended.

### 6.4.3 GUIDELINES FOR FIRE SCENE INVESTIGATION

- (1) The [Guidelines for Fires Scene Investigation](#) formalise arrangements in relation to fire scene examination and investigation between Tasmania Police and the Tasmania Fire Service.

### 6.4.4 BUSHFIRES

- (1) The [2014 Joint Bushfire Arrangements](#) formalises arrangements in relation to the

management and suppression of fires in Tasmania between Tasmania Police and the Tasmania Fire Service.

## 6.5 FLOODS

### 6.5.1 RESPONSIBILITIES

- (1) The State Emergency Service (SES) is the Response Management Authority Agency for floods.

### 6.5.2 STATE EMERGENCY SERVICE ROLE

- (1) The SES role is to:
  - (a) co-operate with local government flood hazard analysis, flood plain mapping, property floor height studies and provide advice to local government on response to flood emergencies;
  - (b) cooperate with local government in the preparation of flood hazard analyses;
  - (c) liaise with water management agencies, local government, Tasmania Police and the Bureau of Meteorology to ensure that a management system is in place for the collection, evaluation and analysis of flood information and dissemination of flood intelligence;
  - (d) provide flood event related public education and training;
  - (e) liaise with Emergency Management Australia on the continuing development of flood management activities in Australia;
  - (f) assume control of the response to flood emergencies and ensure that the functions and responsibilities of control as detailed in the Common Incident Control System (CICS) are fulfilled;
  - (g) ensure flood warnings are provided to the general public and local government in co-operation with the Bureau of Meteorology and Tasmania Police;
  - (h) during a flood event make the decision to evacuate people in and around at risk areas;
  - (i) ensure the collection, evaluation and analysis of flood information and dissemination of flood intelligence during an event;
  - (j) provide assistance and coordinate additional resources to local government and other agencies during the event;
  - (k) coordinate the provision of Commonwealth support in a major flood in accordance with the Commonwealth Disaster Plan (COMDISPLAN);
  - (l) ensure rapid flood damage assessments are undertaken in accordance with the Rapid Impact Assessment SSEMP; and
  - (m) ensure multi-organisational debriefs are conducted following flood response operations.

### 6.5.3 POLICE ROLE

- (1) The primary role of Tasmania Police is to:
  - (a) coordinate the five stages of any evacuation and manage the withdrawal stage of any evacuation, and if required plan and manage the return of any evacuees, considering the identification and needs of vulnerable groups within the community as outlined in the [Emergency Management Framework for Vulnerable People](#).
  - (b) rescue persons in danger;
  - (c) secure evacuated areas;
  - (d) control traffic and provide advice to the public on hazards, closure of roads, bridges;

- (e) support other organisations in arranging shelter and relief for flood victims;
  - (f) search for missing persons or bodies; and
  - (g) collect detailed flood damage information that may be required for coronial or criminal investigations.
- (2) District commanders, in their role as Regional Emergency Management Controllers, are responsible for the overall coordination of, and may assume control of, the response and recovery from flood emergencies in accordance with the [Tasmanian Emergency Management Plan \(TEMP\)](#) and Regional Emergency Management Plans.



## 6.6 MASS CASUALTY INCIDENTS

### 6.6.1 POLICE ROLE

- (1) Police should give all possible assistance to medical triage teams and para-medical personnel responding to an emergency which results in mass casualties.
- (2) Police assistance at the scene may include:
  - (a) establishment of an on-site command post;
  - (b) notification of all relevant emergency services and other authorities;
  - (c) security of the entire area, including traffic control;
  - (d) notification of a forensic team to attend the scene;
  - (e) arranging a temporary assembly area for victims;
  - (f) notification of the Manager, Media and Communications;
  - (g) arranging for follow up identification and location of casualties;
  - (h) alerting religious and welfare organisations;
  - (i) security of all property; and
  - (j) assisting medical teams to achieve the four steps of the medical disaster protocol as effectively as possible.

### 6.6.2 MEDICAL DISASTER PROTOCOL

- (1) The four step medical protocol in relation to a disaster site where there are numerous casualties is:
  - (a) raise the alarm;
  - (b) move victims from danger;
  - (c) triage and treat casualties; and
  - (d) transport casualties from the area.

### 6.6.3 DISASTER VICTIM IDENTIFICATION (DVI)

- (1) Disaster Victim Identification (DVI) is the term given to procedures used to positively identify deceased victims of a multiple fatality event.
- (2) The DVI process is conducted over five distinct phases and involves the matching of post-mortem data from deceased persons, with ante-mortem data from missing person records. The phases of DVI are:
  - (a) Phase 1 – Scene examination
  - (b) Phase 2 – Post-mortem (PM) examination
  - (c) Phase 3 – Ante-mortem (AM) collection
  - (d) Phase 4 – Reconciliation (PM and AM data matching)
  - (e) Phase 5 – Operational and psychological debriefing.
- (3) In cases where the DVI process is employed, the procedures outlined in the following are to be observed:
  - (a) [Australasian Disaster Victim Identification Standards Manual](#); and
  - (b) Coronial Services Plan.
- (4) The Assistant Commissioner, Specialist Support is responsible for the appointment of the State Disaster Victim Identification Commander.

- (5) All requests for DVI assistance should initially be directed to the relevant district Forensic Services.

## 6.7 NEGOTIATION UNIT

- (1) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (2) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (3) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (4) [EXEMPT PER S.30(1)(c) OF RTI ACT]

## 6.8 DIGNITARY PROTECTION UNIT

- (1) The Special Response and Counter Terrorism (SRTC) Command has specific counter-terrorism responsibilities for managing a number of Tasmania Police specialist response capabilities, including providing a full time [dignitary protection](#) service.
- (2) Tasmania Police shares responsibility for the security of Australian high office holders, diplomatic and consular officials, visiting dignitaries, internationally protected persons and other individuals assessed to be at risk.
- (3) Tasmania Police Dignitary Protection Unit supports the Australian Federal Police (AFP) in providing close personal protection teams to the Prime Minister, Governor-General, diplomats and other individuals as required.
- (4) Tasmania Police has the responsibility for protecting resident members of the consular corps and those foreign dignitaries and resident members of the consular corps assessed as being at threat, assisted as required by AFP Security Liaison Officers.
- (5) Provision of this protection may require assistance from other parts of Tasmania Police including Special Operations Group, Bomb Response Group, Dog Handler Unit, State Intelligence Services, Criminal Investigation Branch or Uniform personnel, depending on the nature and scope of the security arrangements.
- (6) It is acknowledged that dignitaries often attend public events. The responsibility for the overall management of the event remains with districts, however the Dignitary Protection Unit is available to provide specialist advice and support.

## 6.9 SEARCH AND RESCUE INCIDENTS

### 6.9.1 POLICE RESPONSE TO SEARCH AND RESCUE INCIDENTS

#### 6.9.1.1 RESPONSIBILITY OF TASMANIA POLICE

- (1) Tasmania Police is the lead response agency for most search and rescue incidents on land and at sea and there is a responsibility to provide a timely and coordinated response to such incidents.
- (2) Each geographical Tasmania Police district is responsible for responding appropriately to search and rescue incidents and such response is to be in accordance [with section 6.3, Emergency Operations and Major Incidents](#) where appropriate.
- (3) In most cases, the most appropriate advice and support will be from the district on call Search and Rescue (SAR) Officer.
- (4) The State Emergency Service may also be consulted to provide appropriately trained personnel, resources and support for a search and rescue incident.

#### 6.9.1.2 RESPONSIBILITY OF POLICE DISTRICTS

- (1) Where the control of a search and rescue incident is deemed to be the responsibility of Police, each of the three geographical district commanders is responsible for the response to search and rescue incidents within their area of control.
- (2) The district commander is responsible for appointing an Operations Commander for each incident. The appointed Operations Commander will immediately appoint a suitable Police Forward Commander and should consult with the district SAR. The Inspector, SAR is to appoint a suitably qualified search controller who will provide expert search/rescue assistance to the Police Forward Commander.

#### 6.9.1.3 FUNCTION OF SEARCH AND RESCUE SERVICES

- (1) SAR Services are able to provide expert advice, skilled personnel and specialist equipment to assist districts in SAR operations within the State and to give assistance as required to SAR Squads in the Northern and Western Districts. They will also provide appropriate resources and coordination whenever requested to do so by the Tasmania Police districts.

#### 6.9.1.4 RESPONSIBILITIES OF SEARCH AND RESCUE SERVICES

- (1) The member in charge of Marine and Rescue Services (MRS) is responsible to the Commander, Operations Support, for:
  - (a) providing immediate assistance whenever requested to districts responding to SAR incidents;
  - (b) recommendations as to acquisition and supply of equipment and personnel for SAR duties;
  - (c) maintenance of equipment and training of personnel for sea SAR duties;
  - (d) training and maintenance of a police dive team; and
  - (e) such other matters as may become necessary.
- (2) Developing and maintaining a partnership management program by:
  - (a) ensuring the District Advisory Committees meet at least twice annually and include all volunteer rescue organisations that are listed with Tasmania Police including waterborne rescue organisations;
  - (b) ensuring at least one exercise involving volunteer waterborne rescue organisations is held annually per district;

- (c) providing assistance to volunteer organisations in relation to recognised SAR search techniques;
- (d) attending meetings of volunteer groups, as requested, to provide information on SAR matters;
- (e) maintaining liaison with each of the inspectors in charge, SAR squads in the Northern and Western Districts to ensure uniformity in SAR matters and continued liaison between volunteer organisations;
- (f) maintaining regular contact with National SAR agencies and maintaining a record of contact with those agencies; and
- (g) ensuring contact lists for call-out procedures are provided by volunteer rescue organisations and are regularly updated.

#### **6.9.1.5 REQUEST FOR ASSISTANCE OF SEARCH AND RESCUE SERVICES**

- (1) An operations commander of a SAR incident should consult with the inspector in charge, MRS whenever it appears that the incident response may be beyond the capabilities of the police resources available in the district in which it occurs. Such consultation should occur as soon as possible to ensure that the most appropriate response and resources are utilised.
- (2) Where an emergency situation occurs which requires the assistance or facilities of SAR Services, the member shall notify their divisional inspector, who shall notify the district commander. The district commander may request the assistance of SAR Services, if necessary. The district commander should appoint an officer from within the district, or may, in extreme situations, appoint the inspector in charge, MRS as Operations Commander for that Operation in accordance with Part 3.
- (3) In any case where any resources of the Search & Rescue Services, including a helicopter, are considered, the inspector –Marine & Rescue Services must be consulted.
- (4) In any case where the services of the police diving team is required for SAR or property recovery, arrangements for the provision of the team will be through the inspector in charge, MRS.
- (5) No diving will be undertaken by members who are not part of the police diving team under the control of a police dive supervisor.
- (6) Whenever resources from SAR Services are utilised, those personnel and their equipment remain under the command of the inspector in charge, MRS. All taskings to those members by the Police Forward Commander is to be directed through the inspector in charge, MRS or their nominated representative at the incident site.

#### **6.9.2 OPERATIONS AND ARRANGEMENTS**

##### **6.9.2.1 RESPONSIBILITY**

- (1) Search and/or rescue action on land, lakes, rivers and close offshore, when fast and effective assistance is available from local resources, is a Police responsibility, except for aircraft missing or in distress.
- (2) Aerial SAR action for missing or distressed civil aircraft and the passengers and crew of any such aircraft is the responsibility of the [Australian Maritime Safety Authority](#) (AMSA). AMSA coordinates SAR activity through the Joint Rescue Coordination Centre (JRCC). Missing or distressed military aircraft are the responsibility of the Department of Defence.
- (3) The [Marine Search and Rescue Act 1971](#) legislates for marine incidents, and specifies that the Commissioner of Police is the responsible authority in this State for the purpose of searching for and bringing to safety:
  - (a) persons in danger at sea;

- (b) persons in need of assistance as a result of a casualty occurring at sea; or
- (c) persons suffering from illness or injury at sea who require assistance that is not immediately available to them.
- (d) In accordance with the [Marine Search and Rescue Act 1971](#) the Police responsibility involves arranging and coordinating operations to search for and rescue persons on or from:
  - (e) a ship in distress within a port of the State;
  - (f) a foreign fishing vessel in distress within a port of the State; and
  - (g) a pleasure craft or fishing boat in distress within a port of the State or at sea.
- (4) In the interpretation of responsibility in (4), "port" is as defined in the [Navigation Act of 2012](#), which includes the following definition: 'Port' includes Harbour.
- (5) AMSA arranges and coordinates operations to search for and rescue persons on or from a ship or foreign fishing vessel in distress at sea through the JRCC.
- (6) The Authority first becoming aware of such a distress situation must take necessary action until responsibility can be handed over to the relevant Authority.
- (7) The Commonwealth and State Authorities may provide such assistance or facilities as may reasonably be requested by the Authority arranging and coordinating an operation.
- (8) An Authority which hires or requisitions privately owned facilities, unless otherwise agreed between the Authorities, bears any costs of hiring or payment of compensation for requisitioning.
- (9) Should an operation which is the responsibility of the State Authority over-reach that Authority's capacity, responsibility will be transferred to, and accepted by, the Commonwealth Authority.
- (10) These responsibilities and arrangements are in accordance with the [National Search and Rescue Manual Chapter I and Appendix B](#).

#### **6.9.2.2 STATE SEARCH AND RESCUE COMMITTEE**

- (1) A State SAR Committee has been established to develop and maintain policies and protocols in respect to the provision of effective and efficient quality SAR services in Tasmania.
- (2) The committee comprises Tasmania Police SAR representatives from SAR Services, and the Northern and Western Districts. There is also representation from Ambulance Tasmania, Tasmania Fire Service and State Emergency Service. The committee is chaired by the member in charge, MRS.
- (3) The State SAR Committee is responsible for:
  - (a) prescribing strategies for the provision of quality SAR services utilising the resources available within Tasmania;
  - (b) identifying, confirming and reviewing the roles of organisations in providing SAR services;
  - (c) promoting the uniformity of practice, standards, training and equipment between organisations;
  - (d) making SAR and rescue services; and
  - (e) providing a forum for liaison between organisations that have SAR responsibilities at State and district levels.
- (4) The State SAR Committee reports to the heads of agencies of Police, Fire, Ambulance Tasmania and State Emergency Services.

#### **6.9.2.3 DISTRICT ORGANISATION AND SUPERVISION**

- (1) In the Northern and Western Districts, the commander is to appoint an inspector for the administration and supervision of the SAR squad in their district. That appointed inspector will be responsible for liaison with professional and volunteer organisations that may be called upon to assist in search and rescue operations.
- (2) In the Southern District, the inspector in charge, MRS will be the appointee for that district.
- (3) In the absence of any such appointee at any time the divisional inspector will assume that role for that division.
- (4) The Commander, Southern District is exempt from the application of the Tasmania Police Manual, Parts 6.9.2.3, 6.9.2.4 and 6.9.2.5.
- (5) In the event of a SAR incident occurring in any district, the member first becoming aware of it is to immediately notify the divisional inspector of the relevant area.

#### **6.9.2.4 DISTRICT ADVISORY COMMITTEES**

- (1) District commanders are to approve and support the formation of district SAR Advisory Committees.
- (2) The role of any such committee will be to:
  - (a) provide liaison between the organisations, departments and services assisting Police;
  - (b) advise Police when required on SAR techniques and equipment;
  - (c) assist Police to plan, organise and conduct SAR exercises; and
  - (d) maintain, as required, listings of both professional and volunteer persons and organisations, competent and available within the district to assist in SAR operations.
- (3) Membership of any committee may be restricted to those organisations who provide the major assistance, but search advisers and contacts may be included.
- (4) The officer appointed under Sub-Section 6.9.2.3 (1) and (2) of this Part shall hold the position of chairperson of the district SAR Advisory Committee.
- (5) Committees are to meet at least twice each year, or more often if necessary, to ensure the maintenance of a flexible and efficient SAR response capability in the district.

#### **6.9.2.5 DISTRICT POLICE SQUADS**

- (1) Northern and Western district commanders are to establish squads of police officers to be known as 'Police SAR Squads' and are to ensure that these squads receive adequate training. It is recommended that each of those districts have a squad of personnel that is adequate for the various disciplines required. A suitable NCO is to be in charge of the district squad.
- (2) The Commander, Operations Support, through the member in charge, MRS is to establish and maintain the SAR Squad for the Southern Region. The Southern region squad will include full-time SAR personnel attached to MRS. It will also include a sufficient number of personnel that is adequate for the various disciplines required from command areas within the Southern region.
- (3) Membership of SAR Squads will be restricted to police members who are interested in search and rescue activities, physically fit, and who have the ability to operate effectively in field operations.
- (4) The objectives of the Police SAR Squads are to:
  - (a) have selected personnel available and trained to National Competency Standards which will ensure that they will be effective field members of search and/or rescue teams for any class of SAR operation;
  - (b) ensure that Police has a ready availability of members or State Emergency Service



(SES) personnel trained for SAR duties at a Police Forward Command Post; and  
(c) ensure a wide appreciation throughout Tasmania Police of the problems associated with SAR, thereby enabling operations to be properly organised and supported.

(5) District commanders and divisional inspectors are to ensure that when SAR assistance is called for, trained members of Police SAR Squads and SES personnel receive priority in call-out.

(6) Whenever members of the Southern region SAR squad are utilised in a SAR incident, the Operations Commander will be responsible for advising the squad members relevant commander of their deployment.

#### **6.9.2.6 SQUAD TRAINING**

(1) Training exercises are to be carried out three time per year in the Northern and Western Districts, as well as the Southern region. Commanders are to liaise with the inspector in charge, MRS regarding exercises.

#### **6.9.2.7 CIVILIAN ASSISTANCE**

(1) The Department has no obligation to pay wages to civilians for taking part in SAR operations, and members are not to enter into any agreement to do so, except as provided by this Order. Members may, with the approval of the district commander or divisional inspector, where the incident is of an urgent nature, enter into a contract which includes an indirect wage payment (e.g. the hire of a launch and driver at a stated sum per hour or per day).

(2) The pay, leave and privileges of personnel employed under the [State Service Act 2000](#) and for taking part in a SAR operation controlled by Police is not affected.

(3) In most cases, the wages of privately employed persons are not affected, but should it be necessary to include a search party, any person who suffers a loss of wages, a claim for such loss will be met, provided it is supported by a certificate from the employer as to the loss incurred and the claim is made in accordance with Part 6.9.6.5.

(4) When known or suspected drownings occur and an underwater search is required, a request is to be made through MRS for members of the Police Diving Squad to attend. The senior member present at any such scene is not to allow civilians to carry out an underwater search unless that civilian has first been cautioned that any search they insist on carrying out is not authorised or sanctioned by DPFEM.

### **6.9.3 SEARCH PERSONNEL**

#### **6.9.3.1 OPERATIONS COMMANDER'S DUTIES**

(1) An officer appointed as Operations Commander in accordance with Section 6.9.4, is responsible for the overall control of the incident (refer to the [National Search and Rescue Manual](#)). The person is to ensure that the most appropriate resources are made available to the Police Forward Commander to respond to the incident in a professional and timely manner. The Operations Commander is responsible for:

(a) the appointment of a Police Forward Commander;

(b) liaison with the member in charge, SAR Services, or the persons nominated representative, to ensure that the most relevant, effective and efficient response is provided for the incident.

#### **6.9.3.2 DUTIES OF THE POLICE FORWARD COMMANDER**

(1) The Police Forward Commander is responsible for planning and management of the response to the incident either from the incident site or some other suitable location as

approved by the Operations Commander. The Forward Commander is also responsible for:

- (a) appointing a suitable person to act as the person's search liaison officer; and
- (b) consulting with the search controller to ensure that any decision is based on the best possible advice.

#### **6.9.3.3 SEARCH CONTROLLER'S DUTIES**

- (1) The search controller is to be a suitably qualified SAR trained squad member who has undertaken a formal course of instruction in search and rescue coordination.
- (2) The search controller is responsible for providing expert advice and assistance to the Police Forward Commander in relation to:
  - (a) defining the search areas;
  - (b) determining the search techniques and method;
  - (c) determining the number of field parties and personnel required and to organise, brief and dispatch same; and
  - (d) appointing a rescue controller at the scene if necessary.

#### **6.9.3.4 LIAISON OFFICER'S DUTIES**

- (1) In most cases the most appropriate appointment for the liaison officer's role will be the relevant SES Regional Emergency Management Officer or the person's assistant.
- (2) The responsibilities of a liaison officer are to:
  - (a) provide suitably trained support staff for the Police Forward Command Post;
  - (b) organise competent volunteer assistance and replacement personnel when necessary;
  - (c) liaise between civilian and Police field personnel during operations;
  - (d) liaise with advisers or contacts in adjacent areas;
  - (e) record particulars of search personnel entering and leaving the search area and their deployment during the operation;
  - (f) record issue and return of equipment;
  - (g) ensure that all expenditure and requisition of facilities are approved by the Operations Commander;
  - (h) ensure that regular situation reports are prepared for the Operations Commander;
  - (i) prompt the Police Forward Commander regarding messages requiring action;
  - (j) assist the Police Forward Commander by taking care of routine activity and minor matters;
  - (k) arrange authorised news media releases; and
  - (l) ensure the smooth functioning of Police Forward Command Post.

#### **6.9.3.5 ADVISERS AND CONTACTS**

- (1) Search Advisers and Search Contacts for land and sea search operations from relevant professional and volunteer organisations and interest groups may be used. Current lists for their area are to be maintained at the Northern and Western District Headquarters, as well as MRS.
- (2) The role of a Search Adviser is to be:
  - (a) available for consultation by Police during a SAR incident.

- (3) The role of a Search Contact is to be:
  - (a) able to call together at short notice competent volunteers, and
  - (b) able to advise on local topography, sea conditions or other relevant matters.

#### **6.9.4 RESPONSE ACTIONS**

##### **6.9.4.1 INITIAL ACTION - LAND OPERATIONS**

- (1) When reports are made to Tasmania Police of persons lost, overdue, missing or in distress on land, the police officer is to obtain the following information:
  - (a) name, address and phone number of informant;
  - (b) full names, addresses, ages and occupations of victims;
  - (c) particulars of next of kin;
  - (d) nature of distress or emergency incident;
  - (e) known physical and mental condition of victims and their experience and knowledge of the particular area;
  - (f) type of persons involved, including details of any previous search and rescue incidents they may have been involved in;
  - (g) details of equipment and clothing worn and food carried;
  - (h) details of the trip taken, including location and timings of entry and exit, purpose, duration and proposed route;
  - (i) mode of travel to area and details of vehicles or vessels left in vicinity;
  - (j) weather conditions in the area, if known; and
  - (k) action taken or rescue operation attempted.
- (2) Such police officer is to immediately respond by informing the member in charge, of the division, or the district duty officer, of the facts, who is to immediately notify the district commander.
- (3) The Operations Commander, in consultation with the district SAR Officer, or the inspector in charge, MRS will be responsible for the coordination of any action necessary to bring the operation to a successful conclusion.
- (4) In most instances it will also be necessary to complete a missing person report.
- (5) Depending on the locality and circumstances of the incident it may be possible for local station personnel to deal immediately with the situation but, in any event, the notification procedure is to be followed.

##### **6.9.4.2 INITIAL ACTION - MARINE OPERATIONS**

- (1) When a report is made to Tasmania Police of persons or vessels missing at sea or close off shore, in distress at sea or close off shore, or missing or in distress on any harbour, river or lake, the police officer is to obtain the following information:
  - (a) name, address and phone number or informant;
  - (b) full names, addresses, ages and occupations of victims;
  - (c) particulars of next of kin;
  - (d) nature of distress or emergency incident;
  - (e) known physical and mental condition of victims and their experience and knowledge of the particular area;
  - (f) type of person involved, including details of any previous search and rescue incidents they may have been involved in;

- (g) details of equipment and clothing worn and food carried;
  - (h) details of the trip or voyage taken, including location and timings and entry and exit, purpose, duration and proposed route;
  - (i) mode of travel to area and details of vehicles or vessels left in the vicinity;
  - (j) weather conditions in the area, if known;
  - (k) action taken or rescue operation attempted;
  - (l) full details of vessels (such as type, size, colour, make, buoyancy, safety equipment);
  - (m) last known or estimated position and proximity of other vessels in area; and
  - (n) communications facilities of distressed or other vessels.
- (2) The police officer receiving the initial information will immediately respond by informing the inspector in charge of the division or the district duty officer of the facts, who is to immediately notify the district commander.
  - (3) Where an incident involves a person or vessel missing or in distress at sea or close off-shore the Operations Commander, in consultation with the district SAR Officer, or the inspector in charge, MRS, will be responsible for the coordination of any action necessary to bring the operation to a successful conclusion and discharge all responsibilities under the provisions of the [Marine Search and Rescue Act 1971](#).
  - (4) Depending on the locality and circumstances of the incident, it may be possible for local station personnel to deal immediately with the situation but, in any event, the notification procedure shall be followed.
  - (5) Members in charge of stations where lake, river, harbour or close off-shore marine search and rescue operations are likely to occur, to which fast and effective assistance may be rendered from available local resources, shall maintain SAR plans of action to be taken by police officers when required. Where immediate action is necessary, the member in charge of the station is to put such plans into action, and continue control of the operation as a Police Forward Commander until relieved of control by the Operations Commander, when appointed.

#### **6.9.4.3 FLARE SIGHTINGS OVER SEA**

- (1) When sightings of a flare at sea are reported to Police, the following details are to be obtained:
  - (a) name, address and phone number of observer and/or informant whether seen by naked eye, binoculars or telescope;
  - (b) time and place of sighting and position, colour and height of flare in relation to local features;
  - (c) whether one or more flares and whether stationary or otherwise and duration of light;
  - (d) weather conditions and visibility and position of sun or moon; and
  - (e) whether any vessels or aircraft were seen or known to be in the area at the time.
- (2) The member will respond by immediately notifying the inspector in charge of the division or the district duty officer of the facts, who is to then notify the district commander and the member in charge, MRS.
- (3) When requested by the JRCC, Police will make any further necessary inquiries to assist.
- (4) The International Regulations for Preventing Collisions at Sea indicate that the prescribed signals that indicate that a vessel (or sea-plane) is in distress and requires assistance are:
  - (a) rockets or shells throwing red stars fired one at a time, at short intervals;
  - (b) a rocket parachute flare showing a red light;
  - (c) a hand flare showing an orange or red light, or smoke of that colour;

- (d) Smoke or flame on water is also a recognised signal of distress.
- (5) It is an offence to use any of these signals, or any signal that may be confused with any of these signals, except for the express purpose as indicated above.

#### **6.9.4.4 FLARE SIGHTINGS OVER LAND - RIVERS - LAKES**

- (1) When sighting of a flare over land, on a lake, harbour or river is reported to Police, the police officer is to obtain the details prescribed by [section 6.5.3 \(2\)](#) The police officer will respond by immediately notifying the inspector in charge of the division or the district duty officer of the facts, who will notify the district commander and the inspector in charge, MRS.
- (2) The police officer is to also respond by taking such action as is necessary to locate the source of the flare and render such aid as may be required.

#### **6.9.4.5 ELECTRONIC DISTRESS BEACONS**

- (1) The JRCC in Canberra monitors the Cospas-Sarsat satellite system for the Australian SAR Region. It also serves as the contact point for overseas private electronic distress beacons such as 'SPOT' and 'INREACH'.
- (2) Emergency Position Indicating Radio Beacons (EPIRBs), Personal Locator Beacons (PLBs) and Electronic Location Transmitters (ELTs) all transmit distress position information via a satellite. Most are enabled with a Global Positioning System (GPS) chip and are accurate to a number of metres. They also have a homing frequency allowing searchers to manually track the device. Other private systems such as SPOT and INREACH may be less accurate, may not have a homing frequency and may have different battery and longevity characteristics. All modern devices should be registered with the owner's details to allow pre-search enquiries to be made.
- (3) In the advent of an electronic beacon being detected JRCC will contact RDS with the details. RDS will inform the district on call SAR officer. Where it is determined that the distress target may be within the responsibility of JRCC they will maintain coordination. Where it is determined that the target is probably a State responsibility Police will take coordination. A Transfer of Coordination form should be completed in consultation with the district Inspector, SAR and forwarded to JRCC. This form may be completed within RDS.
- (4) Once Tasmania Police has coordination of a Distress Beacon Incident all efforts will be made to prosecute the incident to a successful conclusion.

#### **6.9.5 OPERATIONAL AND ADMINISTRATIVE CONSIDERATIONS**

##### **6.9.5.1 AIRCRAFT AND AIR TRANSPORT**

- (1) Where in any SAR Operation coordinated by Police where the use of aircraft or helicopter is required, the request in the first instance will be directed to the geographical district commander or the commanders nominated representative. They will consider the request and authorise deployment of aircraft if satisfied that the circumstances justify its use.
- (2) Protocols for the call out and use of the Emergency Helicopter can be found under [Section 6.2](#).
- (3) In all helicopter operations the inspector in charge, MRS shall be contacted to make the necessary arrangements.
- (4) The overall coordination of land, sea and air search, in respect of hikers and land vehicles, and small craft in inshore waters is a Police responsibility. Where Tasmania Police identifies a need for search aircraft in respect of same, Police is responsible for carrying out their own air search. Alternatively, Police may notify JRCC, requesting arrangement for, or provision of, search aircraft, and the necessary coordination by JRCC of this phase of the operation.
- (5) The coordination of aviation resources becomes the responsibility of JRCC, but costs

involved in such operation may remain the responsibility of Tasmania Police.

- (6) If Police authorise a civil aircraft operation the DPFEM is responsible for payment of all charges arising.
- (7) Where JRCC provides aircraft for a SAR operation coordinated by the JRCC in accordance with the Commonwealth and State agreement, no costs will be incurred by the State for the use of such aircraft.
- (8) When JRCC is conducting a search for land vehicles, hikers etc., with civil aircraft, the search area is determined by JRCC, in consultation with the police authority.
- (9) Contact with JRCC regarding a SAR operation shall, in the first instance, be made by the district search controller.
- (10) If chartered aircraft are used for search operations, they will be, where possible crewed by trained observers. Trained observers may be sourced through SES or possibly through the aircraft charter company.
- (11) When hiring aircraft for use in accordance with this section, care must be taken to ensure that the pilot is the holder of a commercial pilot's licence and the aircraft operator is the holder of an Air Service Licence.

#### **6.9.5.2 COMMUNICATIONS**

- (1) The provisions for communications and the directions as to how they will be used shall be the responsibility of the Police Operations Commander.
- (2) In any operation, communication facilities with the Police Forward Command Post, search teams, search vessels and Police Headquarters will be provided from one or more of the following sources:
  - (a) Tasmania Police;
  - (b) SES;
  - (c) Tasmania Fire Service (TFS);
  - (d) Department of Defence;
  - (e) Commonwealth Department of Infrastructure and Regional Development
  - (f) a commercial telecommunications company; and/or
  - (g) limited Coast Radio Stations.
- (3) The Operations Commander, in consultation with the Police Forward Commander, will determine the radio call signs to be used in connection with the operation. A known geographic place name (river, lake, mountain range or locality) closely associated with the search area should be used for the Police Forward Command Post. Preference is to be given to a name that is clearly recognisable.
- (4) An experienced radio operator will be required at the Police Forward Command Post and may be provided by the SES.
- (5) The Operations Commander, in consultation with the member in charge, Communications Services will determine the radio frequencies to be used on emergency operations.

#### **6.9.5.3 SUSPENSION OF A SEARCH WHEN THE TARGET IS NOT FOUND**

- (1) When it is determined that the continuation of a search would be to no avail, the search controller shall consider recommending the suspension or termination of the SAR operation. However, search action shall not be suspended or terminated nor the distress phase cancelled without the specific concurrence of the SAR authority.
- (2) The decision to suspend a search shall not be made until a thorough review of the search process is conducted. The review will focus on:
  - (a) the probability of there being survivors from the initial incident;

- (b) the probability of survival after the incident;
  - (c) the probability that the survivors were in the search area; and
  - (d) the effectiveness of the search.
- (3) In determining the suspension of a search, Chapter 7 of the [National Search and Rescue Manual](#) gives guidance to the matters to be reviewed and that are to be considered.
  - (4) The authority to suspend a search shall be with the Assistant Commissioner, Operations after consultation with the district commander. The district commander is to consult with the Search Commander, Forward Commander, and the search coordinator before consulting with the Assistant Commissioner on suspending a search.

#### **6.9.5.4 DE-BRIEFING AND REPORTING**

- (1) After an Operation, the Operation Commander, in liaison with the district commander, may hold a de-brief. Persons who held key positions may be invited to attend.
- (2) Suggestions for improvement and comment on the suitability of equipment will be recorded and circulated to participating organisations, and where the district commander thinks fit, to the Assistant Commissioner, Operations.

#### **6.9.5.5 EXPENSE CLAIMS**

- (1) A corporate government department may claim reimbursement for expenditure from DPFEM if involved in SAR operations.
- (2) Claims for payment of reasonable expenses incurred in connection with Tasmania Police coordinated search will be met by DPFEM.
- (3) The Tasmania Police Operations Commander is to ensure that expenditure incurred is reasonable, having regard to the circumstances of the SAR operation; and will ensure that records are kept of all persons participating in the operation, and of authorised expenditure incurred.
- (4) Details for any expenditure incurred should be submitted to the Operations Commander for certification as soon as possible after the incident.

#### **6.9.5.6 COMPENSATION FOR VOLUNTEERS**

- (1) Civilian volunteers who meet with injury or death, while being engaged in SAR operations and exercises under the control of Tasmania Police, may be compensated in accordance with the [Workers' Rehabilitation and Compensation Act 1988](#).
- (2) Civilian volunteers are protected from liability when acting in good faith under the direction and authority of a police officer in a SAR operation, in accordance with Section 86 (1) [Police Service Act 2003](#).
- (3) A payment may be made for loss of or damage to personal equipment, each case being decided on its merits.
- (4) Claims must be certified correct by the Operations Commander and forwarded to the district commander accompanied by a full report of the incident, i.e. accident, loss or damage.
- (5) Where practicable, damaged articles are to be retained for inspection.
- (6) Under no circumstances should a member acknowledge, either verbally or in writing, any liability for a claimant's loss of or damage to any article.

#### **6.9.5.7 USE OF COMMERCIAL AIRCRAFT**

- (1) Upon receipt of a call for a sea search in which an aircraft will be used, the member in charge of the search should, in the first instance, check the availability of commercial

aircraft that may be in the relevant vicinity at the time.

- (2) In a marine SAR situation the aircraft should preferably be fitted with maritime communication facilities.

## **6.9.6 JOINT RESCUE COORDINATION CENTRE (JRCC) AUSTRALIA (AMSA)**

### **6.9.6.1 BACKGROUND**

- (1) The JRCC is located in Canberra and operates under the auspices of the AMSA. JRCC Australia is manned twenty-four hours a day by maritime and aviation search and rescue officers.
- (2) JRCC Australia is the national coordinator of civil search and rescue in the Australian SAR Region (SRR).

### **6.9.6.2 FUNCTIONS**

- (1) The major functions of JRCC Australia are:
  - (a) to coordinate search and rescue activities for vessels in distress;
  - (b) to coordinate search and rescue activities in aviation distress incidents;
  - (c) to manage the Australian ground segment of the Cospas-Sarsat satellite system which is used for the detection of distress beacons;
  - (d) to operate the Australian Ship Reporting (AUSREP) system; and
  - (e) to manage maritime distress and safety communications including arrangements for the Coast Radio Station network and the Inmarsat maritime communications system.
- (2) In addition, AMSA has the functions:
  - (a) to manage acquisition, deployment and maintenance of air-droppable emergency supplies; and
  - (b) to manage the civil SAR unit program under which aircraft operators are engaged on a commercial basis to undertake aerial searches and to deliver air-droppable emergency supplies.

### **6.9.6.3 CONTACT ARRANGEMENTS**

- (1) All communications should be addressed to JRCC Australia, Canberra.
- (2) Telephone and facsimile numbers are listed at Radio Dispatch Services.

### **6.9.6.4 MATTERS TO BE REPORTED**

- (1) Members should be alert to detect and report any:
  - (a) environmental damage, including marine pollution; and
  - (b) the presence of persons at any marine navigational aid station or any interference with the operation or security of same.
- (2) Divisional inspectors are to ensure that where any such matters are reported to, or detected by police officers, JRCC is advised as soon as possible of the incident and of the result of investigations.

### **6.9.6.5 RESPONSE ACTION BY STATE POLICE**

- (1) The JRCC may request a response action for any of the following incidents. If requested, members are to respond accordingly. The response actions include:
  - (a) distress situations offshore – overdue or crashed aircraft;



- (b) discoloured water;
  - (c) dumping of wastes at sea;
  - (d) damaged navigational aids or automatic weather stations; or
  - (e) environmental damage.
- (2) The primary requirement when responding to a request is to identify the activity and assess the action required, keeping the JRCC advised.

## 6.10 SPECIAL OPERATIONS GROUP

### 6.10.1 DEFINITION

- (1) The Special Operations Group (SOG) is defined as 'a specifically trained Police Tactical Group who can be deployed in 'High Risk' situations and other approved circumstances'. The SOG incorporates police officers who, through specialised training, have acquired skills and expertise to provide a specialist resource and response to support state-wide policing operations beyond the scope of general policing resources, practices or situation management.

### 6.10.2 NATIONAL GUIDELINES FOR THE DEPLOYMENT OF POLICE IN HIGH RISK SITUATIONS

- (1) Members should be conversant with the '[Australia New Zealand Guidelines for Deployment of Police to High Risk Situations 2013](#)' which have been adopted by Tasmania Police.

### 6.10.3 HIGH RISK SITUATIONS

- (1) The circumstances and types of situations which may be defined as 'High Risk' vary widely.
- (2) A 'High Risk' situation is said to exist where any act of unlawful violence has been committed, or is believed likely to be committed, and that act may be reasonably suspected to expose any person or property to danger.
- (3) **EXEMPT PER S.30(1)(c) OF RTI ACT**

### 6.10.4 DEPLOYMENT

#### 6.10.4.1 NON URGENT CASES

- (1) In non-urgent cases, a request for the assistance of the SOG should be directed through normal channels. Such requests are to be recorded on an approved pro forma which:
  - (a) includes details of the member making the request;
  - (b) provides a summary of the events leading up to the request;
  - (c) clearly sets out the reason for the request;
  - (d) details the task/s required of the SOG;
  - (e) includes details of any relevant suspect/offender;
  - (f) outlines the location of any relevant suspect/offender.
- (2) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (3) For record keeping purposes, the original request form must be delivered to the office of the SOG Commander at the conclusion of the operation.
- (4) Consultation is to occur between the requesting officer and SOG Commander or their delegate prior to the submission of the SOG request form.
- (5) The request form and any other associated documents must be forwarded, under CONFIDENTIAL cover, to the Assistant Commissioner, Operations. The Assistant Commissioner, Operations or the duty commissioner will make a determination regarding deployment of SOG. This decision will be made following consultation with the Commander, SOG the requesting officer's inspector and examining the contents of the request form and other relevant supporting documentation.

#### 6.10.4.2 URGENT CASES

- (1) Where, in the event that immediate and urgent deployment of SOG is sought, a request may be made verbally to the district commander by the member in charge of the incident or situation.
- (2) Where such a request is made, the district commander may request the deployment of SOG verbally to the Assistant Commissioner, Operations or the duty commissioner. The Assistant Commissioner, Operations or duty commissioner may give verbal approval for deployment. Suitable notes are to be made of this verbal authority. As soon as practicable, a request form is to be completed, including a reference to the verbal authority for deployment, and signed by the authorising Commissioner.
- (3) When the management of a 'High Risk' situation has commenced, the Commander, SOG should receive early advice of its existence to facilitate standby arrangements and enable adequate consideration of the need to deploy.
- (4) **EXEMPT PER S.30(1)(c) OF RTI ACT**

#### **6.10.5 DEPLOYMENT CRITERIA**

- (1) Deployment of SOG will only occur:
  - (a) where it is reasonably established that their assistance or expertise is or may be required; and
  - (b) when authorised by an Assistant Commissioner of Police.
- (2) In all circumstances the deployment of SOG will be tailored to each individual situation following consultation between the inspector in charge of the requesting member, the Commander, SOG and the authorising Assistant Commissioner.

#### **6.10.6 ACTIVATION**

- (1) Official activation of SOG is by the following stages:
  - (a) reporting/notification;
  - (b) request for deployment;
  - (c) authorisation for deployment;
  - (d) call-out; and
  - (e) deployment at incident site.

#### **6.10.7 COMMAND AND CONTROL**

- (1) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (2) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (3) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (4) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (5) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (6) **EXEMPT PER S.30(1)(c) OF RTI ACT**

#### **6.10.8 USE OF FORCE**

- (1) The responsibility for determining the necessity for and the extent of any force used on an SOG operation, is that of the Police Forward Commander in consultation with the SOG Commander. In any case, the provisions of this Manual as they relate to the Use of Force are to be complied with.

#### **6.10.9 GENERAL PRINCIPLES**

- (1) SOG members involved in any SOG deployment are to adhere to the [Australia New Zealand Guidelines For Deployment Of Police To High Risk Situations 2013, Tasmanian jurisdictional conditions \(10.8\(4\) Lethal Force\).](#)

## 6.11 POLICE TECHNICAL UNIT (PTU)

- (1) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (2) The PTU is a designated specialist capabilities group, [EXEMPT PER S.30(1)(c) OF RTI ACT].
- (3) Members are to comply with the processes and procedures contained within the document [Investigation Support Services - Guidelines for Applications and Use](#) for the use of the PTU.

## 6.12 COUNTER-TERRORISM

### 6.12.1 SPECIAL RESPONSE AND COUNTER-TERRORISM

- (1) The [Special Response and Counter-Terrorism](#) (SRCT) Command provides subject matter expertise and consistency in advice and approach to counter-terrorism activities in Tasmania. SRCT is a coordination point for Tasmanian Government counter-terrorism measures, and establishes the arrangements in relation to terrorist threats.
- (2) SRCT's primary responsibility is to build essential counter-terrorism capabilities within Tasmania Police and across a number of sectors in the State in areas that will improve preparedness for, and resilience to, security risks through the coordination of things such as; exercise management, security risk management training, security advice and support to critical infrastructure and places of mass gathering.
- (3) The jurisdictional Countering Violent Extremism (CVE) Intervention Coordinator is situated with SRCT and is responsible for creating and coordinating CVE intervention activities state-wide directed at diverting individuals from radicalisation.
- (4) The Tasmania Police Emergency Management Section enhances the emergency management arrangements that are unique to Tasmania Police, supports the State Controller and provides the agency contact point for external stakeholders for emergency management issues and is responsible for the administration of the cross agency WebEOC information sharing and management system.

### 6.12.2 DEFINITIONS

- (1) 'Terrorist Act' is an act or threat, intended to advance a political, ideological or religious cause by coercing or intimidating an Australian or foreign government or the public, by causing serious harm to people or property, creating a serious risk to health and safety to the public, disrupting trade, critical infrastructure and electronic systems. (for more information refer to the [Commonwealth Criminal Code Act 1995 section 100](#))
- (2) 'Politically Motivated Violence' is defined in detail under section 4 of the [Australian Security Intelligence Organisation Act 1979](#) and includes acts or threats of violence or unlawful harm that are intended or likely to achieve a political objective, whether in Australia or elsewhere, including acts or threats carried out for the purpose of influencing the policy or acts of government, whether Australian or elsewhere.
  - (a) Politically motivated violence may be prosecuted under Commonwealth and/or State legislation and will be dictated by the circumstances of each incident; however crimes committed within Tasmania, even in a national terrorist situation, are a matter for Tasmania Police; and
  - (b) Politically motivated violence does not include lawful advocacy, protest or dissent and a person's right to engage in these activities should not be regarded as being prejudicial to security.
- (3) 'Violent Extremism' is the beliefs and actions of people who support or use unlawful violence to achieve ideological, religious or political goals. This includes terrorism and other forms of politically motivated violence.

### 6.12.3 RESPONSIBILITIES

- (1) In broader terms SRCT, is responsible for a number of functions and specialist capabilities that includes:
  - (a) Counter-Terrorism Policy: coordination of State policies relating to counter-terrorism supporting the Security and Emergency Management Committee (SEMC), which is co-chaired by Tasmania Police and the Department of Premier and Cabinet and includes senior officials from all Tasmanian Government agencies and emergency

services.

- (b) State Control Centre: maintains the State Control Centre (SCC), where Whole-of-Government emergency coordination, policy, strategy, response and recovery are managed during an emergency. In an emergency, the SCC may be activated at the direction of the Commissioner of Police (the State Controller).
- (c) Exercise Management: responsible for developing, managing and coordinating a Counter-Terrorism exercise and training regime for Tasmania Police specialist response capabilities and State sectors in support of Australia-New Zealand Counter-Terrorism Committee (ANZCTC) Risk Priorities.
- (d) Specialist Capability: responsible for the logistical support of a number of Tasmania Police specialist response capabilities, including;
  - i. The Special Operations Group (refer [section 6.10](#)),
  - ii. Bomb Response Group (refer [section 2.9](#)),
  - iii. Dignitary Protection Unit (refer [section 6.8](#))
  - iv. Negotiation Unit. (refer [section 6.7](#))
  - v. Dog Handler Unit (refer [section 6.15](#)).
- (e) Countering Violent Extremism Intervention: Violent Extremism is the beliefs and actions of people who support or use unlawful violence to achieve ideological, religious or political goals and includes terrorism and other forms of politically motivated violence. The jurisdictional Countering Violent Extremism (CVE) Intervention Coordinator is responsible for establishing the arrangements and important relationships across Government and multi-cultural communities in order to provide effective de-radicalisation responses to at-risk individuals.
- (f) Critical Infrastructure and Places of Mass Gathering: responsible for providing security advice and support to critical infrastructure and places of mass gathering. A classified Places of Mass Gathering and Critical Infrastructure Work Plan document identifying Critical Infrastructure and Places of Mass Gathering and their current risk assessments and security plans. For further details regarding these documents contact the Inspector, SRCT.
- (g) Emergency Management Section: The Emergency Management Section (EMS) provides advice on the preparation, coordination and review of emergency management policy, planning and training for Tasmania Police. EMS has a number of responsibilities that include identifying and creating policies relating to emergency management for Tasmania Police, and assisting the coordination of exercises to develop and practice Tasmania Police emergency management responsibilities. The full responsibilities of the EMS are outlined in the sections [Terms of Reference](#)
- (h) WebEOC: The EMS, SRCT is responsible for the administration of WebEOC for Tasmania Police and other participating agencies. WebEOC is a web-based information sharing and management system that provides a single access point for the collection and dissemination of emergency or event-related information that can be accessed in real time by multi-agencies. WebEOC is the primary incident management tool for use when coordinating the emergency response to an incident.
- (i) Closed Circuit Television (CCTV): responsible for the development of the capability for Tasmania Police to access, view and record CCTV images from various locations around the State at a single dedicated site in Hobart.
- (j) Emergency Alert: The Emergency Alert telephone warning system sends voice messages to landline telephones and text messages to mobile telephones within a defined area identified by the organisation issuing the warning message. The functionality is located at Tasmania Fire Service (TFS) FireComm, however Tasmania Police maintains responsibility for the message content it authorises for transmission.
- (k) Chemical, Biological, Radiological and Nuclear Security: The Australian

Government and all States and Territories agreed to a set of national principles for the regulation and control of ammonium nitrate and a requirement for more stringent controls of precursors for explosives to be implemented by States and Territories. In Tasmania this is enabled via the [Security-Sensitive Dangerous Substances Act 2005](#) which is administered by the Department of Justice via WorkSafe Tasmania (WST). WST is responsible for administering SSDS legislation and issuing permits for access to listed SSDS. SRCT coordinates background checks for these permit applicants. The [Chemical, Biological, Radiological and Nuclear \(CBRN\) Incident Response Plan](#) outlines the Tasmanian Government's management of CBRN incidents.

- (l) Joint Counter-Terrorism Taskforce: The AFP, State and Territory police services and other government agencies work cooperatively to conduct coordinated counter-terrorism investigations. These relationships are institutionalised through a Joint Counter-Terrorism Taskforce (JCTT) mechanism. JCTTs are established in each State and Territory and comprise AFP, State and Territory law enforcement and ASIO. The JCTT provide a coordinated and consistent approach to combating terrorism. Tasmania Police has one member seconded to JCTT at any given time.
- (2) Further information relating to any of SRCT areas of responsibilities or capabilities can be located on the [SRCT intranet webpage](#).

#### **6.12.4 COUNTER-TERRORISM ARRANGEMENTS**

##### **6.12.4.1 AUSTRALIAN COUNTER-TERRORISM STRATEGY**

- (1) [Australia's Counter-Terrorism Strategy](#) is a Council of Australian Governments (COAG) document that outlines the current terrorist threat within Australia and focusses on five core elements: challenging violent extremist ideologies, stopping people from becoming terrorists, shaping the global environment to counter terrorism, disrupting terrorist activity within Australia and having effective responses and recovery should an attack occur.

##### **6.12.4.2 NATIONAL COUNTER-TERRORISM PLAN**

- (1) The [National Counter-Terrorism Plan](#) (NCTP) is the primary document on Australia's national counter-terrorism policy and arrangements and outlines responsibilities, authorities and mechanisms to prepare, prevent, respond and recover from acts of terrorism and their consequences within Australia.

##### **6.12.4.3 NATIONAL COUNTER-TERRORISM**

- (1) The National Counter-Terrorism Handbook (NCTH) provides guidance on the procedures, structures and broad coordination arrangements for the preparedness, prevention, response and recovery phases of an incident. The NCTH is a classified document, for further information contact Inspector, SRCT.

##### **6.12.4.4 AUSTRALIA NEW ZEALAND COUNTER-TERRORISM COMMITTEE (ANZCTC)**

- (1) The ANZCTC reports to the [Council of Australian Governments](#) (COAG) and maintains its role of contributing to the security of the Australian and New Zealand communities through the coordination of cooperative frameworks to counter terrorism and its consequences. Accordingly, New Zealand's membership of the Committee ensures the closest possible coordination and cooperation regarding matters of bilateral interest on countering terrorism and encourage closer strategic dialogue on relevant matters.



## 6.13 EXTORTION AND PRODUCT CONTAMINATION

- (1) The primary aim of Tasmania Police during any extortion or product contamination incident is the preservation of human life and public safety. It is particularly important that Police realise that this goal has the highest priority even though other policing objectives will exist concurrently.
- (2) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (3) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (4) Police investigations for such incidents should be conducted in accordance with the Departmental publication [Tasmania Police Extortion and Product Contamination Response Plan](#).

## 6.14 TRAFFIC MANAGEMENT POINTS

- (1) Whenever Traffic Management Points are established to restrict vehicular or pedestrian access to an area in response to an emergency incident, access levels are to be applied in accordance with the document [Emergency Traffic Management Points \(TMP\) – Access Levels.](#)

## 6.15 DOG HANDLERS UNIT

### 6.15.1 DUTIES AND ADMINISTRATION

- (1) The Dog Handlers' Unit (DHU) is responsible for the management of explosive and drug detector dog services state-wide.
- (2) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (3) Members intending to conduct screening or searches for illicit drugs or for explosives should utilise the services of DHU. Routine requests may be directed to district DHU staff, but higher level requests or requests for multiple dog teams (such as for major festivals) should be directed to the member in charge, DHU. The role of member in charge, DHU is undertaken by a sergeant of Tasmania Police and operationally, is attached to Southern Drug Investigation Services.
- (4) The DHU is also the coordination point for all inter-agency requests for the use of specialist dogs; including interstate capabilities such as firearm, blood and cadaver detection dogs and search and rescue or tactical dogs.
- (5) The use of detector dog handlers and dogs is provided for under Part 5A of the [Police Service Act 2003](#) and members should be conversant with the definitions and powers contained therein.
- (6) Members should also be conversant with associated powers and processes potentially related to detector dog use, including those under the [Misuse of Drugs Act 2011](#), the [Explosives Act 2012](#), the [Police Offences Act 1935](#) and the [Criminal Code Act 1924](#), as well as Tasmania Police Manual guidelines related to searching of persons.
- (7) Where a search for explosives is to occur, the member in charge of the Bomb Response Group (BRG) must be consulted first and will provide direction to ensure an appropriate risk assessment is conducted.

### 6.15.2 DRUG TRAINING MANUAL

- (1) DHU members are provided with an authorisation from the Commissioner of Police to possess drug training material (DTM) for the purpose of training detector dogs.
- (2) DTM is to be stored securely and is only to be accessed by members authorised to possess DTM.
- (3) A DTM register is to be maintained and the respective dog handlers member in charge is to ensure that DTM movements are correctly audited.
- (4) The Commissioner of Police is to provide a report to the ombudsman each financial year in relation to all authorisations and DTM.

### 7.1.1 GENERAL

- (1) An 'arrest' is the act of taking another person into lawful custody:
  - (a) for a specified offence;
  - (b) pursuant to a warrant issued by a justice;
  - (c) to facilitate the making of a police family violence order;
  - (d) to make application for a family violence order or restraint order; or
  - (e) where a terrorism-linked person has been released on bail or parole.
- (2) Members have discretion whether or not to affect an arrest. As a general rule, an arrest may be appropriate in the following circumstances:
  - (a) for serious offences;
  - (b) to prevent the continuation or repetition of the offence, or the commission of another offence;
  - (c) to preserve the safety or welfare of any person, or the harassment of witnesses;
  - (d) to prevent the fabrication, concealment, loss or destruction of evidence;
  - (e) to enable forensic material to be obtained if in accordance with the [Forensic Procedures Act 2000](#) ; or
  - (f) to facilitate the making of a police family violence order, an application for a family violence order or an application for a restraint order.
- (3) Members are reminded of [section 9.1.2](#) of this Manual, *Arrest, Custody and Bail* when the person arrested, in custody or to be bailed is a youth.

### 7.1.2 ARREST WITHOUT WARRANT

- (1) Powers of police officers to arrest without warrant are contained in a variety of Tasmanian legislation and the [Commonwealth Crimes Act 1914](#).
- (2) Members who arrest without warrant should:
  - (a) be able to justify their actions;
  - (b) know the nature and legal aspects of the offence involved; and
  - (c) ensure the legal ingredients are present to justify the charge.

### 7.1.3 ARREST WITH WARRANT

- (1) A warrant for arrest is an order made by a Justice, which police officers are bound to obey.
- (2) Members should exercise discretion in relation to the proper time, place and manner of execution.

### 7.1.4 METHOD OF ARREST

- (1) Members effecting an arrest should:
  - (a) use an absolute minimum of force;
  - (b) identify themselves as a police officer (if in plain clothes);
  - (c) lay hands on or touch the arrested person;
  - (d) advise the arrested person that they are under arrest, and of the grounds of arrest and produce a warrant if applicable;
  - (e) be as inconspicuous as possible, and not unnecessarily delay the decision to arrest; and

- (f) treat persons under arrest with courtesy, and afford no justification for allegations that their treatment was anything other than civil and reasonable.
- (2) The power of arrest applies to police officers at all times, irrespective of whether a member is on or off-duty, or the nature of the duty being performed.

#### **7.1.5 SEARCH PROCEDURES ON ARREST**

- (1) Section 58B of the [Police Offences Act 1935](#) permits the searching of persons in lawful custody where it is believed on reasonable grounds that it is necessary.
- (2) It also allows the retention of weapons, clothing and articles under certain circumstances.
- (3) A police officer may only use such force as is reasonably necessary for these purposes.
- (4) After a person has been taken into lawful custody, a member should conduct a frisk search of that person prior to transporting that person in a police vehicle.
- (5) A "frisk search" (refer section 3, [Search Warrants Act 1997](#)) means:
  - (a) a search of a person conducted by quickly running the hands over the person's outer garments; and
  - (b) an examination of anything worn, including the pockets, or carried by the person that is conveniently or voluntarily removed from the person.
- (6) A police officer that conducts a search of a person must not use more force, or subject the person to greater indignity, than is reasonable and necessary in order to conduct the search.
- (7) A 'frisk search' should be conducted on a person by a police officer of the same sex as the person.

#### **7.1.6 ASSISTANCE FROM THE PUBLIC TO EFFECT ARREST**

- (1) Members of the public can be legally obliged to assist police officers to arrest an offender if called upon and requested to do so.
- (2) No particular form of words is required, but the requesting officer should:
  - (a) identify themselves as a police officer (even if in uniform);
  - (b) advise the person from whom assistance is sought that they are acting in the lawful execution of their duty; and
  - (c) if necessary, inform the person it is an offence for them to refuse to assist.

#### **7.1.7 ARRESTS BY PRIVATE PERSONS**

- (1) Members have a duty to receive into custody any person arrested by a private person, unless:
  - (a) proceedings by summons would be more appropriate; or
  - (b) the offence is of a trifling nature.
- (2) The person who made the arrest should be requested to accompany the receiving member to a police station.
- (3) Should such person refuse to accompany the member, the receiving member should:
  - (a) obtain sufficient details to proceed by summons; and
  - (b) not detain the arrested person unless there are reasonable grounds for doing so.

#### **7.1.8 ARREST OF DEFENCE FORCE PERSONNEL**

- (1) When a member of any defence force, including any sailor, soldier or airman of a visiting force, is arrested, the member in charge of the police station concerned should

immediately cause the arrested person's unit or ship to be informed of the circumstances.

#### **7.1.9 ARREST OF FOREIGN NATIONALS**

- (1) Members have the power to arrest foreign nationals (other than persons with Diplomatic Immunity) for any offence committed against any State or Federal Act for which such a power would normally exist.
- (2) Arrested Foreign Nationals have [rights](#) under the Vienna Convention on Consular Relations 1963. When an arrested person has been identified as a foreign national, they must be:
  - (a) informed without delay that they have the right to have their embassy or consular post informed of their detention now or at any time in the future; and
  - (b) asked if they would like their embassy or consular post informed of their detention.
- (3) Members must make reasonable attempts to contact an embassy or consulate when requested by an arrested person. The Department of Foreign Affairs and Trade (DFAT) website contains a list of all [publicly listed consulate contact numbers](#). Members should use the listed contact methods only to contact embassy or consular officials. Some consulates are not available outside business hours. The Dignitary Protection Unit may be contacted for advice and may be able to provide alternative contact details of a respective consulate where there are urgent circumstances.
- (4) Where a detained foreign national so requests or permits, a consular official has the right to:
  - (a) visit the detained foreign national in custody, prison or detention; or
  - (b) converse or correspond with the detained foreign national or
  - (c) arrange for their legal representation.

#### **7.1.10 ARREST OF TERRORISM-LINKED PERSONS GRANTED PAROLE OR BAIL**

- (1) Powers of arrest in regard to terrorism-linked persons who have been granted bail are provided in Part 1A of the *Bail Act 1994*. Provisions relating to terrorism-linked persons granted parole are located in Division 2A of Part 8 of the *Corrections Act 1997*.

#### **7.1.11 FORENSIC PROCEDURES ON CHARGING**

- (1) When a person aged 15 years or older is charged with a "serious offence" contained in the [Forensic Procedures Act 2000](#), non-intimate samples can be ordered by any police officer.
- (2) Apart from those procedures, which are required for an investigation, members should always obtain fingerprints, photographs and a DNA sample from the person.
- (3) The primary method for DNA sampling is the buccal swab.
- (4) Samples can be obtained from persons under 15 years with the consent of the person and parent, or on the authorisation of a Magistrate.

## **7.2 CUSTODY**

### **7.2.1 DUTY OF CARE**

- (1) A member involved in the arrest, incarceration or supervision of a person in custody has a legal duty of care to that person and may be held responsible for the death or injury of the person caused, or contributed to, by a breach of that duty.
- (2) A legal duty of care applies at all times from the time a person first comes into police custody until the time of that person's safe discharge.

## 7.2.2 UNCONDITIONAL RELEASE

- (1) In the event of a person establishing their innocence after being taken into custody but prior to being conveyed to a police station, or where a custody officer is not satisfied that an offence is disclosed, or the arrest is unlawful, such a person should be released unconditionally.
- (2) Where a person in custody has been presented to a custody officer, and is unconditionally released, the custody officer is to record the reason for the release.
- (3) The unconditional release of a person in custody does not apply to a person arrested on warrant.

## 7.2.3 DESIGNATED POLICE STATIONS

- (1) The following police stations are designated for the purpose of detaining arrested persons under the provisions of the [Criminal Law \(Detention and Interrogation\) Act 1995](#):
  - (a) SOUTHERN – Hobart
  - (b) NORTHERN – Launceston, Whitemark
  - (c) WESTERN – Burnie, Devonport, Currie

## 7.2.4 TRANSPORT OF PERSONS IN CUSTODY IN POLICE VEHICLES

- (1) Members must drive in a manner that will not cause discomfort or danger to persons being transported.
- (2) Persons being transported in the rear of police sedans or station wagons are to be seated in the rear passenger side, and another member seated beside the person in custody directly behind the driver.
- (3) Unless it is impracticable in all the circumstances, members are to avoid carrying the following persons in the rear of a divisional van:
  - (a) females who are, or claim to be, pregnant; and/or
  - (b) persons who have known or alleged medical conditions that may be aggravated, or that may cause unreasonable discomfort if they are carried in the rear of a divisional van.
- (4) Divisional vans are approved as a general patrol vehicle. The maximum permitted speed for a divisional van is:
  - (a) the posted speed limit; or
  - (b) when conveying persons in custody, the lesser of:
    - i. 80 kilometres per hour; or
    - ii. the posted speed limit.
- (5) Persons suffering from mental health issues are to be transported in accordance with the relevant [Memorandum of Understanding](#).

## 7.2.5 CUSTODY OFFICERS

### ORDER

### CUSTODY OFFICERS AND MEMBERS PERFORMING THE FUNCTIONS OF A CUSTODY OFFICER, MUST ENSURE:

- THAT ALL PERSONS IN CUSTODY AT A POLICE STATION ARE TREATED IN ACCORDANCE WITH PROVISIONS OF THE [CRIMINAL LAW \(DETENTION AND](#)

***INTERROGATION) ACT 1995, AND THIS MANUAL; AND***

- **THAT ALL MATTERS REQUIRED TO BE RECORDED ARE ACCURATELY RECORDED.**

- (1) A police officer of any rank may perform the functions of a custody officer at a designated police station if a custody officer is 'not readily available' to perform them. 'Not readily available' is defined as when they are actively involved in other duties which prevent a ready return to the station or such duties within the station that require the continued attention of the custody officer.
- (2) When a person in custody is brought before a custody officer, the custody officer must:
  - (a) record the time the person was arrested or taken into custody, the time of arrival at the police station, and the time the person came into the custody of the custody officer;
  - (b) enquire into the arrest and, if not satisfied that the arrest was lawful, or an offence has been disclosed, release the person unconditionally;
  - (c) in the presence of the person in custody, make a record of the grounds for detention;
  - (d) where a charge is laid, or a person is unconditionally released, obtain details of the alleged offence and record the details;
  - (e) inform the person in custody of the reason/s for detention and/or any charges laid;
  - (f) ask the person in custody the Standard Indigenous Origin Question and record the answer;
  - (g) record the details of advice received from the investigating officer, regarding the questioning of the person, and right to communicate;
  - (h) ensure that all information is accurately recorded; and
  - (i) record any transfer of the person in custody.
- (3) The police officer conducting the investigation must advise the custody officer:
  - (a) the time of commencement and ending of the questioning;
  - (b) any charge/s;
  - (c) any other matter required to maintain the custody records accurately; and
  - (d) if the person in custody is denied communication, the time and reason/s for denial.

**7.2.6 CUSTODY PROCEDURE**

- (1) In accordance with Section 15 of the [Criminal Law \(Detention and Interrogation\) Act 1995](#), where a person is in custody and is taken to a police station, or is arrested and taken into custody at a police station, the person must be brought before a custody officer without delay and placed in the custody of the custody officer.
- (2) All persons who are under arrest for whatever offence or purpose are deemed to be persons in custody.
- (3) Where video/digital recording facilities are available to record procedures involving a person in custody, the procedure is to be conducted in view of the recording equipment unless it is of such a nature to warrant privacy or directed otherwise by the custody officer. A custody officer may be required to justify any such direction given.
- (4) Where a person is brought before the custody officer suffering, or appears to be suffering, physical injury/illness or mental illness that requires medical treatment, arrangements are to be made for the person to receive such medical treatment. Details of the injury/illness shall be recorded.
- (5) Members are reminded of [section 9.1.2 Arrest, Custody and Bail](#) when the person arrested, in custody or to be bailed is a youth.



### **7.2.7 RIGHT TO INTERPRETER**

- (1) If a person in custody does not have knowledge of the English language that is sufficient to enable the person to understand questioning or investigation, the police officer conducting the investigation must, before any questioning or investigation commences, arrange for an interpreter and defer the questioning or investigation until the interpreter is available.
- (2) These requirements do not apply to questioning or investigation in connection with an offence under Section 4, 6 or 14 of the [Road Safety \(Alcohol and Drugs\) Act 1970](#) or Section 13(1), 16(1), 21(2), 22(3), 24(2), 26(2), 28(3), 33(3) or 38(3) of the [Marine Safety \(Misuse of Alcohol\) Act 2006](#).
- (3) If a person in custody is unable to understand the following processes/circumstances due to an insufficient understanding of the English language, arrangements should be made to have the process explained to that person in a manner or language that they can understand:
  - (a) the charging process;
  - (b) the bailing process;
  - (c) being issued with a police family violence order;
  - (d) being served with a family violence order application; or
  - (e) being served with a restraint order application.

### **7.2.8 RIGHT TO COMMUNICATE WITH FRIEND, RELATIVE AND LEGAL PRACTITIONER**

- (1) Before any questioning or investigation a person in custody has the right to communicate, or attempt to communicate, with a friend, relative or legal practitioner.
- (2) A person who is in custody is of or over the age of 18 years, may be denied that right for four hours in certain circumstances.
- (3) This may be extended if, before the expiration of the four hour period, an application is made to a magistrate for an order authorising the police officer to deny the person in custody communication with all or any of the persons referred to for a further period.
- (4) Subsequent Applications may be made to a magistrate before the expiration of any further period granted by a magistrate, to deny the person in custody communication with all or any of the persons referred to for an additional period.
- (5) This application may be in person or by telephone if the magistrate is satisfied that it is not practical in the circumstances for the police officer to apply for such order in person. A police officer, of or above the rank of sergeant, may make an application by telephone. Where an order is made by a magistrate over the telephone, the member (applicant for the order) must make a written record setting out the terms of the order and endorse the record with the magistrates name, date and time the order was made.
- (6) Where a person in custody is denied the right to communicate, that person is to be informed of the fact.
- (7) The right to communicate does not apply to a questioning or investigation in connection with an offence under Section 4, 6 or 14 of the [Road Safety \(Alcohol and Drugs\) Act 1970](#) or Section 13(1), 16(1), 21(2), 22(3), 24(2), 26(2), 28(3), 33(3) or 38(3) of the [Marine Safety \(Misuse of Alcohol\) Act 2006](#).

### **7.2.9 TRANSFER OF PERSONS IN CUSTODY**

- (1) A custody officer may transfer or permit the transfer of a person in custody to the custody of:
  - (a) another custody officer;
  - (b) a police officer investigating the offence for which the person is in custody; or

- (c) a police officer that has charge of that person outside the police station.
- (2) When a custody officer transfers, or permits transfer of a person in custody to another custody officer or police officer, the duties and obligations imposed on the transferring officer are passed to the receiving officer.
- (3) A member who is not a custody officer to whom a person in custody is transferred may transfer that person to a police officer that is not a custody officer, outside the police station. Details of the transfer must be recorded and the completed document handed to a custody officer at the police station.
- (4) A custody officer who permits the transfer is to record the date and time that permission was given for the transfer, together with the custody officer's name, rank and number.
- (5) A transfer document is to be completed for each and every transfer of a person in custody.

#### **7.2.10 ILLNESS AND MEDICAL CONDITIONS OF PERSONS IN CUSTODY**

##### **ORDER**

**MEMBERS SHALL ENSURE IMMEDIATE MEDICAL TREATMENT OR CARE IS SOUGHT IF THERE IS ANY DOUBT CONCERNING THE MEDICAL CONDITION OF A PERSON IN CUSTODY.**

- (1) Where a member acquires information relating to a medical condition of a person in custody, that information is to be recorded where any other member charged with the supervision of that person may access it.
- (2) When a person is ill and in need of medical treatment, the following processes are to be followed:
  - (a) where the person is charged with a minor offence, admit the person to bail and arrange to obtain such treatment where practicable; or
  - (b) if the person is not to be bailed arrange medical treatment and provide a police guard for the person if taken to hospital. The hospital staff are to be informed by the escorting member that the person is in custody and that they are to be kept in sight at all times by that member; and
  - (c) where the circumstances warrant or dictate, ambulances should only be called to attend designated police stations in emergency situations.
- (3) Where a person is detained in custody, the custody officer should enquire if the person is required to take any prescription medication during the period of detention. The custody officer should assess the matter and take steps to ensure the person receives any required medication.

## 7.3 DETENTION OF PERSONS IN CUSTODY

### 7.3.1 GENERAL

- (1) When a charge has been entered against a person and bail is not granted, they are to be detained in custody at a designated police station or reception prison, until they can be taken before a court or otherwise to be dealt with according to law.

### 7.3.2 RECEPTION PRISONS

- (1) Where reception prison facilities are available to members, these are to be utilised for the detention of persons at every opportunity.
- (2) Where a person is transferred to a reception prison, the appropriate admission and assessment document should be completed by the reception prison staff.

### 7.3.3 ADMISSION AND ASSESSMENT PROCEDURE

#### **ORDER**

**CUSTODY OFFICERS AND OTHER MEMBERS RESPONSIBLE FOR THE ADMISSION OF PERSONS IN CUSTODY FOR DETENTION SHALL ENSURE THAT THE RELEVANT ADMISSION AND ASSESSMENT DOCUMENTATION IS COMPLETED BEFORE ANY PERSON IS DETAINED IN POLICE CUSTODIAL FACILITIES.**

- (1) The appropriate admission and assessment documentation is to be completed for all persons in custody for detention.
- (2) Where a person is to be transferred to another place of detention, a copy of the completed form is to be forwarded with the person to be detained for the information of supervisory personnel at the place of transfer.

### 7.3.4 SEARCHING OF PERSONS (INCLUDING TRANSGENDER AND INTERSEX PEOPLE) TO BE DETAINED IN CUSTODY

#### **ORDER**

**MEMBERS SHALL ENSURE PERSONS IN CUSTODY ARE THOROUGHLY SEARCHED PRIOR TO BEING DETAINED IN POLICE CUSTODIAL FACILITIES OR RECEPTION PRISON.**

- (1) A police officer who conducts a search of a person must not use more force or subject the person to greater indignity than is reasonable and necessary in order to conduct the search.
- (2) Unless special circumstances exist to the contrary, a member should search a person in the presence of another member.
- (3) When searching persons in custody, the following procedures are to be followed:
  - (a) disposable gloves are to be worn by all members;
  - (b) the search is to comply with the provisions of s58B Police Offences Act 1935;
  - (c) where practicable, a person is to be searched by a member of the same sex; and
  - (d) where a sworn member of the same sex is not available, a person of the same sex who is not a sworn member, may be authorised by the custody officer to conduct the search.

- (4) Definitions: transgender and intersex people:
- (a) 'Transgender' is an umbrella term for people whose gender identity, history, or expression does not match dominant cultural expectations about what it means to be a woman or a man. This includes people whose gender identity is not typically associated with their assigned sex at birth as well as people who have previously lived as another gender. Many transgender people identify simply as women or men and do not consider 'transgender' their identity.
  - (b) 'Intersex' refers to people born with chromosomal and/or physiological difference, sometimes including ambiguous genitalia and secondary sex characteristics such as breasts, facial hair or build. Most kind of intersex differences are not readily apparent.
- (5) Transgender and intersex people:-
- (a) should be treated according to their preferred gender;
  - (b) if an officer is unsure of how a person identifies they should respectfully ask the person;
  - (c) should be searched by a person of the same sex as the person in custody's identifying gender wherever possible;
  - (d) members should be mindful that a person's identity documents and police records may not accurately identify their identifying gender; and
  - (e) may be considered at risk of harm from other prisoners while in custody and should be placed in a single cell when being held in custody.

### **7.3.5 PROPERTY OF PERSONS DETAINED IN CUSTODY**

- (1) All property removed from a person is to be handed to the custody officer.
- (2) The custody officer shall:
- (a) inform the person of the amount of money (if any) and the particulars of the other items of that property;
  - (b) check the property and record each item;
  - (c) record the particulars of any valuable property;
  - (d) cause a receipt to be issued for, and kept with, the property; and
  - (e) be responsible for the safe care and custody of the property.
- (3) Where a person is transferred from one place of detention to another, or to any other place to which they may lawfully be committed on remand or to serve any sentence or to otherwise wait trial or discharge, the custody officer at the custody room where the person was first charged:
- (a) is to forward with the police officer detailed to escort the person, all the person's property, unless retained for examination or evidentiary purposes, together with the original receipt for that property;
  - (b) is to obtain the signature of the escorting police officer on the relevant transfer documentation; and
  - (c) when property is retained, it is to be fully listed, together with the reason for its retention and the person informed.
- (4) Where a person is admitted to bail or otherwise discharged from lawful custody, the custody officer who has possession of that person's property:
- (a) is to carefully check that property against the receipt for that property; and
  - (b) is to hand over the property, together with the original receipt, to the person bailed or discharged and obtain that person's signature for the property.
- (5) If a person bailed or discharged from lawful custody disputes the correctness of the receipt

relating to the property, or refuses to sign a receipt for the property, the custody officer who has possession of that person's property is to:

- (a) if possible, obtain a written statement from that person;
  - (b) send a report, in writing, together with that person's statement to the member in charge of the division; and
  - (c) if considered desirable to do so, retain all or part of that person's property in the custody officer's possession.
- (6) Where property of a person is removed from the custody of the custody officer for any purpose, the member who removes the property is to provide the reason for the removal and is to sign for such property.

### 7.3.6 SUPERVISION AND CHECKING OF PERSONS IN CUSTODY

#### **ORDER**

**EXCEPT WHERE A PERSON IN CUSTODY IS DETAINED IN A RECEPTION PRISON, CUSTODY OFFICERS AND OTHER MEMBERS RESPONSIBLE FOR THE SUPERVISION/MONITORING OF PERSONS IN CUSTODY, SHALL:**

- **PERSONALLY CHECK EACH PERSON IN CUSTODY AT INTERVAL PERIODS NO GREATER THAN 15 MINUTES; OR**
- **AT SHORTER INTERVALS WHEN IT IS DEEMED NECESSARY IN THE CIRCUMSTANCES.**

- (1) The responsibility for the safe care and wellbeing of a person detained in custody is the responsibility of the custody officer when a person is detained at a designated police station. The custody officer may delegate the supervision/monitoring of a person detained to another member.
- (2) Notwithstanding the provision of electronic surveillance equipment, members are to follow the following guidelines when checking on persons in custody:
  - (a) where the person is awake, the check should involve conversation with that person;
  - (b) where the person appears to be sleeping, the member checking should ensure that the person is breathing comfortably and is in a safe posture and otherwise appears not to be at risk;
  - (c) where there is any reason for the checking member to be concerned about the physical or mental condition of the person, that person should be woken and checked; and
  - (d) where any person has been identified as, or is suspected to be, a person at risk, the person is to be subject to checking which is closer and more frequent than the standard.
- (3) Duty officers are to visit designated police stations to ensure the proper and adequate supervision of persons in custody.
- (4) A register shall be kept in the custody room at each designated police station where reception prisons are not available. This register is to record:
  - (a) the full name of the person to be detained;
  - (b) the cell number occupied by the person;
  - (c) the date and time the person is placed in the cell;
  - (d) the date and time the person is released from custody;
  - (e) the number of meals/drinks supplied to the person;

- (f) the dates and times that the person is checked;
  - (g) the names of persons visiting the person together with the time and date of arrival and departure of those visitors; and
  - (h) any other particulars relative to the person whilst detained.
- (5) When a person in custody damages any cell or other government property, the appropriate custody officer is responsible for ensuring that a charge is preferred against the person responsible for the damage if appropriate.

### 7.3.7 CUSTODY OF INTOXICATED PERSONS

- (1) In this section, "intoxicated" includes affected by alcohol and/or drugs.
- (2) An intoxicated person who is charged shall not be admitted to bail until deemed by the custody officer to be sober, unless the custody officer is of the opinion there is a responsible person who can care for the intoxicated person.
- (3) The authority to detain an intoxicated person varies dependent on the particular circumstances of their custody:
  - (a) [Section 4A](#) of the *Police Offences Act 1935* provides for intoxicated persons in public places to be taken into custody where they are behaving in a manner likely to cause injury or damage or are incapable of protecting themselves. This provision is not to be used in circumstances where there person is arrested for an offence;
  - (b) [Section 4\(2\)\(a\)](#) of the *Criminal Law (Detention and Interrogation) Act 1995* allows for an arrested person to be detained for questioning/investigation. A person detained for these reasons may be detained for a reasonable time, which includes a period of time during which a person cannot be questioned due to their intoxication;
  - (c) [Section 4\(2\)\(b\)](#) of the *Criminal Law (Detention and Interrogation) Act 1995* allows for an arrested person to be detained for a period reasonably required to be brought before a magistrate or justice. The intoxication of a person may be a factor in when it is practicable to bring them before a magistrate or justice; and
  - (d) [Section 4\(2\)\(ab\)](#) of the *Criminal Law (Detention and Interrogation) Act 1995* allows for an arrested person to be detained where they are behaving in a manner likely to cause injury or damage or are incapable of protecting themselves.
- (4) The above provisions provide differing requirements and time limits on periods of detention. Members exercising detention powers under these provisions are to be conversant with the provisions and comply with the legislative requirements.
- (5) Where an intoxicated person is in custody and placed in a cell the custody officer or member who has the responsibility to monitor that person whilst in custody is to:
  - (a) loosen any clothing about the person's neck and remove any neck-tie, belt, or item of wearing apparel likely to endanger the person's safety, before putting them in a cell
  - (b) place the person on their side, if compliant;
  - (c) take any other precaution that may be necessary for the person's safety.

### 7.3.8 REQUESTS FROM PERSONS IN CUSTODY

- (1) Where persons in custody request communication with a friend, relative or legal practitioner, members should allow any such reasonable request.
- (2) Where persons in custody request to be medically examined for other than injury or illness, such as an independent examination in relation to the offence, appropriate arrangements should be made. The person is to be advised that they are responsible for payment of any fee involved.

- (3) All requests by persons in custody should be referred to the relevant custody officer for consideration.

### **7.3.9 VISITORS TO PERSONS DETAINED IN CUSTODY**

- (1) No person shall visit a person detained in custody in designated police stations or reception prisons without an order from or the permission of:
  - (a) a magistrate;
  - (b) a commissioned police officer;
  - (c) a custody officer; or
  - (d) a person undertaking the duties associated with a custody officer;
- (2) A visit:
  - (a) is to take place only in the presence of a member; and
  - (b) be recorded in the appropriate register.
- (3) Where possible, a legal practitioner wishing to interview a person in custody should be allowed to do so in an area where the conversation cannot be overheard. However, the person in custody should be kept in view by a supervising police officer and care is to be taken to ensure that the person does not escape or receive any item from the legal practitioner.

### **7.3.10 ESCORTS OF PERSONS IN CUSTODY**

- (1) Members escorting persons detained in custody shall remain with that person until they have been relieved or until the custody of the person has been handed to another appropriate person.
- (2) Members are reminded of the provisions of this section relating to the transport of persons in custody in police vehicles.
- (3) When escorting persons in custody by commercial aircraft the following provisions are to be observed:
  - (a) escorts must be seated alongside their charges during flight;
  - (b) the carriage of firearms, ammunition or other weapons of non-lethal force onto the flight is not permitted unless approval has been obtained from the carrier; and
  - (c) the carrier/operator is to be notified at the time of booking that the proposed passenger is a person in custody who will be escorted.
- (4) A carrier/operator or pilot-in-command is under no obligation to carry persons in custody and may impose additional restrictions if considered necessary.

### **7.3.11 RECEIVING A PERSON ALREADY IN CUSTODY**

- (1) The custody officer at a police station to which a person in custody is transferred:
  - (a) is to take charge of the person and any property, together with the original receipt for that property;
  - (b) is to record the necessary information in the charge record, sign the necessary paperwork and file it appropriately;
  - (c) where the person is released from lawful custody, is to ensure the return of the person's property; and
  - (d) where the person is sent to a prison/reception prison or some other place for their lawful detention, ensure the person's property is forwarded with the person.
- (2) A custody officer:
  - (a) is to receive into their custody any person who is returned from a prison/reception

prison or other place of detention to a police station, when necessary for the purpose of any appearance in court;

- (b) is to record the person's name and other relevant particulars;
- (c) is to search or cause to be searched the person received into custody; and
- (d) is to record any property taken from the person.



## 7.4 DEATH OR LIFE THREATENING INJURY IN CUSTODY

### 7.4.1 GENERAL

- (1) A death or life-threatening injury in police custody refers to a situation where a person:
  - (a) dies or receives life-threatening injuries in an institutional setting (e.g. police station, watch-house, police vehicles), or during transfer to or from such an institution, or following transfer from such an institution;
  - (b) dies or receives life-threatening injuries during police action where members were in close contact with the person. These situations include, but are not limited to, raids/searches, police shootings, escape from police custody; or
  - (c) dies or receives life threatening injuries during police action where members did not have close contact with the person as to be able to significantly influence or control the person's behaviour. These situations include, but are not limited to, sieges and incidents where the member/s were attempting to detain a person (e.g. vehicle pursuits).
- (2) A death or life threatening injury that occurs where police were communicating with that person to prevent them from committing suicide, and they did not intend taking that person into custody, other than for medical assessment or treatment, is not deemed a death or life threatening injury in police custody.

### 7.4.2 CONTROL

- (1) In any case where a person dies or receives life-threatening injuries whilst in police custody, the Deputy Commissioner is to assume control of the investigation, which will be conducted by Professional Standards.
- (2) Professional Standards may request assistance from commanders to ensure a thorough and independent investigation and commanders shall provide such assistance.

### 7.4.3 INITIAL ACTION

- (1) In any case where a person dies or receives life-threatening injuries, the member discovering the person shall immediately notify the area divisional inspector and/or duty officer of the incident.
- (2) In a case where a person is injured, the member discovering the person shall seek assistance and take immediate steps to preserve life.
- (3) The first member attending the scene will:
  - (a) establish the extent of the scene and give a short and accurate situation report to Radio Dispatch Services;
  - (b) obtain the names and addresses of all persons in attendance or of any witnesses;
  - (c) remove all persons from the scene through a common exit point but not disturb the scene, if possible;
  - (d) where available, designate the scene boundary with tape;
  - (e) prevent entry to the scene of any unauthorised persons and set additional guards where appropriate;
  - (f) commence a log containing the name, rank, time of entry, time of exit and reason for entry of all persons who enter the scene;
  - (g) establish an access/egress point at the scene;
  - (h) take steps to protect evidence, especially if it is considered that this evidence will be

endangered in some way prior to the arrival of the divisional inspector/duty officer, or Forensic Services;

- (i) where it becomes necessary to move anything, record that movement and advise the inspector and Forensic Services upon their arrival; and
- (j) fully brief the attending inspector upon arrival.

#### **7.4.4 INSPECTOR RESPONSIBILITIES**

- (1) Upon notification, the relevant divisional inspector or duty officer will:
  - (a) immediately notify the relevant district commander;
  - (b) immediately attend the scene and take command until relieved by Professional Standards;
  - (c) obtain the details of the incident from the central member/s, recognising the potential evidentiary value of the information provided;
  - (d) provide an accurate situation report to Radio Dispatch Services;
  - (e) ensure the attendance of Forensic Services;
  - (f) where death has occurred, ensure the body is not moved until authorised by Professional Standards;
  - (g) where the incident involves more than one member, the central members are to be kept separate from each other to prevent cross-contamination of evidence. The central member/s involved may be conveyed from the scene with the authority of Professional Standards;
  - (h) ensure the welfare of the member/s separated in accordance with the [post shooting section](#) of this Manual;
  - (i) appoint a police officer, not below the rank of sergeant, to ensure the separated central members do not come into contact or communicate with each other, either personally or through another member;
  - (j) identify all witnesses and obtain their personal details. Where possible, witnesses should be kept separated to prevent cross-contamination of evidence and be available for interview by Professional Standards personnel;
  - (k) not interview the central member/s or other witnesses without the expressed permission of Professional Standards;
  - (l) take possession of all police records relating to the deceased or injured person; and
  - (m) on request, arrange interviewing facilities for Professional Standards.

#### **7.4.5 DISTRICT COMMANDER RESPONSIBILITIES**

- (1) Upon notification, the district commander will:
  - (a) immediately notify Professional Standards; and
  - (b) provide support to the central member/s in accordance with the provisions of support to members post shooting of this Manual.

#### **7.4.6 PROFESSIONAL STANDARDS RESPONSIBILITIES**

- (1) Upon notification, Professional Standards will:
  - (a) immediately notify the Deputy Commissioner of Police;
  - (b) coordinate the response;
  - (c) notify the Police Association of Tasmania;
  - (d) attend and take charge of the incident scene;

- (e) take command of the internal investigation;
- (f) where necessary, obtain the details of the incident from the central member/s, recognising the potential evidentiary value of the information;
- (g) be accountable for the quality and integrity of the investigation;
- (h) submit an IAPro™ / BlueTeam™ Compliance Review Report in accordance with [Abacus 4.11](#); and
- (i) notify the Integrity Commission in writing as soon as possible following the incident for accountability reasons, noting that the Integrity Commission has no role in any compliance review process.

#### **7.4.7 INVESTIGATION PRINCIPLES**

- (1) The investigation should be approached on the basis that the death may be suspicious. Suicide should never be presumed.
- (2) The investigation should extend beyond an inquiry into whether death or life threatening injury occurred as a result of criminal behaviour and should include inquiry into the lawfulness of the custody and the general care, treatment and supervision of the person deceased or injured.
- (3) An investigation into a death in a police watch-house should include an inquiry into the circumstances leading to incarceration, including the circumstances of arrest or apprehension, and the deceased's activities after coming into contact with police officers.
- (4) In the course of inquiries into the general care, treatment or supervision of the person deceased or injured, particular attention should be given to whether custodial officers observed all relevant policies, orders and instructions relating to the care, treatment and supervision of the deceased.

#### **7.4.8 NOTIFICATION OF FAMILY – ABORIGINAL OR TORRES STRAIT ISLANDER DEATH IN CUSTODY**

- (1) In addition to any existing regulations or orders relating to the notification of deaths in custody, a member assigned the duty of notifying the family of an Aboriginal or Torres Strait Islander who has died in custody is to be accompanied by an Aboriginal or Torres Strait Islander person known to those being notified wherever reasonably possible.
- (2) Under no circumstances is the notification to be unreasonably delayed in making arrangements for compliance with the above.

## 7.5 BAIL

### 7.5.1 GENERAL

- (1) Custody officers shall consider the issue of bail as soon as practical and ensure persons are not detained unnecessarily.
- (2) The granting of bail should be considered immediately after a person is charged.
- (3) In cases where members have authority to grant bail, the following requirements are to be observed:
  - (a) there should be a minimum delay in arranging bail where it is a proper case to do so;
  - (b) a person charged with a serious offence should not be bailed but taken before a justice as soon as practicable;
  - (c) persons convicted of a terrorism offence or subject to a control order under the Criminal Code 1995 (Cth) cannot be bailed, but taken before a justice as soon as practicable – refer section 4B of the Bail Act 1994;
  - (d) Before admitting a person to bail, they should be checked against the National Police Reference System (NPRS) to determine if they are wanted in another Australian jurisdiction, are subject to a control order, or have a terrorism-related conviction;
  - (e) persons under the influence of liquor or drugs should not be bailed until they are sober, unless special circumstances exist;
  - (f) persons likely to repeat an offence should not be bailed, but be taken before a justice as soon as practicable;
  - (g) consideration should be given to imposing bail conditions in appropriate cases; and
  - (h) Members are reminded of [section 9.1.2 Arrest, Custody and Bail](#) when the person arrested, in custody or to be bailed is a youth.

### 7.5.2 BAIL CONDITIONS

- (1) Where members admit a person to bail, they may impose such bail conditions considered necessary or desirable, and specified in a 'Police Bail Notice' handed to the person.
- (2) The bail conditions imposed may include, but are not limited to:
  - (a) requiring the person to report at a specified time and place;
  - (b) limiting their movement and social intercourse;
  - (c) a condition of a police family violence order or family violence order; or
  - (d) a condition preventing the person from acting in a manner specified in [Section 106B \(1\) of the Justices Act 1959](#).
- (3) Members should ensure that any bail conditions included on a Police Bail Notice are written in clearly legible and unambiguous language.

### 7.5.3 BAIL DEPOSITS

- (1) Only in exceptional circumstances may members admitting a person to bail require the deposit of a sum of money for the purpose of ensuring that persons appearance before the court. Such a sum must not be more than is, in the opinion of the member releasing the person, sufficient to ensure the person's appearance.
- (2) Members who receive money as a deposit for bail shall issue an official receipt to the person admitted to bail and make appropriate notes on all the charge and bail documentation.
- (3) Any sum fixed for bail must be deposited in actual money. Cheques are not to be accepted.
- (4) Except as provided by paragraph (5), all such deposits are to be processed through a Police Public Bank Account and a cheque for the amount drawn forwarded immediately to

the clerk of the court at which the bailee is to appear, together with a photocopy of the Police Bail Notice.

- (5) A district commander may, in lieu of disbursement of such deposits through a Police Public Bank Account, authorise direct payment of the money received to the clerk of the court concerned. All such deposits are to be delivered without unnecessary delay to the clerk of the court, together with a photocopy of the Police Bail Notice.

#### **7.5.4 BAIL REPORTING REGISTER**

- (1) A register of persons on bail and required to report at police stations is to be maintained at police stations.
- (2) The person on bail is to be requested to sign the register when reporting. In most cases, it will be a condition of bail that they sign the register. The member present is to witness the reporting person's signature.
- (3) The member in charge of a police station shall ensure that the register of person on bail and required to report is checked on a weekly basis to ensure persons are reporting as required and if not make enquiries in respect of the matter.
- (4) Persons failing to report should be proceeded against unless there are extenuating circumstances.

#### **7.5.5 ASSISTANCE TO EFFECT ARREST TO REVOKE SURETY**

- (1) A person acting as surety for a person on bail, and bound by a recognisance pursuant to [Section 7 of the Bail Act 1994](#), may arrest their principal if they believe on reasonable grounds that the person admitted to bail has contravened, or is about to contravene, a condition of bail.
- (2) When requested, members are legally obliged to assist persons bound by a recognisance to arrest their principal.

## 7.6 ABORIGINAL OR TORRES STRAIT ISLANDER PERSONS

### 7.6.1 SPECIAL VIGILANCE AND PRECAUTIONS

- (1) It is believed that some Aboriginal or Torres Strait Islander persons affected by alcohol, drugs or incarceration have a predisposition to suicide or self-injury. Members should exercise special vigilance and precautions to ensure the safety and wellbeing of Aboriginal or Torres Strait Islander persons should there be a need to detain them in police custody (Refer [Aboriginal Strategic Plan 2014 - 2022](#)).

### 7.6.2 DETENTION AND/OR INTERROGATION

- (1) In the event that it becomes necessary to detain and/or interview an Aboriginal or Torres Strait Islander person, the member performing the function of custody officer into whose custody the person is first received, or the senior interviewing member if the person is not in custody, is responsible for making every effort to:
  - (a) notify a relative or friend and the [Tasmanian Aboriginal Community Legal Service \(TACLS\)](#);
  - (b) if attendance of any of those notified is requested, take all reasonable steps to make the necessary arrangements; and
  - (c) advise the district Aboriginal Liaison Officer or Tasmania Police Aboriginal Liaison Coordinator of significant matters.
- (2) Members should not hesitate to seek the advice or assistance of TACLS. TACLS can be expected to respond positively and helpfully. Contact telephone numbers should be displayed in all stations and Charge Rooms.
- (3) If an Aboriginal or Torres Strait Islander person requests that the TACLS not be provided with their personal details, the member responsible for notification should advise TACLS that an Aboriginal or Torres Strait Islander person has been arrested and detained, and that the person has requested non-intervention by TACLS. The TACLS should be provided with details of the person's sex, age, physical condition and offence/s.
- (4) The member concerned should record that the Aboriginal or Torres Strait Islander person requested non-intervention of TACLS and request the Aboriginal person to sign the record.

### 7.6.3 MULTIPLE CHARGE SYNDROME

- (1) The [Royal Commission into Aboriginal Deaths in Custody](#) recommended that the Attorneys-General of each state monitor the charging of Aboriginal or Torres Strait Islander people with multiple charge syndrome, i.e. indecent, abusive language or similar, coupled with assault, obstruct or resist police.
- (2) Inspectors and supervisors are directed to monitor the arresting and charging of persons for that sequence of offences or similar offences within their span of control.
- (3) Whenever a person is charged with those offences, a sergeant of police is to be notified and should where practicable be present at the charging to ensure the propriety of the charging procedures in relation to the offences.

### 7.6.4 OFFENSIVE LANGUAGE CHARGES

- (1) The [Royal Commission into Aboriginal Deaths in Custody](#) recommended, in part, that the use of offensive language in circumstances of intervention by police should not normally be occasion for arrest or charge.
- (2) Members are reminded that in the exercise of their discretion, they should not arrest or

charge members of the public for offensive language type offences except when the intervention was not initiated by them, and except in an exchange in which the language is clearly open to having been heard by members of the public.

- (3) Supervisors are directed to monitor the arresting and charging of persons by police officers to ensure adherence to the above principle.

#### **7.6.5 WARRANT CHECKS AT ABORIGINAL CULTURAL EVENTS**

- (1) The [\*Royal Commission into Aboriginal Deaths in Custody\*](#) recommended that the practice of warrant checks at cultural gatherings cease.
- (2) Accordingly, members are directed not to conduct warrant checks at cultural events, including activities such as Aboriginal sporting days, except in certain circumstances.
- (3) The arrest on warrant of persons attending cultural gatherings is not to occur unless the warrant to be executed relates to a crime, is of a serious nature and cannot reasonably be delayed to a more appropriate time or place.

## 7.7 DIPLOMATIC IMMUNITY

### 7.7.1 GENERAL

- (1) Under Australasian law and international conventions, members of foreign diplomatic missions, consular posts and international organisations must be accorded certain rights, privileges and immunities by police and the courts. Only such officials who have been officially accredited by the relevant Commonwealth Department are entitled to privileges and immunities. Accreditation is evidenced by the issue of coloured identification cards signifying varying degrees of diplomatic immunity.
- (2) Immunity is a legal barrier, which precludes Australian Courts from exercising jurisdiction over cases involving persons who enjoy it. This is not, however, a blanket authority or excuse to disregard the law or lawful directions of a police officer.
- (3) It is essential that all diplomats, their families and staff are treated with the highest respect and members should ensure their freedom and dignity are not impinged upon.
- (4) Members responding to incidents involving any of the persons mentioned in this section are to submit a detailed report with a copy to be sent to the Inspector, Special Response and Counter Terrorism.

### 7.7.2 INTERNATIONAL ORGANISATIONS IN TASMANIA

- (1) Members of the [Commission for the Conservation of Antarctic Marine Living Resources](#) and the [Agreement of the Conservation of Albatrosses and Petrels](#) are issued with a RED identification card and enjoy full diplomatic immunity. They are not to be subjected to any form of arrest or detention, however they may be issued with a traffic infringement notice using the Police Infringement Notice System.

### 7.7.3 PERSONS CLAIMING DIPLOMATIC IMMUNITY

- (1) Members coming into contact with a person claiming diplomatic immunity should exercise the utmost courtesy and discretion and request production of official credentials or identification card.
- (2) If the person fails or refuses to produce identification or doubt exists as to whether the person enjoys diplomatic immunity or privilege in respect to the matter being dealt with, members should contact the Inspector, Special Response and Counter Terrorism for advice.
- (3) In order to establish the identity and any immunity, the person may, if necessary, be asked to attend the nearest police station to establish status. This does not constitute 'arrest or detention'.

### 7.7.4 RANDOM BREATH TESTING OF PERSONS WITH DIPLOMATIC IMMUNITY

- (1) A police officer may request a person who enjoys diplomatic immunity to submit to a breath test. If the driver can provide appropriate diplomatic identity, such as, an identification card, they have the right to either accede to or refuse such breath test.
- (2) Where the driver has been able to establish appropriate diplomatic identity and refuses to submit to a breath test, police are under no obligation to allow the driver to continue to drive if, in their judgment, continued driving may pose a danger to the public. In such cases, members should request that another suitable person drive the vehicle or make other suitable arrangements.
- (3) If the person is unable to produce appropriate diplomatic identification, that person should be requested to wait, or to accompany police to the nearest police station, while their status is determined. The Inspector, Special Response and Counter Terrorism is to be contacted immediately and will assist in establishing identity.



#### **7.7.5 ENTRY ONTO DIPLOMATIC OR CONSULAR PREMISES**

- (1) Members need to exercise extreme care in entering diplomatic or consular premises, including the premises of the [Commission for the Conservation of Antarctic Marine Living Resources](#). This may include residences of certain categories of staff. Generally, this may only be done with the express permission of the head of the mission concerned.
- (2) Similarly, great care must be taken not to take or interfere with papers which might constitute official documents of the mission. These are inviolable.
- (3) Diplomatic premises are the offices of the mission, the official residence of the head and residences of diplomatic staff. Consular premises are the offices of the consulate.

#### **7.7.6 WEAPONS POSSESSED BY DIPLOMATIC OR CONSULAR OFFICIALS**

- (1) A member who observes a weapon (which includes: firearm, knife, baton, chemical spray, electric shock device and their derivatives) in the possession of a diplomatic or consular officer is to immediately advise the Inspector, Special Response and Counter Terrorism. The possession of these items does not affect diplomatic immunity and the search of premises, motor vehicles and individuals for firearms is prohibited.

## 8.1 PROSECUTION FILES

- (1) All prosecutions are to be commenced by completing the file on the electronic system and submitting a hard-copy file to a supervisor, when practicable, for authorisation (Refer [First appearance guidelines](#)).
- (2) A 'Fact Form and Antecedent Report' is to be submitted by the arresting or reporting officer in every case where a person is arrested for an offence or when a police officer believes it is appropriate to complete such a document.
- (3) All files relating to the prosecution of offenders shall:
  - (a) be submitted to Prosecution Services no later than 14 days prior to the date of first appearance, where defendants are given Police Bail, to enable complaints to be made and lodged;
  - (b) if required, on a plea of not guilty, be returned immediately by the prosecutor through the usual channels for completion by the reporting officer/s; and
  - (c) except through unavoidable circumstances preventing such compliance, be completed by the investigating or reporting officer as required by Prosecution Services.
- (4) When dealing with indictable files, the respective detective inspector (or their nominee) are to ensure that:
  - (d) before any file is submitted for prosecution on indictment, the file is thoroughly checked;
  - (e) all indictable crime files that are forwarded to the Director of Public Prosecutions (DPP) are to be reviewed to ensure the file is at the required standard;
  - (f) a record is made on the file indicating that it has been reviewed, the standard of the file and any outstanding enquiries that are yet to be completed;
  - (g) where any file is found to be deficient in substance or preparation, any such deficiency is to be immediately brought to the attention of the reporting officer's supervisor for appropriate action; and
  - (h) any deficiencies which are not immediately rectified should be brought to the attention of DPP.

## 8.2 OBJECTIONS TO BAIL

- (1) The question of whether the prosecutor or investigating officer determines any opposition to bail should be left to be determined on the merits of each case between those concerned. Any uncertainty should be resolved by the member in charge, Prosecution Services. (Refer: [Bail Opposition Guide](#))

## 8.3 BREATH AND BLOOD ALCOHOL CONCENTRATIONS

- (1) Where an offence is committed under [Section 6\(1\) of the Road Safety \(Alcohol and Drugs\) Act 1970](#) or [Section 16 of the Marine Safety \(Misuse of Alcohol\) Act 2006](#):
  - (a) in the case of alcohol concentrations obtained by way of breath analysis, offenders are to be charged for readings, which include and exceed 0.051 grams of alcohol in 210 litres of breath; and
  - (b) in the case of alcohol concentrations obtained by direct blood analysis, offenders are to be charged for readings, which include and exceed 0.053 grams of alcohol in 100 millilitres of blood.
- (2) Where an offence is committed under [Section 6\(2\) of the Road Safety \(Alcohol and Drugs\) Act 1970](#) or [Section 13 of the Marine Safety \(Misuse of Alcohol\) Act 2006](#):
  - (a) in the case of alcohol concentrations obtained by way of breath analysis, offenders are to be charged for readings, which include and exceed 0.01 grams of alcohol in 210 litres of breath; and
  - (b) in the case of alcohol concentrations obtained by direct blood analysis, offenders are to be charged for readings, which include and exceed 0.01 grams of alcohol in 100 millilitres of blood.

## 8.4 COURT EXHIBITS

- (1) Members who have the care or custody of exhibits, which may be of evidentiary value, should take every precaution to ensure that such exhibits are handled and cared for in a manner that will not impair the evidentiary value of those items (Refer: [Forensic exhibits templates](#)).
- (2) Disposal of exhibits should be as follows:
  - (a) exhibits should be returned to the owner or otherwise disposed of as soon as practicable after the need to retain them no longer applies;
  - (b) after the conclusion of court proceedings and subject to other provisions of this Manual, exhibits no longer required should be returned to owners, or their legal representatives, and a receipt obtained. Such receipts are to be attached to the property receipt book entry concerned; and
  - (c) exhibits should not be disposed of, even if the court has made an order to that effect, until after the expiration of 21 days following such order.

## 8.5 DAMAGE AND COMPENSATION CLAIMS

- (1) Parties may claim compensation where certain crimes or offences have been committed as prescribed in the [Sentencing Act 1997](#) or [Victims of Crime Assistance Act 1976](#). Victim of Crime compensation is claimed by the individual affected through the Department of Justice.
- (2) In relation to other compensation, if a person is found guilty or convicted of an offence and the court finds that another person suffered injury, loss, destruction or damage as a result of the offence, the court must, if the offence is burglary, stealing or unlawful injuring property, and may in the case of any other offence, order the offender to pay compensation for that injury, loss, destruction or damage
- (3) When submitting reports on any such crime or offence, the member is to describe in the appropriate section of the file the value and property stolen, damaged and recovered and whether compensation is claimed. Supervisors are to ensure that such files are properly completed and that relevant receipts or invoices are attached if available.
- (4) Relevant receipts or invoices to be sought and attached to the prosecution file. Where no receipt or invoice is available prosecutors are to request that the terms of the compensation be adjourned *sine die*.

## 8.6 RESTITUTION OF PROPERTY

- (1) Part 9 of the [Sentencing Act 1997](#) contains provisions for the restitution of property where goods are stolen and a person found guilty or convicted of an offence connected with the theft. The court may make an order for the return of the property or forfeiture of a sum to the value of the stolen goods from the monies taken from the offender on their arrest.
- (2) Where a court makes no restitution order and police are not satisfied as to ownership of the property, or ownership of the property is likely to be disputed, application should be made to a court of petty sessions for a direction for its disposal under section 138 [Justices Act 1959](#). Members should ensure that sufficient copies are attached for service on all interested parties.
- (3) Where a court makes no restitution order and police are satisfied as to ownership of the property and ownership of the property is not in dispute, the property should be returned to the owner, or the owners representative authorised in writing in that behalf, and a receipt obtained there from. Such receipts are to be attached to the property receipt book entry concerned.
- (4) In cases where the property is the subject of an insurance claim and is paid out by the insurer, ownership transfers to the insurer and section (3) is therefore applicable.

## 8.7 WITNESSES

### 8.7.1 POLICE WITNESSES

#### ORDER

#### MEMBERS SHALL ATTEND COURT AS WITNESSES WHEN:

- DIRECTED BY A COMMISSIONED POLICE OFFICER; OR
- SERVED WITH A SUMMONS, PRELIMINARY NOTICE AND FINAL NOTICE TO ATTEND THE SUPREME COURT AS A WITNESS OR OTHER NOTICE REQUIRING THEIR ATTENDANCE, INCLUDING SERVICE BY ELECTRONIC SUMMONS.

MEMBERS MUST NOT DELETE AN EMAIL FROM PROSECUTION SERVICES, WHICH REQUIRES THEIR ATTENDANCE IN COURT, UNLESS THEY HAVE OPENED THE LINK IN THAT EMAIL.

#### ORDER

MEMBERS SERVED WITH A SUMMONS, PRELIMINARY NOTICE AND FINAL NOTICE TO ATTEND THE SUPREME COURT AS A WITNESS OR OTHER NOTICE, OR MEMBERS WHO RECEIVE AN EMAIL REQUIRING THEIR ATTENDANCE AT COURT, SHALL CONTACT PROSECUTION SERVICES OR OTHER PROSECUTING AUTHORITY AT LEAST ONE WORKING DAY PRIOR TO THE DATE SPECIFIED IN THE SUMMONS, PRELIMINARY NOTICE AND FINAL NOTICE OR OTHER NOTICE TO ASCERTAIN WHETHER THEIR ATTENDANCE IS REQUIRED.

- (1) Members attending courts as witnesses are to adhere to the dress requirements as stipulated in the [Dress and Appearance Guidelines](#). Firearms are not to be worn.
- (2) A member served with a preliminary notice and final notice to attend the Supreme Court who is about to proceed on leave, should first contact the Office of the Director of Public Prosecutions or the Prosecutor concerned, and make such arrangements as is satisfactory to that person for their contact during the currency of their leave.
- (3) When a member who is required as a witness is unable to attend court, the member should contact the relevant prosecution authority at the earliest opportunity.
- (4) The use of an electronic court notice for members is only available in the following circumstances:
  - (a) for members who are required to appear in a Court of Petty Sessions or the Youth Justice Division or Coronial Division of the Magistrates Court; and
  - (b) for members who are witnesses (not members who are defendants); and
  - (c) for complaints which are initiated by Tasmania Police.
- (5) All other summons' for members are to be in the prescribed form and served in the usual manner.
- (6) Prosecution records will automatically record the date and time the notice was sent (i.e. received in the member's email inbox). Prosecution records will also automatically record that the member has acknowledged the court notice once the email is read i.e. the link in the email is opened by the member. If prosecution records indicate that the member has acknowledged the email, those records may be used by a justice to determine if the



member has received the notice to attend court.

#### **8.7.2 POLICE AS WITNESSES FOR OTHER PARTIES**

- (1) Members who are summonsed or called to give evidence for the defence in any criminal or summary prosecution, shall promptly:
  - (a) supply a statement of the evidence they can give;
  - (b) attach the statement to a report of the circumstances; and
  - (c) submit the statement and report to their commander.
- (2) Members who are summonsed or called to give evidence in any civil proceedings, or other proceedings not on behalf of DPFEM, shall promptly report the matter to their commander.
- (3) In any case where there is insufficient time to enable compliance with the requirements of this section, the member concerned should consult an inspector and act on the instructions given.

#### **8.7.3 CIVILIAN WITNESS EXPENSES**

- (1) All claims for witness expenses are processed through the office of the clerk of the court. Members must not accept any such expenses direct from witnesses, either for themselves or on behalf of others.

#### **8.7.4 EXPERT WITNESSES AND INTERPRETERS**

- (1) Where it is necessary to engage the services of an interpreter or an expert witness, the approval of the member in charge of Prosecution Services should be first obtained. Should the requirement occur after normal business hours, the approval of the duty inspector or member in charge of the station is to be obtained.
- (2) Where unusual expense may be involved in such engagement, the matter should be referred to the Assistant Commissioner, Specialist Support.
- (3) For further details members are referred to [The Use of Interpreters - Operational Guidelines](#).

#### **8.7.5 WITNESS PROTECTION**

- (1) The [Witness Protection Act 2000](#) provides the authority for the Commissioner of Police to establish and maintain a Witness Protection Program.
- (2) Applications for witnesses to participate in the Witness Protection Program will be on the basis that the level of threat is considered to be of such a serious nature and duration that steps are required to relocate the witness and facilitate a change of identity.
- (3) Approval of applications is at the discretion of the Commissioner of Police.
- (4) Advice on the criteria for witnesses to enter the Program and applications for same may be obtained from the Staff Officer to the Deputy Commissioner.
- (5) Witness protection and security arrangements prior to a person entering the Program will be the responsibility of the respective district.
- (6) Material and resources relating to witness protection are classified as 'Highly Protected'.
- (7) Where a person from any jurisdiction claims they are a member of a witness protection program, the Staff Officer to the Deputy Commissioner is to be notified by:
  - (a) telephone, or
  - (b) by confidential report (double enveloped and marked 'Highly Protected').
- (8) Members are to comply with the provisions of [section 11.1.8 Classified Documents](#) of the TPM, as they relate to the management and transmission of highly protected material and

resources.

## 8.8 PROSECUTORS

- (1) Members appearing in courts as prosecutors should pay due respect to the Bench. If magistrates or justices make adverse remarks about police action in open court then prosecutors will inform them of the avenues to formally make a complaint should they wish to. The prosecutor is not obliged to register the matter on BlueTeam™ (refer [Abacus 5.3.2](#)).
- (2) Where a prosecutor becomes aware of any criticism or comment relating to the conduct of a member (including a failure to comply with correct procedure) made by a magistrate in a written decision, the prosecutor is obliged to register the matter on BlueTeam™ as an IRM and attach, if available, the written decision. The matter is to be referred to the prosecutor's supervisor or manager (refer [Abacus 5.3.2](#)).
- (3) If any of the rights of a prosecutor are refused, the prosecuting member should clearly and respectfully insist upon their full rights and if unsuccessful, submit a full report of the circumstances to the district commander for transmission to the Commissioner.
- (4) It is not improper for police prosecutors to participate in 'plea bargaining' exercises so long as appropriate procedures are followed.
- (5) In relation to matters involving family violence, prosecutors are to consult with the relevant member in charge, Family Violence area within Prosecution Services (as well as the [Family Violence Manual](#)), prior to any decision being made in relation to plea bargaining. Matters identified as the offender being 'high risk' are to be only authorised by the respective member in charge of Prosecution Services.
- (6) The following points are to be taken into consideration by prosecutors when deciding whether or not to accept a plea of guilty involving some abandonment either of a complete charge or some element of a charge:
  - (a) whether the file, on its facts show a strong case for the guilt of the defendant on the proposed charge;
  - (b) whether the charge to which it is proposed to plead guilty is in its final form;
  - (c) whether there would be any legal doubt of a conviction if the case was proved upon the facts presented;
  - (d) the arguments put forward by the defence for withdrawing or altering any charge; and
  - (e) the response of the reporting police officer concerning the issues proposed by the defence.

## 8.9 COURTS

### 8.9.1 COURT SECURITY

- (1) A fundamental element of the justice system is the public's right to access courts of law, and to remain on court premises as long as they comply with the jurisdiction's operational processes, standards of acceptable behaviour and premise security arrangements. Police officers maintain the safe operation and access to courts in circumstances where private security officers are not being utilised. Police officers are designated 'security officers' within the [Court Security Act 2017](#) for that purpose.
- (2) The [Court Security Act 2017](#) provides comprehensive powers to persons undertaking the role of 'Security Officer' within any premises or place where a court is held. Members should make themselves conversant with [Part 4](#) of the act.

In summary, a security officer can:

- (a) search a person and their personal effects when entering, or on court premises ([s.12 & 13](#));
  - (b) require a person to disclose their name, residential address, evidence of identity and their reason for visiting the court premises ([s.14](#));
  - (c) require a person to deposit any personal effects capable of concealing a prohibited object, electronic device or recording device ([s.15](#));
  - (d) seize prohibited objects that may be evidence of the commission of an offence under the [Court Security Act 2017](#), or where possession of the object by the person is unlawful or if the object were returned it may be used imminently to commit an offence ([s.16](#));
  - (e) direct persons to leave or not enter a court / court premises, or remove a person from a court / court premises ([s.17](#)) when:
    - i. The person is behaving in an unlawful, disorderly, menacing or indecorous manner,
    - ii. A judicial officer has issued a court closure order against a person or the public generally ([refer s.9](#)),
    - iii. The person is in possession of a prohibited object ([refer s.3](#)),
    - iv. The person has used an electronic device or a recording device within *principal court premises* ([refer s.11](#)),
    - v. The person has failed to disclose name, address etc. or has failed to deposit personal effects, or disobeyed any other direction made under the act.
  - (f) arrest when the security officer believes on reasonable grounds that the person is committing, has committed or is about to commit an offence under the act ([s.18](#) - *arrest can also be effected when there has been temporary loss of sight of the person*);
  - (g) escort, detain, restrain and guard persons in custody on court premises ([s.19](#));
  - (h) give reasonable direction to ensure safety, good order or security on court premises ([s.20](#)); and
  - (i) use reasonable force and assistance that is reasonably necessary ([s.21](#)).
- (3) Where practicable, security officers must provide a person evidence they are a security officer, their name or identification code, their reason for exercising a power and provide a warning that failure to comply may be an offence before exercising powers under this act ([s.22](#)).
  - (4) Police officers attending court as a witness are not expected to undertake duties as a 'security officer'. In urgent circumstances, members should assist security officers and

their response should be in line with the [Operational Response Policy](#) risk management principles and [operational safety tactics](#).

- (5) Police officers attending court as a witness are not obliged to receive objects seized by security officers under [section 16](#) where it is impractical to do so. In such circumstances members should advise the security officer to make a request for collection via telephone to Radio Dispatch Services.
- (6) Security managers and security officers (who are not police officers) may only exercise the above functions and powers in relation to the court or court premises to which they have been appointed as a security officer ([s.23](#)).
- (7) Members are not otherwise permitted to arrest persons, execute any warrant or serve any summons on court precincts, except in cases of emergency.

### 8.9.2 EVIDENTIAL MATERIAL (INCLUDING SECURITY FOOTAGE)

- (1) If a member requires material, including security footage, from the Supreme Court of Tasmania or the Magistrates Court of Tasmania then they are to make a request to the appropriate court via email. Requests should be addressed;

“Attention: Registrar, *<jurisdiction>* Court of Tasmania – Request for Security Footage, *<location>* *<Magistrates or Supreme>* Court of Tasmania”.

Requests must specify the reason the material is required and all security footage requests should include the date, time period and details of the incident or occurrence.

Email Contacts:

Supreme Court of Tasmania:

All locations: [EXEMPT PER S.36 OF RTI ACT]

Magistrates Court of Tasmania:

Burnie: [EXEMPT PER S.36 OF RTI ACT]

Devonport: [EXEMPT PER S.36 OF RTI ACT]

Hobart: [EXEMPT PER S.36 OF RTI ACT]

Launceston: [EXEMPT PER S.36 OF RTI ACT]

- (2) If an email request to a court for material, including security footage, is rejected then approval must be sought from the Deputy Commissioner before applying for a search warrant. There is nothing in the Search Warrants Act 1997 that exempts courts from the operation of that act however it is important that the operation and judicial independence of the court is maintained. Obtaining a search warrant for court security footage should only be sought as a last resort.

## 8.10 DECISIONS TO PROSECUTE/NOT TO PROSECUTE

- (1) Tasmania Police will prosecute offenders where a reasonable prospect of conviction exists.
- (2) The criteria for not prosecuting, as described in 8.10(1) although a reasonable prospect of conviction exists, include:
  - (a) technical breaches of the law;
  - (b) trivial contraventions of the law;
  - (c) vexatious, oppressive and malicious prosecutions;
  - (d) prosecutions that would attract ridicule or bring the law into contempt;
  - (e) unreasonable delay has occurred in bringing a prosecution;
  - (f) where the mental condition of the offender suggests treatment rather than prosecution; and
  - (g) any other proper consideration.
- (3) Where a police prosecutor receives a representation from any person, including another police officer, requesting that a charge against any defendant be discontinued or adjourned *sine die*, the police prosecutor shall:
  - (a) make a notation on the running sheet of the court file indicating the date, time and name of the person making the representation and the nature of the request;
  - (b) bring that representation to the attention of the member in charge of the Prosecution Services; and
  - (c) if the representation is considered to be of questionable propriety, the matter shall be brought to the attention of the divisional/support inspector for determination.
- (4) A representation includes any approach in person, by telephone or by any other electronic transfer means. Notation upon a court file is not necessary in cases where formal correspondence has been received, as any such documentation will be automatically attached to the file.
- (5) When it is not possible for the police prosecutor conducting a contest mention court to obtain advanced approval, that prosecutor may tender no evidence in relation to a charge. Where this action is taken, the prosecutor is required to record the reason/s for the decision on the file. During review of contest mention files, the prosecutor responsible for those files shall evaluate the charges and identify the scope that may or may not exist for charges to be discontinued. In this situation, the prosecutor is required to seek the advice of the member in charge, Prosecution Services.
- (6) Decisions not to prosecute are to be objectively based upon the whole of the evidence available and in the public interest. Where appropriate and possible, the divisional inspector who authorised the prosecution, the reporting officer and the complainant, should be consulted.
- (7) The officer who authorises the tendering of no evidence or who requests that the case be adjourned *sine die*, must reduce the request and reasons for the decision to writing, which is to be endorsed and a copy retained on the file.
- (8) When no evidence is tendered on a prosecution file or a charge is adjourned *sine die* and is not likely to proceed, the prosecutor who completes the case is required to make a record of instructions on the file and date and sign that entry.
- (9) A record of all charges in respect of which no evidence has been tendered or which are adjourned *sine die* and are not likely to proceed, will be maintained by the member in charge, Prosecution Services.

- (10) Any application for the withdrawal of proceedings against a police informant (human source) and which are capable of being dealt with summarily must be in writing and shall only be approved by the district commander. Notification of such withdrawal must be provided to the member in charge, Prosecution Services. Approval will only be granted in instances where the informant is a registered informant, in accordance with [Tasmania Police Policy 1/99](#).
- (11) In any situation, whether indictable or not, where the advice of the Office of the Director of Public Prosecutions has been sought, a decision contrary to that advice is not to be taken without the consent of the Director of Public Prosecutions.
- (12) Any application for the withdrawal of indictable proceedings against a police informant must be in writing and shall be submitted through the district commander to the Assistant Commissioner, Operations for subsequent transmission to the Director of Public Prosecutions. Approval will only be granted in instances where the informant is a registered informant.
- (13) No proceedings should be adjourned *sine die* unless a positive benefit is likely to accrue from such action.
- (14) Where a recommendation has been made that a prosecution case be adjourned *sine die*, with the likelihood the matter will not proceed or that no evidence will be tendered, the complainant in the matter may be consulted prior to a final decision being made.
- (15) A quarterly report outlining the details of cases where no evidence has been tendered or matters adjourned *sine die* and are not likely to continue, is to be compiled by the member in charge, Prosecution Services and forwarded to the district commander.
- (16) The review and inspection of details of cases where no evidence has been tendered or are adjourned *sine die* and are not likely to proceed, are to be included within the Systems Inspection Audit. Commanders are to ensure that the review is completed and included with the audit report.

## 8.11 DISPOSITION OF INDICTABLE OFFENCES

### 8.11.1 RELEASE TO ACCUSED

- (1) The [Justices Act 1959](#) contains legislated activities concerning indictable offences and, in certain instances, places obligations on relevant commanders to serve specific documents on the defendant or the defendant's legal practitioner.
- (2) Relevant commanders for this section means a commander who has responsibilities in relation to the district in which the proceedings that are adjourned under section 55(5) of the [Justices Act 1959](#) are being conducted.
- (3) To assist with the timely release of the specific documents, members are to ensure that files are prepared to a suitable standard for the first and second appearances, and thereafter for either the defendant's re-appearance after adjournment before justices or for transmission to the Director of Public Prosecutions for the defendant's appearance in Directions Hearing in the Supreme Court.
- (4) When a defendant first appears before justices charged with an indictable offence and does not plead guilty, any adjournment to the proceedings will be for a period not exceeding seven weeks.
- (5) The [Justices Act 1959](#) requires, on the adjournment of proceedings, that the defendant's legal representative or, if unrepresented, the defendant is to provide written notification to the relevant commander of that fact, as the case may be.
- (6) Prosecution Services is responsible for the disclosure of the material specified under sub-section (7) and that disclosure is to occur in sufficient time during the adjournment period to allow for determination of plea by the defendant or their legal representative.
- (7) During the adjournment, the relevant commander is to serve a copy of the following documents on the legal representative of the defendant (if represented) or the defendant:
  - (a) the complaint;
  - (b) the transcript (if available) of the interview which is the subject of the charge;
  - (c) the statements of all witnesses; and
  - (d) a summary of the material facts relevant to the charge.
- (8) Transcripts are not to be requested solely for release of information purposes. Refer to sub-section (7) of this section.
- (9) If there is an audio or audio-visual recording of the interview and there is no transcript, the relevant commander is to serve a copy of the recording on, or provide an opportunity to listen or observe the recording to, either the defendant or the legal practitioner representing the defendant.
- (10) A copy of an audio or audio-visual recording of an interview served on the legal representative or defendant, is to be returned at the time specified by the relevant commander. The copy is to be accompanied by documentation to the legal representative or defendant stating they:
  - (a) must not allow it to be listened to or watched by any person for a purpose not connected with the proceedings;
  - (b) must not copy it or allow it to be copied; and
  - (c) must return it to the relevant commander no later than two weeks after the finalisation of the legal proceedings.
- (11) The items listed in sub-sections above, as appropriate, are to be served in the interests of fairness and justice, even though the relevant commander may not have been notified as required.
- (12) Where additional statements become available and/or the material facts have changed or



are added to, copies of those additional statements and revised material facts are to be served on the defendant or their legal representative.

- (13) Items obtained or revisions of the summary of material facts that have occurred after the initial release and within 8 days of the second appearance of the defendant, which are unable to be served, may be served on the day of the defendant's appearance.
- (14) Documents to be served are to be released by the relevant commander, through the relevant Prosecution Services, unless directed otherwise. All items are to be clearly marked with a stamp identifying that the documents have been released by Tasmania Police and an accurate record of the released documentation is to be maintained on the police file.
- (15) Records are to be maintained indicating, where appropriate:
  - (a) the defendant's details;
  - (b) the complaint numbers;
  - (c) details of the defendant's legal representative;
  - (d) date the written notification was received and from whom;
  - (e) date of first appearance and the adjournment date;
  - (f) items served;
  - (g) date items served and to whom;
  - (h) the due date for the return of any audio or audio-visual recordings released;
  - (i) actions taken to recover any audio or audio-visual recording not returned ; and
  - (j) any other matter the relevant commander considers appropriate.
- (16) [Guidelines for Disposition of Indictable Offences](#) have been produced outlining the position and requirements of Tasmania Police.

#### **8.11.2 RELEASE TO DIRECTOR OF PUBLIC PROSECUTIONS (DPP)**

- (1) In relation to defendant interviews, the audio CD copy and the audio visual DVD copy are both to be attached to the first appearance files relating to indictable offences.
- (2) Disclosure for indictable offences (as per 8.11.1) will continue to be undertaken between the first and second appearance in the Magistrates Court in accordance with legislation and established business processes. The audio CD of any interview is to be disclosed with that material.
- (3) Following the defendant's committal to the Supreme Court, Prosecution Services shall immediately create an unedited copy of the police file, including complaints, statement of material facts and all available statements and ensure that material and the audio visual DVD copy disk of the defendant's interview is forwarded to the Office of Director of Public Prosecutions (DPP) with a cover sheet indicating which matter the documentation relates to.
- (4) Western District matters are to be forwarded to the Hobart Office of DPP.
- (5) Prosecution Services shall ensure that accurate records of the disclosure of the material to the Defence, and the provision of the copy file and DVD disk to DPP, are clearly recorded on the police file, including the material provided and the dates undertaken.
- (6) The Police file shall then be forwarded to the relevant detective inspector for assessment and review as to further preparation or investigation prior to the defendant's first appearance at Supreme Court (first Directions Hearing). Detective inspectors shall also ensure that disclosure to Defence and copies to DPP have occurred as required.
- (7) Detective inspectors shall maintain responsibility for, and manage any subsequent return of, the Police file to their office and transmission to the DPP.
- (8) The file is to arrive at DPP no later than seven working days prior to the first appearance

of the defendant at Supreme Court (first Directions Hearing). The exceptions will be where DPP specifically states in writing that they do not require the Police file for Directions Hearing.

## 8.12 EXTRADITION

### 8.12.1 GENERAL

- (1) The [Service and Execution of Process Act 1992](#) (Commonwealth) provides for the extradition of offenders between Australian States and Territories and sets out the circumstances under which extradition may be ordered and the procedures to be followed.
- (2) The procedure prescribed by the [Service and Execution of Process Act 1992](#) (Commonwealth) is, briefly:
  - (a) the offender can be apprehended without warrant. A copy of the warrant for verification of the arrest is desirable and should be in the possession of the arresting police officer other than in exceptional circumstances;
  - (b) the person apprehended must be taken before a magistrate as soon as practicable after being apprehended;
  - (c) the warrant or a copy warrant must be produced to the magistrate if available (in all but exceptional circumstances the warrant or copy warrant should be available); and
  - (d) the magistrate must authorise extradition on bail or in custody or otherwise as the magistrate specifies, if warrant or copy warrant is produced, unless the magistrate is satisfied that the warrant is invalid.

### 8.12.2 EXTRADITION FROM TASMANIA

- (1) Where Tasmania Police believes or has knowledge that a person arrested or in custody in this State is wanted in another State or place, liaison should occur with the jurisdiction in which the person is wanted.
- (2) Police should seek a remand of persons arrested on such warrants, which will allow sufficient time to arrange the attendance of an escort with the original warrant.
- (3) Other than in cases of urgency, all notifications required by this section should be made through official channels. In cases of urgency, the appropriate senior officers should be advised as soon as possible of any such action taken.

### 8.12.3 EXTRADITION TO TASMANIA

#### ORDER

**MEMBERS SHALL NOT SEEK THE EXTRADITION OF AN OFFENDER TO TASMANIA FROM ANY AUSTRALIAN STATE OR TERRITORY, COMMONWEALTH COUNTRY OR FOREIGN STATE WITHOUT PRIOR APPROVAL OF THE OFFICE OF THE COMMISSIONER.**

- (1) As a general rule, extradition should be sought for:
  - (a) offences of a serious nature; or
  - (b) a series of serious crimes; or
  - (c) crimes from which the community should be protected.
- (2) Where extradition is sought, a report is to be submitted and include the following information:
  - (a) full name and description of the offender and any other information that may assist in their identity;
  - (b) brief details of the offence in respect of which extradition is desired;
  - (c) if the offender absconded while on bail;

- (d) whether a warrant is in existence for the arrest of the offender and, if so:
    - i. date of issue;
    - ii. court of issue;
    - iii. full name of the person issuing the warrant and the office held; and
    - iv. location of the warrant;
  - (e) address or location of the offender if known. If not, any information which may assist in locating the offender; and
  - (f) name, rank and station of the member or members who can identify the offender.
- (3) The report is to be forwarded through official channels to the Office of the Commissioner for approval. In urgent cases, the information required by paragraph (1) is to be communicated direct to the Office of the Commissioner for approval of extradition proceedings by the quickest appropriate means.

## 8.13 SUMMONSES AND SIMILAR DOCUMENTS

- (1) A register is to be kept at each police station to record the receipt and service of summonses and like documents.
- (2) The following points should be observed:
  - (a) summonses should be returned direct to the office of origin and prior to the hearing date whether served or not;
  - (b) requests for extension dates should be made direct to Prosecution Services issuing the summons;
  - (c) summonses should not be served on ANZAC Day; and
  - (d) children should be served if possible, in the presence of a parent or guardian.
- (3) Members will not serve documents on behalf of solicitors and process servers.

## 8.14 ARREST WARRANTS

### ORDER

**MEMBERS MUST NOT APPLY TO A JUSTICE WHO IS EMPLOYED BY THE DEPARTMENT OF POLICE, FIRE AND EMERGENCY MANAGEMENT FOR THE ISSUE OF A WARRANT OF ARREST OR A SEARCH WARRANT.**

- (1) All warrants are to be recorded on the appropriate computer based system when received by Tasmania Police. This system is to be used to record the transmission and execution of all warrants.
- (2) Except in cases of urgent necessity where it is not reasonably practicable to obtain possession of the actual warrant, it is the duty of a police officer executing a warrant to be in possession of the warrant or a facsimile copy of the warrant (refer [Criminal Code S.301\(5\)](#)), and to produce it if required; and to give notice, if practicable, of the warrant under which the police officer is acting. This requirement does not necessarily exist for interstate warrants.
- (3) A certified copy of a warrant includes a facsimile, email or any other means of electronic communication signed by a person who has seen the original warrant and can attest the copy is a true copy of the warrant.
- (4) A police officer executing a warrant should, where practicable, read the warrant to the person concerned but not let the warrant out of their possession.
- (5) Before executing any apprehension warrant, a check must be made to ensure that the warrant has not been previously executed.
- (6) Members requiring a warrant of arrest in the first instance are to use a Complaint on Oath form to swear the complaint or grounds for the warrant and the date of issue of the warrant must be endorsed on the complaint. These documents, where practicable, are to be completed in consultation with a member of Prosecution Services.
- (7) When a member swears a warrant before a justice (Warrants of Arrest in the First Instance), the member swearing the warrant is to ensure the warrant is recorded electronically on the appropriate computer based system without delay, whether the warrant is executed or not. This can be achieved by forwarding a copy of the warrant (marked 'COPY') to Operational Information Services - IB Warrants, either by fax **EXEMPT PER S.36 OF RTI ACT** or by scanning and emailing a copy of the warrant to: **EXEMPT PER S.36 OF RTI ACT**.
- (8) Where a Warrant of Arrest in the First Instance is not executed within 72 hours of issue,

- the warrant is to be forwarded to Operational Information Services - IB Warrants, for filing.
- (9) Officers on station inspections should check all warrants on hand and satisfy themselves that proper attention is being given to warrants received. If there is apparently undue delay in the execution of a warrant, the matter should be reported.
  - (10) Except where a prisoner is taken direct to a prison on a warrant of commitment, the following procedure should be observed whenever a person is arrested on warrant:
    - (a) the endorsement of service must be completed in the space provided or written on the reverse side of the warrant, and include:
      - i. full name, rank and number of executing officer; and
      - ii. date, time and place of execution.
    - (b) the warrant cover sheet must be completed by the member executing the warrant and forwarded to: Operational Information Services - IB Warrants (or by email to **EXEMPT PER S.36 OF RTI ACT**) the person responsible for updating the computer system;
    - (c) unless the warrant is a Warrant of Commitment, the prosecutor is to ensure that the warrant is taken to court with the person arrested and handed to the clerk for retention with court records.
  - (11) Where a Warrant of Commitment has been executed by arrest of the defendant, the warrant is to be endorsed and delivered to the prison, with the prisoner.
  - (12) When a prisoner is in prison and a warrant of commitment exists the warrant should be sent to the division in which the prison is located for execution.
  - (13) Where a warrant for the arrest of a person is received and the warrant cannot be executed, the warrant shall be forwarded to Operational Information Services without delay to enable the records held by them to be updated and the warrant to be filed.
  - (14) Lost warrants should be handled in the following manner:
    - (a) where a divisional inspector is satisfied that all reasonable enquiries have been made to locate a missing warrant, the divisional inspector is to ensure that a report is forwarded to the district commander to report that the warrant is lost;
    - (b) the commander of the district will advise the relevant Magistrates Court that the warrant is lost and request that a duplicate warrant be issued.
    - (c) a copy of the commander's advice to the Magistrates Court is also required to be sent to Operational Information Services - IB Warrants (or by email to **EXEMPT PER S.30 OF RTI ACT**), where an appropriate note will be recorded on the computer based system against the lost warrant.
  - (14) The member in charge, Prosecution Services is to annually review all files containing unexecuted warrants to determine the continuation of proceedings. The review shall include consultation with the relevant divisional inspector and the investigating officer. Such reviews are to be conducted annually.
  - (15) Discretion is to be exercised as to the future of each particular case having regard to:
    - (a) the severity of the offence;
    - (b) the time that has elapsed since the commission of the offence;
    - (c) the present availability of witnesses;
    - (d) the sustainability of the prosecution; and
    - (e) whether the interest of justice is served by the preservation of the charge.
    - (f) Where a determination is made to discontinue proceedings the following procedure should apply:
      - (g) recall the warrant to Prosecution Services;
      - (h) re-list the complaint with the court; and

- (i) make application to vacate the warrant and tender no evidence on the complaint.

## 8.15 INTERSTATE FINES WARRANT

- (1) The following applies to the execution of interstate fines warrants:
- (a) where a member arrests a person on an interstate fines warrant, the warrant should be produced at the time of apprehension. However, if the arresting member is not then in possession of the warrant, it should be produced to the person apprehended as soon as practicable. The person apprehended is to be brought before a court as soon as practicable;
  - (b) the person must be given the opportunity of paying the amount specified in the warrant;
  - (c) upon payment in full, the person must not be apprehended;
  - (d) part payment is not acceptable;
  - (e) an interstate warrant is not to be forwarded to Operational Information Services when not executed or when enquiries have been exhausted, but should be returned direct to the issuing court;
  - (f) in the event of a person named in an interstate fines warrant denying being the person named therein, enquiries should be made to confirm identity, and should there be any doubt as to the identity of such person, the member concerned should seek advice from a senior officer; and
  - (g) members must not apprehend a person under an interstate fines warrant if they have reason to believe that such person may be under 18 years of age. This does not affect a member's authority to accept the amount specified in the warrant, if it is tendered.



## 8.16 SEARCH WARRANTS

### 8.16.1 GENERAL

- (1) A police officer may make application to a Justice for the issue of a warrant to search any premises for evidential material. Members should refer to the [Search Warrants Act 1997 Guidelines](#) for further information.
- (2) Members should brief the justice as to the correct procedure, in order to comply with the [Search Warrants Act 1997](#), when authorising a warrant by telephone, telex, facsimile or other electronic means. The procedure includes the justice completing and signing the form of warrant prior to issuing it to the applicant.
- (3) In emergency situations, a police officer may stop, detain and search a conveyance if they suspect, on reasonable grounds, that:
  - (a) a thing relevant to an offence is in or on a conveyance; and
  - (b) it is necessary to do so in order to prevent the thing from being concealed, lost or destroyed.
- (4) Members who are required to execute search warrants on State Members of Parliament should do so in accordance with the [Guidelines for Execution of Search Warrants on State Members of Parliament](#).
- (5) Members who are required to execute search warrants on Federal Members of Parliament should do so in accordance with the [Guidelines for Execution of Search Warrants on Federal Members of Parliament](#).

## 8.17 GENERAL (SEARCH) WARRANTS

### ORDER

**MEMBERS SHALL NOT USE A GENERAL WARRANT IF A SEARCH WARRANT CAN BE OBTAINED FROM A JUSTICE, UNLESS THE DELAY IN OBTAINING A WARRANT FROM A JUSTICE MAY RESULT IN VALUABLE EVIDENCE BEING LOST, OR STOLEN PROPERTY DISPOSED OF.**

- (1) The Commissioner has authority under section 60 of the [Police Offences Act 1935](#) to issue to any member a General Warrant to search for stolen property in certain circumstances. All such warrants remain in force for six months from the date of issue or for any shorter period as stated.
- (2) General Warrants are issued to police officers to effect immediate searches in situations where a normal application for a justice's Search Warrant may result in valuable evidence being lost or stolen property disposed of.
- (3) Guidelines relating to the issue and use of General Warrants are as follows:
  - (a) unless there are special circumstances, General Warrants will be issued to the following members:
    - i. sergeants supervising uniformed personnel within divisions where emergency searches are likely to occur (not extended to relief members or officers performing higher duties unless there are exceptional circumstances);
    - ii. members in charge of stations;
    - iii. operational detectives; and
    - iv. members permanently involved marine policing.
  - (b) any police officer may apply for a General Warrant if it is believed special circumstances exist that requires such issue;
  - (c) the divisional inspector is to attach a recommendation and forward the same to the relevant commander who will recommend or reject the application;
  - (d) the commander is to arrange for particulars to be entered in the register maintained for that purpose and have prepared a General Warrant for signature by the Commissioner;
  - (e) the warrant is to be forwarded directly to the Commissioner of Police using the standard template provided;
  - (f) warrants forwarded to the Office of the Commissioner for signature are not to be dated and are to reach that office by 1 June and 1 December each year;
  - (g) after being signed, the warrant is registered and returned to the commander via Records Information Services, Corporate Services;
  - (h) members on transfer are to surrender their General Warrant to the divisional inspector for return to the Office of the Commissioner for cancellation; and
  - (i) expired and cancelled General Warrants are to be filed in the member's district personal dossier and retained for no less than two years.
- (4) At any time, a General Warrant may be revoked and regular reviews of applications and warrants will occur.
- (5) At the end of June and December in each year, district commanders and the Commander, Operations Support are to prepare and forward a return to the Assistant Commissioner, Specialist Support that identifies those members:

- (a) who, during the preceding six months, have been issued with a General Warrant, and the date of issue; and
- (b) who, during the past six months, have had their General Warrant cancelled, and the date of cancellation.

## 8.18 EXTRA-TERRITORIAL SEARCH WARRANTS

### ORDER

**THE TASMANIA POLICE LIAISON OFFICER, (DETECTIVE INSPECTOR) INVESTIGATIVE AND INTELLIGENCE SUPPORT SERVICES (IISS) IS TO BE INFORMED OF ALL EXTRA-TERRITORIAL WARRANTS THAT ARE TO BE EXECUTED IN TASMANIA ON BEHALF OF INTERSTATE MEMBERS, AND ALL WARRANTS TASMANIAN MEMBERS REQUIRE EXECUTING INTERSTATE.**

- (1) An Extra-Territorial Warrant is issued under the [Criminal Investigation \(Extra-Territorial Offences\) Act 1987](#). This Act provides for the issue of Search Warrants for the investigation in another State/Territory of certain offences against the law of this State. There is reciprocating legislation in each State/Territory, which provides for the issue of Search Warrants from that State/Territory for searches to be conducted in Tasmania.
- (2) The Detective Inspector, Investigative and Intelligence Support Services (IISS) is the Tasmania Police Liaison Officer appointed to supervise the issue and execution of Extra-Territorial Warrants in and on behalf of members in Tasmania.
- (3) A warrant sought by members under the provisions of the [Criminal Investigation \(Extra-Territorial Offences\) Act 1987](#) will only be approved for indictable offences. A member who requires the issuing of a warrant for execution interstate is to refer to the [Standard Operating Procedures](#) and other relevant documents.
- (4) A warrant to be executed in Tasmania must be in writing and relate to an indictable offence within the laws of the requesting jurisdiction, which would be a criminal offence if committed within Tasmania. They are to be authorised by the relevant State or Territory Liaison Officer and the Tasmania Liaison Officer is to be aware of the warrant's existence.

## 8.19 FAMILY LAW WARRANTS

- (1) Members may be required to perform duties associated with the Family Law Court and should be aware that:
  - (a) where a Recovery Order is issued from the Family Court to take possession of a child and deliver such child to the person entitled to custody, it is necessary to arrange for the person entitled to legal custody, who is only a person that is listed on the Order, to be present when possession is obtained, so that the child may be immediately handed over;
  - (b) information may not be supplied concerning the description of either the child or the person exercising control over the child. Members should make suitable enquires to obtain such information and, **EXEMPT PER S.30(1)(c) OF RTI ACT**;
  - (c) when a member executes a Recovery Order, the documentation should be returned immediately to the court that issued the Order;
  - (d) where a person does not obey a Summons to Attend Court or to produce documents, a Family Court may issue a warrant authorising the apprehension and bringing to court of the person and their detention in custody until released by the court. Police Bail cannot be granted;
  - (e) when a member executes a Warrant of Arrest, the warrant is to be endorsed and immediate contact made with the court that issued the warrant;
  - (f) members may execute a sealed copy or facsimile copy of a Recovery Order/Warrant of Arrest issued by the Family Court; and
  - (g) information or general advice relating to Family Court matters is available by contacting the Australian Federal Police, Hobart.

## 8.20 BAILIFFS

### ORDER

**MEMBERS SHALL NOT PURCHASE ANY ARTICLE OR PROPERTY AT A SALE HELD UNDER A WARRANT.**

- (1) A police officer is a bailiff for the purposes of the [Magistrates Court \(Civil Division\) Act 1992](#). The function of a bailiff/assistant bailiff is to carry out the service and execution of court documents relating to the enforcement of judgments and orders. The Magistrates Court has issued [guidelines](#) in accordance with the [Magistrates Court \(Civil Division\) Act 1992](#). These guidelines contain information that relates to warrants of execution, eviction warrants and the like.
- (2) In accordance with the [Supreme Court Rules 2000 \(R903\)](#), police officers who perform duties as bailiffs by virtue of their ex officio appointment pursuant to the [Magistrates Court \(Civil Division\) Act 1992](#), have the same powers, authorities and immunities and are subject to the same liabilities as sheriff's officers. To assist members who perform duties as sheriff's officers pursuant to R903, the Supreme Court has issued a [Sheriff's Manual \(for Police Bailiffs\)](#) to provide practical guidance.

**8.21      REMOVED 01/03/2018**

## 9.1 YOUTH JUSTICE

### 9.1.1 GENERAL

- (1) A youth is defined in the [Youth Justice Act 1997](#). This Act is based on the principles of restorative justice and it relies fundamentally on effective diversionary procedures to achieve its objectives. Diversionary procedures are intended to keep youths out of the court system and encourage them to take responsibility for their actions with the aim of changing their behaviour.
- (2) Members are to refer to the [Youth Justice Act 1997 Instructions and Guidelines](#) for information when dealing with an offender who is a youth.

### 9.1.2 ARREST, CUSTODY AND BAIL

#### ORDER

**MEMBERS WHO ARREST A YOUTH SHALL IMMEDIATELY ADVISE THEIR SUPERVISOR, DIVISIONAL INSPECTOR OR DUTY OFFICER OF THE CIRCUMSTANCES.**

- (1) A police officer may only arrest a youth in relation to an offence subject to the provisions of [section 24, 24A and 24B of the Youth Justice Act 1997](#).
- (2) The power of a police officer to arrest a person under [Section 27 of the Criminal Code 1924](#) is also subject to the limits imposed by this section.
- (3) The custody of a youth is subject to the limitations imposed by [Section 25 the Youth Justice Act 1997](#). Please refer to the [Bail Act 1994 – Section 10](#) (Power of arrest for relevant contravention of a bail condition).
- (4) A youth should only be bailed in the presence of a parent, guardian or other independent person.
- (5) If this is not practicable, release from bail should be authorised by an inspector.
- (6) Section [24C of the Youth Justice Act 1997](#) specifies limitations in relation to relevant contraventions (breach of bail or contravene the condition of a notice). When considering the option to bail or detain a youth, due consideration must be given to the seriousness of the offence and the specific circumstances of the case.

### 9.1.3 PROSECUTIONS AND OTHER PROCEEDINGS

- (1) A youth who is under 15 years of age may not be jointly charged with an adult.
- (2) A complaint cannot be filed for a youth who commits an offence as a detainee ([Youth Justice Act 1997 s139 and s143](#)) without the matter being brought to the attention of the Secretary of the Department of Health and Human Services. The Secretary will determine how the matter will proceed.

### 9.1.4 OFFENCES OF ASSAULT - NOT TO BE INFORMALLY CAUTIONED

- (1) If a youth commits any assault, an informal caution is not to be issued, and an alternative sanction under the [Youth Justice Act 1997](#) must be undertaken.

### 9.1.5 INTERVIEW OF YOUTHS

- (1) Where a member intends to interview or ask any investigatory questions of a youth whom the officer has reasonable cause to suspect may have committed an offence, the interview should be conducted in the presence of a parent, guardian or other independent person.



- Where practicable the person present should be of the youth's choice.
- (2) No more than two officers should be present at such interview.
  - (3) Where a youth who is to be interviewed is of aboriginal descent and a parent or guardian cannot be contacted, the initial enquiry for an 'independent person' should be directed to the Aboriginal Legal Service.
  - (4) Members should be cognisant of the fact that youths' intellectual development and capacity varies. Members should therefore give consideration to the comprehension ability of youths and consider the appropriateness of having a parent, guardian or responsible adult present during the taking of any witness statements. Such persons should be independent and, if practicable, of the youth's choice. The desirability of having a parent, guardian or independent person present increases as the age of the witness decreases.
  - (5) Where a youth is to be interviewed at school, the prior approval of the school principal or a representative of the principal is to be obtained. Any interview conducted at a school should be conducted in the presence of the school principal, the representative or a person nominated by either of them.
  - (6) Members should only remove a youth from a school:
    - (a) when acting pursuant to a legal process; or
    - (b) in any other case, with the sanction of a parent or a guardian of the youth and after notifying the school principal, or where it is not possible or practicable to contact a parent or guardian, with the sanction of the school principal.
  - (7) In all cases where a youth is removed from a school, the parent or guardian and school principal should be informed at the time, if possible, or as soon as practicable thereafter.
  - (8) Where a pupil of a school is involved in any investigation or offence, members shall not publicly disclose the name of the school or any information which may lead to the identification of the school.

## 9.2 ABUSE OR NEGLECT

### 9.2.1 GENERAL

- (1) The overarching objective of the [Children, Young Persons and Their Families Act 1997](#) is to provide for the care and protection of children and young people in a manner that maximises the child's opportunity to grow up in a safe and stable environment and to reach their full potential.
- (2) Tasmania Police is responsible for investigating offences created by this Act whilst the relevant area of the Department of Health and Human Services (DHHS) is responsible for care and protection issues
- (3) Members are to refer to the [Children Young Persons and their Families Act 2015 Memorandum of Understanding and Guidelines](#) with DHHS for all information when dealing with care and protection issues.

### 9.2.2 MANDATORY REPORTING REQUIREMENTS

#### ORDER

#### MEMBERS SHALL:

- **IN ADDITION TO SUBMITTING A CHILD AND FAMILY SERVICES (CFS) REFERRAL (VIA THE IDM) VERBALLY REPORT ALL CASES WHERE SEXUAL ABUSE, PHYSICAL INJURY OR SEVERE NEGLECT ARE ALLEGED TO THE RELEVANT AREA OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS);**
- **TAKE SUCH IMMEDIATE ACTION AS MAY BE NECESSARY TO ENSURE THE SAFETY OF ANY CHILD; AND**
- **RECORD ON THE CFS REFERRAL FORM DETAILS OF THE VERBAL CONTACT MADE WITH DHHS.**
- **MEMBERS SHOULD REFER TO THE [2015 MOU BETWEEN TASMANIA POLICE AND DHHS](#) IF CLARIFICATION IS REQUIRED.**

- (1) Members are legislatively mandated to report incidences where a member believes or suspects on reasonable grounds or knows that a child has been or is being [abused or neglected](#) or there is a reasonable likelihood of a child being killed or abused or neglected by a person with whom the child resides, members shall notify those concerns to the relevant area of DHHS.
- (2) If a member is uncertain regarding the need to verbally notify DHHS in any particular matter involving a child, then the member must seek advice from their supervisor and then include those details on the CFS referral form.
- (3) If a member of a district Crime Management Unit (CMU) responsible for processing a CFS referral identifies a matter that should have been the subject of a verbal notification, and is uncertain whether a verbal notification has been made, they must refer the matter to a supervisor. The supervisor shall immediately review the report in conjunction with the relevant Case Allocation Officer (CAO) to determine if a verbal notification, in addition to the written referral, is required and has been made. The relevant CAO shall then make the verbal notification, if required, and then record those details within the CFS referral.

## 10.1 ELECTRONIC REPORTING

### ORDER

The member responsible for the below is to submit a BlueTeam™ report:

- when use of force results in death or injury to any person - Use of Force Report;
- where a firearm is drawn outside a firing range for possible use against a person - Use of Force Report and Firearm Discharge Report (even if the firearm is only drawn);
- when a firearm is discharged, outside of a firing range, including unintentional discharges - Firearm Discharge Report; or
- when a less-lethal weapon/impact/takedown technique is used on a person - Use of Force Report.

If a member is not able to submit the required report, their supervisor must.

- (1) Where a member uses techniques of restraint or a restraint tool such as handcuffs, unless the use of force falls into any of the above listed categories, a BlueTeam™ Use of Force Report is not required to be submitted.
- (2) If the circumstances of the incident are of such a nature that the officer believes that they or Tasmania Police may be exposed to criticism, then they are encouraged to submit a BlueTeam™ Use of Force Report even if it does not meet any of the above requirements.
- (3) [Abacus 4.9](#) and [Abacus 4.10](#) are also relevant to this section. The BlueTeam™ report is to be directed to the member's sergeant.
- (4) Use of Force Reports, including Oleoresin Capsicum (OC) Spray deployment, will be reviewed by the deploying member's sergeant or supervisor and the divisional inspector of the division in which the incident occurred, to determine or provide comment on whether:
  - (a) Tasmania Police Orders, policy and procedures were followed;
  - (b) the relevant policy and procedures was clearly understandable and effective to cover the situation; and
  - (c) Tasmania Police training appears to be adequate.
- (5) In the event that the member's sergeant or supervisor is directly involved in the incident which is the subject of the report, the Use of Force Report is to be allocated to an independent sergeant or supervisor for review.
- (6) The reviewing member will determine and provide comment on the matters contained in (4) above and 'validate' the report, before forwarding it to the relevant divisional inspector for further review. Once the inspector's review is complete, the inspector will then route the report, including any additional comments made by them, to the Operational Skills Unit.
- (7) If the review identifies:
  - (a) compliance with policy and procedures has not occurred, or
  - (b) a breach of the Code of Conduct has been identifiedan Abacus Internally Raised Matter Report of the appropriate level is to be submitted by the member's inspector or the Inspector, Recruit Training Services and the matter handled in accordance with the requirements of Abacus. The report should comment on any training deficiencies identified.
- (8) The Operational Skills Unit will monitor all reported use of force incidents to ensure that the application of force and the tactical force options used by members are appropriate and consistent with instructions.

## 10.2 LESS-LETHAL FORCE

### ORDER

**MEMBERS WHO ARE NOT QUALIFIED IN THE PROFICIENT USE OF LESS-LETHAL WEAPONS, SHALL NOT CARRY OR RESORT TO THE USE OF SUCH WEAPON IN THE PERFORMANCE OF THEIR DUTIES.**

- (1) Police officers should assess an incident in order to determine which less-lethal technique or weapon will best diffuse the situation and achieve the objective with minimal and reasonable amount of force being used.
- (2) Police officers are justified in using departmentally approved, less-lethal weapons/techniques for resolution of incidents as follows:
  - (a) to defend themselves or another person or persons against violent or serious physical confrontation; or
  - (b) to arrest an offender if they believe on reasonable grounds that the offender poses a threat of physical injury and the arrest cannot be effected less forcefully; or
  - (c) to resolve an incident where a person is involved in violent or other physical conduct, likely to cause serious injury to themselves or result in suicide; or
  - (d) to deter attacking animals.
- (3) In compliance with the above order, the following Departmentally approved less-lethal weapons may be carried and/or used by members who have received approved training and are qualified and authorised to use such weapon:
  - (a) Baton;
  - (b) Oleoresin Capsicum (OC) Spray;
  - (c) Taser and Extended Range Impact Weapons (used by the Special Operations Group).
- (4) The term 'less-lethal technique' refers to unarmed tactics and techniques used by a member in accordance with training and policy. This includes impact techniques (e.g. striking) and controlled take-down techniques.
- (5) Members are reminded that any use of force must be in accordance with relevant legislation, [Section 10.1](#) of this Manual and the Tasmania Police Use of Force Continuum.
- (6) Members should refer to and comply with, the [Baton Manual](#), [Oleoresin Capsicum Spray Manual](#) and any other relevant Operational Skills Manual, which can be located via the [Operational Skills intranet site](#).

## 10.3 RESTRAINT

- (1) 'Positional asphyxia' is a term used to describe the sudden and seemingly unexplained death of a restrained individual shortly after being taken into custody. The exact cause of death is uncertain but appears to involve a sudden fatal cardiac dysrhythmia (heart irregularity) or respiratory arrest. This is induced by a combination of factors relating to increased oxygen needs and the inability of the body to supply the required oxygen.
- (2) The condition appears to be related to the following risk factors when an individual is highly stressed:
  - (a) wild, threatening, bizarre behaviour with possible mania or psychosis;
  - (b) violent resistance;
  - (c) violent behaviour generally;
  - (d) restraint of the individual in a prone, face down position, while cuffed hand and foot, e.g. where restraints on ankles and wrists are tied together (hog-tying) which significantly constricts the chest and abdomen so that the diaphragm is restricted;
  - (e) where body weight of the arresting officer/s is used to restrain the person in a prone position; or
  - (f) drug and alcohol use by the individual.
- (3) To reduce the risk of positional asphyxia to persons taken into custody, members should be aware of the risk factors outlined above, and look out for them in the subjects with whom they are dealing, consequently taking the following precautions:
  - (a) avoid 'hog tying' when handcuffing subjects;
  - (b) do not transport subjects in a prone (face down) position. They should be placed in a position, which relieves pressure from the abdomen and chest, preferably in a sitting position;
  - (c) where members are required to use their body weight to subdue a subject, this should be maintained for the minimum time required to handcuff. Members should be conscious of any change in the condition of the subject and release weight as soon as signs of trauma are exhibited. They should be careful not to mistake attempts by the subject to relieve pressure on their chest in order to breathe as a sign of further resistance; and
  - (d) subjects under restraint should be monitored for signs of breathing failure and, if signs appear, medical attention should be sought immediately.

## 10.4 HANDCUFFS

- (1) A reasonable necessity which justifies the application of handcuffs includes when a person in custody attempts to escape, or assaults or resists the arresting member or another person, or where there is a probability of an attempt to escape, assault or of such resistance.
- (2) Handcuffs are considered to be a 'restraint tool'. Members who have received approved training and have been qualified and authorised in the use of departmentally approved handcuffs or flexi-cuffs, may carry and use such restraint tools in accordance with the [Handcuff Manual](#) relating to the application of handcuffs or flexi-cuffs.
- (3) Members are reminded that care is to be taken when transporting handcuffed persons in police vehicles, particularly when they are not restrained by a seat belt, as they are unable to brace or protect themselves and may suffer injury when subjected to vehicle movements.
- (4) If it is necessary for a prisoner to be handcuffed when they appear in court, for safety or other valid reasons:
  - (a) permission should be sought from the presiding Magistrate or Justice before the court convenes;
  - (b) if this cannot be done personally the request should be directed through the Court Clerk or Security Officer; and
  - (c) members are to be guided by the direction given by the Magistrate or Justice.

## 10.5 BATONS

- (1) The actual use of the baton is intended to only immobilise the assailant. When it is necessary to use a baton, members should take care to avoid, as far as practicable, the infliction of any injury and aim for primary strike areas on the body.
- (2) Members should comply with the instructions contained within the [Baton Manual](#) relating to use of a baton.

## 10.6 OLEORESIN CAPSICUM (OC) SPRAY

### 10.6.1 GENERAL

- (1) Oleoresin Capsicum (OC) Spray is issued to provide a less than lethal force option to operational police. Members may only use OC Spray where they believe on reasonable grounds that it is necessary:
  - (a) to defend themselves or another person or persons against violent or serious physical confrontation; or
  - (b) to arrest an offender if they believe on reasonable grounds that the offender poses a threat of physical injury and the arrest cannot be effected less forcefully; or
  - (c) to resolve an incident where a person is involved in violent, or other physical conduct, likely to cause serious injury to themselves or result in suicide; or
  - (d) to deter attacking animals.
- (2) Operational members are to undergo a course of instruction and training in the use of OC Spray at least once in each year.
- (3) Members should comply with the instructions contained within the [Oleoresin Capsicum Spray Training Manual](#) relating to the deployment of OC Spray.
- (4) The member in charge of a station is responsible for the storage, care and inspection of OC Spray and a person is to inspect the canisters on a quarterly basis.

### 10.6.2 USE

- (1) OC Spray shall not be used on persons offering passive resistance nor shall members carry OC Spray while involved in crowd control duties associated with industrial disputes and other public demonstrations.
- (2) The deployment of OC Spray is to be used to prevent serious injury. There must be a real threat, it should be the minimum amount of force and must be necessary.
- (3) Members should use the least amount of OC Spray possible in subduing a person or animal.
- (4) If a member is required to use OC Spray, they should immediately notify their supervisor. The member will be required to complete a Use of Force Report.
- (5) An investigation will be conducted into all OC Spray deployments.
- (6) The divisional or duty inspector, as the case may be, will be notified and may elect to attend and ascertain compliance with policy. In instances where there is no duty inspector, the on-duty supervisor will cause advice to be provided to that person when they next commence duty.
- (7) If possible, members should give verbal warnings prior to using OC Spray.
- (8) Members should be alert to the product not being effective on some persons and resort to other reasonable force options available.
- (9) Consideration should be given to the physical location in which OC Spray is used. Risks to the person sprayed, for example; proximity to machinery, sharp objects or the possibility of falling from an elevated position are to be considered and avoided if possible.
- (10) Members should be mindful of spraying in a closed environment with air-conditioning. Members are to turn off air-conditioners, if possible, or consider evacuation of the area if OC Spray has been used in such a location.
- (11) Members are to take all necessary steps to ensure secondary exposures are minimised wherever possible. Where the need may arise to deploy spray into a room, vehicle or divisional van, that area should, wherever possible, be decontaminated prior to allowing any other person into that area. This may include ventilation and use of water where



possible.

- (12) The divisional inspector shall review each deployment. In instances where compliance with this section has not occurred a report to the district commander shall be submitted detailing the circumstances and the action taken to address non-compliance with these instructions. A copy of that report shall also be forwarded to the Commander, Education and Training.

### **10.6.3 AFTERCARE**

- (1) OC Spray can lead to injuries if correct aftercare is not administered as soon as practicable after the deployment. The actual effect of the spray is temporary, however, it can be extremely unpleasant. Members have a duty of care regarding the person they sprayed.
- (2) Water (not chlorinated swimming pool water) assists in recovery and should be supplied at the earliest opportunity.
- (3) Members must be mindful of positional asphyxia and arrange for medical assistance, if reasonable recovery is not achieved within 45 minutes.
- (4) If an effected person claims to suffer from asthma and appears in some difficulty, medical assistance must be immediately sought.

### **10.6.4 ISSUE AND RETURN PROCEDURES**

- (1) Members should obtain the spray at the commencement of their shift and return the product at the conclusion of the shift. On-call members may retain possession of the product for the duration of their on-call commitment, with written permission from their inspector.
- (2) Canisters are not to be issued if the:
  - (a) nozzle is discoloured;
  - (b) canister is in poor condition;
  - (c) contents cannot be verified; or
  - (d) the expiry date has passed.
- (3) The member to whom the canister is returned, shall examine the canister at the conclusion of duties. If the nozzle is discoloured, damaged and/or the contents cannot be verified, a report to that effect is to be made, immediately to the respective supervisor.

## 10.7 LETHAL FORCE

- (1) For the purposes of this section 'lethal force' includes any force likely to cause death or grievous bodily harm and includes the discharge of a firearm.
- (2) The [Australia New Zealand Police Use of Force Principles](#) have been adopted by Tasmania Police for use by all members in the performance and execution of their duties.
- (3) Police officers should not use firearms against another person except where relevant jurisdictional conditions for use are met.
- (4) The Tasmanian jurisdictional conditions require that police officers should not use firearms against another person except:
  - (a) in self-defence or defence of others against imminent threat of death or serious injury;
  - (b) to prevent the perpetration of a particularly serious crime involving grave threat to life;
  - (c) to arrest a person presenting such a danger and resisting their authority or to prevent their escape; and
  - (d) when less extreme means are insufficient to achieve these objectives.

### ORDER

**WHERE POLICE OFFICERS USE OF FIREARMS IS WARRANTED, MEMBERS SHOULD, IF POSSIBLE WITHOUT ADDING UNDUE RISK TO THOSE UNDER THREAT:**

- **IDENTIFY THEMSELVES AS POLICE;**
- **GIVE A CLEAR VERBAL WARNING OF THEIR INTENT TO USE FIREARMS, BUT FIRE NO WARNING SHOTS; AND**
- **ENSURE THERE IS SUFFICIENT TIME FOR THE WARNING TO BE ACTED ON BEFORE USING THE FIREARM, UNLESS IT WOULD:**
  - **UNDULY PLACE THE OFFICER AT RISK;**
  - **CREATE A RISK OF DEATH OR SERIOUS HARM TO OTHER PERSONS;**
  - **BE CLEARLY INAPPROPRIATE OR POINTLESS IN THE CIRCUMSTANCES.**

- (5) When the use of force is deemed necessary by police officers to achieve their intended legitimate objectives and it is appropriate to the seriousness of the offence and threat to life, they should:
  - (a) exercise restraint and only use sufficient force to achieve their objectives;
  - (b) minimise injury to human life;
  - (c) minimise material damage;
  - (d) ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible opportunity;
  - (e) ensure that a relative or close friend of the injured or affected person is notified at the earliest practicable opportunity.

## 10.8 POLICE FIREARMS

### 10.8.1 GENERAL

#### ORDER

**MEMBERS SHALL ONLY CARRY AUTHORISED FIREARMS, HOLSTERS AND AMMUNITION WHILE ON DUTY**

#### ORDER

**MEMBERS ARE NOT TO USE A FIREARM ON DUTY UNLESS VALIDATED FOR THAT PARTICULAR FIREARM WITHIN THE PRECEDING 12 MONTHS OF SUCH USE.**

- (1) Authorised firearms, holsters and ammunition are those approved by the Commissioner, and for which members have qualified and received departmental training in proper and safe usage.
- (2) Members are to comply with the processes and procedures contained with the [Firearms Training Manual](#).
- (3) Operational members are to undergo a course of instruction and training in the use and care of firearms at least once in each year. Such instruction and training is to be in accordance with the Firearms Training Manual.
- (4) Members are permitted to use a firearm:
  - (a) in the performance of their duties in accordance with the orders and instructions contained in this Manual;
  - (b) during range practice or validation, or other form of approved firearms practice or training; and
  - (c) to destroy an animal that represents a threat to public safety, or is attacking a member, or as a humanitarian measure where the animal is seriously injured.
- (5) The following general guidelines as to firearm carriage and usage apply:
  - (a) except for maintenance or during training, members are not to draw or exhibit their firearms unless circumstances create reasonable grounds to believe that it may be necessary to use the firearm in accordance with this Manual;
  - (b) members should not fire their firearms at or from a moving vehicle;
  - (c) firearms are not to be discharged where any probability exists that innocent persons may be injured;
  - (d) firearms are not to be carried in the passenger cabin or on the flight deck of a commercial aircraft. They may only be carried as [‘check-in’](#) baggage. The firearm must be unloaded and made safe, and all ammunition must be packed in a strong container made of wood, metal or fibreboard and protected and secured inside the container against shock and movement; and
  - (e) firearms will not be worn by members appearing as witnesses or performing prisoner escorts in the Supreme Court of Tasmania.

### 10.8.2 PRIVATELY OWNED POLICE FIREARMS

- (1) Unless exceptional circumstances exist, members will not be authorised to purchase a firearm to be used in the course of duty.

- (2) A privately owned police firearm is only to be used for police purposes, unless the member is the holder of an appropriate firearms licence.
- (3) A member authorised to purchase a firearm to be used in the course of duty must ensure that the:
  - (a) registration for the firearm is current;
  - (b) firearm conforms to manufacturer's specifications;
  - (c) firearm is available for inspection upon request;
  - (d) firearm is to be serviced regularly by Ballistics Services, with any significant costs for replacement parts borne by the owner;
  - (e) ensure ammunition for the firearm is in good condition; and
  - (f) when not in use, the firearm and ammunition is secured on police premises or, if stored elsewhere, secured in accordance with the [Firearms Act 1996](#).
- (4) Ammunition for duty, training and validation will be provided by Tasmania Police and the member must conform to all training, validation and associated requirements for the firearm.
- (5) A commander may require a privately owned police firearm to be surrendered for any reason.
- (6) Unless directed otherwise by the Deputy Commissioner, a member who ceases to be a police officer may only dispose of a privately owned police firearm by sale to Tasmania Police.
- (7) The Deputy Commissioner may resolve that a surrendered privately owned police firearm be purchased by Tasmania Police at a price to be determined.

### 10.8.3 ISSUE AND RETURN PROCEDURES

#### **ORDER**

**ALL LOADING AND UNLOADING PROCEDURES MAY ONLY BE UNDERTAKEN IN THE APPROPRIATE BULLET TRAPS INSTALLED AT STATIONS IN ACCORDANCE WITH THE COMMISSIONER'S INSTRUCTIONS.**

- (1) A loaded firearm is not to be removed from the holster except in the designated safe area or in accordance with duty requirements.
- (2) The responsibility for ensuring pistols are unloaded always remains with the member to whom the weapon is issued.
- (3) When issuing and returning firearms, users are not to hand the weapon to any person other than the receiving officer.
- (4) The Commissioner's Instructions relating to the loading and unloading of firearms are to be displayed near every bullet trap.

### 10.8.4 PERSONAL ISSUE

- (1) The Commissioner may approve of the issue of a handgun and ammunition as part of a member's personal equipment.
- (2) Applications are to include details of training received, practices attended, validation, present proficiency level and knowledge of the requirements of this Manual and the Firearms Training Manual.

### 10.8.5 CARE

- (1) Members in charge of stations, sections and other areas where firearms are used, are to ensure all firearms, ammunition and related equipment, including bullet traps, or privately purchased items used for police purposes are:
  - (a) maintained in a clean and serviceable condition;
  - (b) inspected each quarter by district firearms instructors;
  - (c) in the case of firearms and magazines, inspected at least once every four years by a qualified member attached to the Ballistics Section; and
  - (d) in the case of firearms and magazines located at the Tasmania Police Academy or Special Operations Group, inspected at least once every 12 months.
- (2) Defective firearms are to be tagged immediately to prevent further use and conveyed to the Ballistics Section, Forensic Services, Hobart.
- (3) All repairs to firearms are to be arranged through the Ballistic Section. Firearms sent to that section for repairs are to be accompanied by separate reports accounting for the damage.

#### 10.8.6 REPORTING PROCEDURES FOR INTENTIONAL DISCHARGES

##### ORDER

A member shall:

- immediately notify their supervisor, the divisional inspector or duty officer, as the case may be, in every instance where they have occasion to draw their firearm for the possible use against a person or where they have had occasion to intentionally discharge a firearm anywhere outside an approved firing range;
- comply with this Manual if:
  - a death or any injury to any person occurs when they discharged a firearm; or
  - a firearm has been drawn with the intention of discharging it at any person but it has not actually been discharged; or
  - the firearm has been drawn and intentionally discharged at a person but the person was not actually struck by any ballistic projectile/s; and
- in each case, submit a BlueTeam™ Use of Force Report and Firearm Discharge Report prior to concluding duty.

- (1) For the purposes of this Manual the surrender of a firearm when requested includes a firearm purchased in accordance with this Manual.
- (2) The supervisor, divisional inspector or duty officer, notified of an intentional firearm discharge will (except in cases where a firearm is used to destroy an injured animal):
  - (a) attend and take control of the scene; and
  - (b) ensure that the district commander and Professional Standards are promptly advised of the circumstances.
- (3) Ballistics Section personnel are to be notified and will attend firearms discharges if injury or death occurs from a discharge or a firearm has been aimed and discharged at a person but the person has not been struck by a ballistic projectile/s.
- (4) All firearms involved in an intentional discharge that have not been collected by Ballistics Section officers shall be forwarded to the Ballistics Section with a copy of all relevant reports outlining the facts surrounding the intentional discharge. The magazine, ammunition, discharged cartridge case and spent bullet (if recovered) must accompany the firearm. The firearm and any associated items must be treated as an exhibit and

continuity is to be maintained.

(5) [Abacus 4.9](#) and [Abacus 4.10](#) are also relevant to this section.

(6) A member who:

- (a) intentionally discharges a firearm killing or injuring a person; or
- (b) draws a firearm with the intention of discharging it at a person; or
- (c) intentionally discharges a firearm at a person but the ballistic projectile/s does not strike that person;

may, depending on the circumstances, be deemed non-operational and will only resume normal duties with the approval of their commander, upon advice from the Deputy Commissioner.

(7) A member who discharges a firearm at an attacking animal may, after the circumstances of the incident have been investigated, similarly be deemed non-operational.

### 10.8.7 REPORTING PROCEDURES FOR UNINTENTIONAL DISCHARGES

#### ORDER

A member shall immediately notify their superior, divisional inspector or duty officer as the case may be, in every instance where a firearm is unintentionally discharged and in each case, submit a BlueTeam™ [Use of Force Report](#) and [Firearm Discharge Report](#) prior to concluding

- (1) The supervisor, divisional inspector or duty officer notified of an unintentional discharge will attend and take control of the scene in accordance with this Manual on occasions where:
  - (a) a death or injury has occurred; or
  - (b) the firearm discharge occurred while the firearm was un-holstered or being drawn from a holster other than a loading/unloading incident in a bullet trap; or
  - (c) the firearm discharge placed any person's safety at risk; or
  - (d) the circumstances of the discharge could arouse public concern or alarm.
- (2) The supervisor, divisional inspector or duty officer notified of the unintentional discharge where:
  - (a) no death or injury has occurred; and
  - (b) the firearm discharge did not occur while the firearm was un-holstered with the intention of discharging at a person; and
  - (c) the firearm discharge did not place any person's safety at risk; or
  - (d) the discharge occurred when loading or unloading outside or inside the appropriate bullet trap fitted at a stationwill:
  - (a) attend the scene;
  - (b) investigate the incident;
  - (c) submit a detailed written report prior to concluding duty;
  - (d) submit a copy of that report to the State Firearms Coordinator through the district commander, responsible for the member who discharged the firearm, within 24 hours;
  - (e) notify a firearms instructor, who shall attend the scene;
  - (f) notify the Manager, Work Health and Safety;
  - (g) in the case of an unintentional discharge occurring during unloading/loading outside

a bullet trap, will report the matter immediately to the relevant district commander for the information of the Deputy Commissioner; and

- (h) ensure any firearm involved in an unintentional discharge is forwarded to the Ballistics Section as soon as possible.
- (3) When attending the scene of an unintentional firearm discharge, Firearm Instructors will:
- (a) make a record of their attendance on the electronic Use of Force Report within 24 hours of attending the scene of a firearm discharge and advise the member in charge, Operational Skills Unit, Tasmania Police Academy when this has been done. The record is to also contain a brief outline of the incident and how it occurred along with any other information that the instructor thinks is relevant;
  - (b) give advice to members investigating the discharge, relating to firearm issues only. Firearms Instructors shall not be involved in any dispute or investigation of disciplinary issues;
  - (c) ascertain whether the unintentional discharge was a result of a training issue;
  - (d) ensure that Ballistic Section personnel are notified and attend if required (see requirements below for Ballistic Section call-out);
  - (e) determine when the member responsible for the unintentional discharge validated, and the instructor that was in attendance; and
  - (f) advise the investigating member as to whether the member involved should resume duty.
- (4) Ballistic Section personnel are to be notified and will attend if injury or death occurs from an unintentional discharge or if authorised by a commander, if the details of the unintentional discharge is in dispute, such as when a member claims there is something wrong with the firearm.
- (5) All firearms involved in an unintentional discharge are to be forwarded to the Ballistic Section with a copy of the member's report outlining the facts surrounding the unintentional discharge. The magazine, ammunition, fired cartridge case and spent bullet (if recovered) must accompany the firearm. The firearm and any associated items must be treated as an exhibit and continuity is to be maintained. The firearm is to be forwarded in accordance with instructions contained within this Manual.
- (6) A member shall undergo training at the Tasmania Police Academy within seven days of discharging a firearm unintentionally into a bullet trap. The State Firearms Coordinator is responsible for the re-validation of all members involved in unintentional discharges. A firearms instructor attached to the Academy shall conduct the review of a member involved in an unintentional discharge and shall report to the State Firearms Coordinator on the result of that review.
- (7) When an unintentional discharge takes place in any area other than a bullet trap, the matter should be immediately reported to the State Firearms Coordinator. The officer involved will, subject to the exigencies of Tasmania Police, immediately be classified as non-validated and placed on non-operational duties until remedial training has occurred. The member shall undergo a review within seven days of the incident by their district firearms instructor. A report will then be submitted to the State Firearms Coordinator detailing the result of this review.
- (8) Members who become non-operational as a result of an unintentional discharge shall only resume normal duties after the approval of their commander, on advice from the State Firearms Coordinator.

## 10.9 POST POLICE SHOOTING PROCEDURES

### 10.9.1 INITIAL ACTION

- (1) In every case where a firearm is discharged at a person (regardless of whether they are struck or not) the Deputy Commissioner is to assume control of the internal investigation.
- (2) When directed to do so by the Deputy Commissioner, Professional Standards will conduct the investigation.
- (3) In all cases where a firearm is discharged towards a person (regardless of whether they are struck or not), the member involved shall immediately cause the area divisional inspector and/or duty officer to be notified of the incident.
- (4) Where a person is injured as the result of a member discharging a firearm, the member will take whatever steps are necessary to provide immediate first-aid assistance to the injured person.
- (5) The role and response of the first member attending the scene of a police shooting is to be found at [4.4.5.1 Major Crime](#).

### 10.9.2 INSPECTOR RESPONSIBILITIES ([REFER 7.4.4](#))

### 10.9.3 DISTRICT COMMANDER

- (1) The commander in charge of the district where the shooting has occurred will, upon notification of the event :
  - (a) immediately notify Professional Standards;
  - (b) will assign sufficient resources when such request is made by Professional Standards;
  - (c) take command of the operational management of the initial incident until it is resolved; and
  - (d) advise Professional Standards when the operational management of the incident is concluded.

### 10.9.4 ROLE OF PROFESSIONAL STANDARDS

- (1) Upon notification of a police shooting, Professional Standards will:
  - (a) immediately notify the Deputy Commissioner of Police;
  - (b) coordinate the response, attend and take charge of the police shooting scene, provided the initial incident is rendered safe,
  - (c) take command of the internal investigation;
  - (d) investigate all matters giving rise to the police shooting;
  - (e) where applicable, direct the detective inspector to investigate the crimes surrounding the police shooting;
  - (f) be responsible for the assessment of the criminal investigation file involving a police shooting;
  - (g) be accountable for the quality and integrity of the investigation;
  - (h) notify the Police Association of Tasmania;
  - (i) submit an IAPro™ / BlueTeam™ Compliance Review Report in accordance with [Abacus 4.10](#); and
  - (j) notify the Integrity Commission in writing as soon as possible following the incident for accountability reasons, noting that the Integrity Commission has no role in any



compliance review process.

- (2) If the member/s directly involved are to participate in a 'walk-through' of the scene, then appropriate support should be provided at the scene (e.g. support person present).
- (3) Consideration should be given to allow the member/s directly involved a reasonable period for some emotional recovery before Internal Investigations interviewing commences.
- (4) Subject to paragraph (3) the member/s directly involved can expect to be interviewed at the earliest opportunity after the incident.
- (5) At the conclusion of the Internal Investigations interview, further appropriate support should be provided to member/s directly involved, under the direction of the Manager, Psychology Services.
- (6) Where appropriate, the member/s involved should be kept apprised of the status and estimated duration of the internal investigation.

#### **10.9.5 SUPPORT TO MEMBERS**

- (1) The identity of a member involved in a police shooting is to be suppressed unless directed otherwise by the Deputy Commissioner.
- (2) The divisional inspector or duty officer will ensure that:
  - (a) the Tasmania Police psychologist and the relevant member/s of the [Tasmania Emergency Service Critical Incident Stress Management Program](#) is advised of the incident and arrangements made for their attendance;
  - (b) support persons should be made available to the member/s involved. The support persons are to be made aware that they are present only to provide basic and fundamental support and not to discuss or comment on the incident or provide advice in relation to the investigation;
  - (c) where the incident involves more than one member, the members who are directly involved are to be kept separate from each other to prevent cross examination of evidence;
  - (d) if more than one support person is involved, it is to be made clear that they are not to communicate with any member/s directly involved (except the person to whom they are providing support) or other support person/s until after Internal investigation interviews have been conducted;
  - (e) a police officer, not below the rank of sergeant, is appointed to ensure the separated members do not come into contact or communicate with each other, either personally, through the support person, or any other means;
  - (f) authority is obtained from Professional Standards prior to any member, who is directly involved, being conveyed from the scene (if applicable);
  - (g) the next of kin of the member/s directly involved are to be advised of the situation and provided with appropriate support e.g. Welfare Officer, family friend or another member and any other service deemed necessary;
  - (h) the member/s directly involved are fully apprised of the investigative and support procedures that will be followed, including the services available through the Police Association of Tasmania;
  - (i) the member/s directly involved are made aware of their right to legal counsel and arrangements made for the attendance of legal counsel, if requested;
  - (j) Professional Standards is kept fully apprised of the action being taken in respect to welfare issues; and
  - (k) the commander in charge of the district from where the members directly involved belong, and the commander in charge of the district in which the incident occurred are to be notified of the action being taken in respect to welfare issues.

#### **10.9.6 RETURN TO DUTY**

- (1) The question of timing for a return to duty of member/s involved is situational and should be determined in consultation with the Tasmania Police psychologist.
- (2) A program for the member/s resumption of duty should be developed by the member/s supervisor, in consultation with the Tasmania Police psychologist, to ensure that their return to duty is as smooth as possible with appropriate consideration given to catering for the specific needs of the member/s (e.g. transfer to another station or position, working with another member etc.).

#### **10.9.7 FIREARMS CARRIAGE AND PRACTICE**

- (1) It is possible that involvement in a shooting incident may result in the member/s being temporarily uncomfortable carrying or using firearms. Any discomfort or reluctance may have serious ramifications for the performance or execution of their duties and their ability to defend themselves, their fellow officers and the public.
- (2) To ensure that the member/s are as comfortable as possible, it is suggested that as soon as possible after the incident (although the timing is up to the individual), member/s should undergo a 'no-pressure' validation shoot at the Tasmania Police Academy under the direction of the State Firearms Coordinator. A CISM Program peer support person may be present in a support capacity. There should be no limit on time and the number of rounds expended.

## 11.1 CORRESPONDENCE AND COMMUNICATION

### 11.1.1 REPORTS

- (1) All urgent and important reports, including briefs, crime reports and reports relating to complaints, serious occurrences and other urgent matters, if not immediately submitted, should, where practicable, be submitted before the members concerned complete duty for their shift.
- (2) The following requirements, if applicable, should be observed in the completion of reports:
  - (a) except where required or permitted to be written by hand, reports should be typed;
  - (b) reports should be drafted in the first person;
  - (c) clear and concise language should be used;
  - (d) all reports should be written without bias and in consideration of the implications of the [Right to Information Act 2009](#);
  - (e) when referring to legislation, the relevant identities, title and year of enactment should be stated; and
  - (f) headings should use key words suitable for computer searching.

### 11.1.2 SIGNATURES

- (1) Every report, endorsement, minute and notation should, except where authority is delegated, be signed by the person making it. The member's initials and surname should appear immediately beneath their signature and if applicable, their rank and number. Members signing an entry in any official book, register or other record should also use this method.

### 11.1.3 FILES

#### **ORDER**

**MEMBERS SHALL NOT SUPPLY OR DISCLOSE ANY TASMANIA POLICE FILE OR PORTION THEREOF TO ANY PERSON OUTSIDE THE DEPARTMENT UNLESS AUTHORISED BY THE COMMISSIONER.**

- (1) The above order does not apply to files that are required to be forwarded to:
  - (a) the Department of Justice;
  - (b) release under other provisions of this Manual or legislation; or
  - (c) a law enforcement agency of another state.
- (2) Where a copy of an original document is to be released, the copy must first be marked indicating that the document has been released by Tasmania Police. In all cases where documents have been released, a notation is to be made on the file indicating the documents release, when and to whom.
- (3) Original documents that are released for court purposes or returned to their owners, are to be copied and that copy retained on the file together with a notation of the release.

#### 11.1.4 PROCESSING AND ATTENTION

##### ORDER

**MEMBERS SHALL NOT UNDERLINE, WRITE ON, ERASE, ALTER OR DEFACE OFFICIAL CORRESPONDENCE OTHER THAN IN A MANNER PROVIDED OR PRESCRIBED BY THIS MANUAL OR THE *POLICE SERVICE ACT 2003*.**

- (1) Official correspondence may be held by personnel for no longer than 21 days without the submission of a progress report. In the case where correspondence is from the Office of the Commissioner, the period should not exceed seven days.
- (2) The provisions of paragraph (1) do not apply if some other time is specified to provide a response or progress report.
- (3) A record of correspondence passing through an office or station, showing the date of receipt, a description of the content, from whom received and the date and particulars of despatch, is to be kept at each station and office, as directed by the commander.
- (4) Unless otherwise provided by this Manual, all correspondence prepared by members should be forwarded through the command structure.
- (5) Except as provided by this Manual, correspondence should be returned direct to the office from where it was received.
- (6) Correspondence, of a routine nature may be forwarded by a sergeant, inspector or commander direct to another area for the purpose of it receiving appropriate attention. The correspondence may be returned directly to the office of origin.

#### 11.1.5 CORRESPONDENCE FOR OR ON BEHALF OF THE OFFICE OF THE COMMISSIONER

- (1) Except in the case of returns and other correspondence required to be sent directly, all correspondence for the Office of the Commissioner should be transmitted through the command structure. In all cases of an urgent nature, where there is not sufficient time to adopt that course, the correspondence should be forwarded direct to the Office of the Commissioner and the commander informed of the action taken.

#### 11.1.6 MINISTERIALS

- (1) Ministerials and other requests for information from the Office of the Minister for Police, Fire and Emergency Management must be given a high priority, and a response must be provided within 14 days of transmission by the Minister's Office.
- (2) Members should be aware that presentation and time requirements may vary, depending on the urgency or nature of information sought or the arm of government for which the information is prepared.
- (3) Members shall provide a progress report if such correspondence cannot be replied to or forwarded within 14 days of the original request being made or other specified time.

#### 11.1.7 COMMUNICATION WITH OUTSIDE POLICE AGENCIES

- (1) Tasmania Police communicate and collaborate with outside police agencies regularly through a variety of forums including focus groups, meetings and conventions. Members delegated by a commissioned police officer to represent Tasmania Police within a forum may communicate with outside police agencies in accordance with the terms of the delegation.
- (2) In exceptional circumstances involving emergency situations and where communicating through normal channels is not practicable, members may communicate directly with

police and law enforcement agencies outside Tasmania.

- (3) A member who communicates directly with an outside police agency without delegation from a commissioned police officer shall acquaint their relevant inspector with the purpose of, and the circumstances necessitating the communication prior to or as soon as practicable thereafter. All official correspondence from or for overseas police agencies, is to be channelled through the Office of the Commissioner. Where members in this State make enquiries at the request of interstate or overseas services, all reports are to be forwarded to the member's commander.
- (4) Members must ensure that any communication with other police agencies (including information disclosure) complies with the [Code of Conduct \(ABACUS 2\)](#), and any [TPM provisions](#) or [Guidelines](#) relevant to the subject material.
- (5) Commanders may forward correspondence of a routine or minor nature directly to interstate police stations or the Commissioner of another police agency. This includes traffic and missing person related enquiries that are not administrative in nature or policy related.
- (6) All official correspondence from or for overseas police agencies, is to be channelled through the Office of the Commissioner. Where members make enquiries at the request of interstate or overseas services, all reports are to be forwarded to the member's commander.

#### **11.1.8 CLASSIFIED DOCUMENTS**

- (1) For the purposes of this section 'documents' include anything on which information is recorded by any means in the form of words, symbols, images or impressions.
- (2) Access to documents should normally be on a 'need to know basis'. That principle becomes more important as the classifications increase.
- (3) Access just because of rank status should not be permitted.

#### **11.1.8.1 STANDARD LAW ENFORCEMENT DOCUMENT SECURITY SYSTEM**

- (1) Documents used by Tasmania Police should be classified (and protected) at a level commensurate with the perceived damage that may result from the loss, alteration or unauthorised disclosure of that document.
- (2) While sensitive information may require equivalent levels of protection to national security material, it is in reality material of a different nature. National Security classifications are used where unauthorised disclosure could harm Australia's National security, interests, economy, stability or integrity. Sensitive material classifications are used in all other cases.
- (3) The equivalent relationship between National Security and sensitive material is:

National Security	Sensitive material
TOP SECRET	-
SECRET	HIGHLY PROTECTED
CONFIDENTIAL	PROTECTED
RESTRICTED	IN-CONFIDENCE

- (4) The official classifications to be used by Tasmania Police are:
  - (a) HIGHLY PROTECTED - is sensitive material and resources (other than national security) which requires the highest degree of protection.
    - i. The test for assigning this classification is whether the unauthorised disclosure, loss, compromise, misuse of which, or damage to, could

reasonably be expected to:

1. cause serious harm to the country, Government or the legitimate activities of Tasmania Police;
2. be seriously prejudicial to the establishment and maintenance of lawful methods for the protection of public safety;
3. cause serious harm to any person, organisation or local, State, Territory or federal government body which provided information to the police or other law enforcement agency under an assurance and/or expectation of confidentiality or about which the police or law enforcement agency holds information; and/or
4. give unfair advantage of significant proportions to any entity.

**ii. [EXEMPT PER S.30(1)(c) OF RTI ACT]**

(b) PROTECTED - is sensitive material and resources (other than national security) which requires a substantial degree of protection.

i. The test for assigning this classification is whether the unauthorised disclosure, loss, compromise, misuse of which, or damage to, could reasonably be expected to:

1. cause harm to the country, Government or the legitimate activities of an agency;
2. be prejudicial to the establishment and maintenance of lawful methods for the protection of public safety;
3. cause harm to any person, organisation or local, State, Territory or federal government body which provided information to the police or law enforcement agency under an assurance and/or expectation of confidentiality or about which the police or law enforcement agency holds information; and/or
4. give unfair advantage to any entity.

**ii. [EXEMPT PER S.30(1)(c) OF RTI ACT]**

(c) IN-CONFIDENCE - is the sensitive material and resources (other than national security) which requires a limited degree of protection.

i. The test for assigning this classification is whether the authorised disclosure, loss, compromise, misuse of which, or damage to, might possibly:

1. cause harm to the country, Government or the legitimate activities of an agency;
2. be prejudicial to the establishment and maintenance of lawful methods for the protection of public safety;
3. cause harm to any person, organisation or local, State, Territory or federal government body which provided information to the agency under an assurance and/or expectation of confidentiality or about which the agency holds information; and/or
4. give unfair advantage to any entity.

**ii. [EXEMPT PER S.30(1)(c) OF RTI ACT]**

(5) AUTHORISED PERSONS - are persons who can authorise a specific classification. The originator of the document being only responsible for initial recommendation prior to formal classification. Classification can be recommended by any person but only authorised as follows:

- (a) HIGHLY PROTECTED - Assistant Commissioner or State Executive Service Officer or an officer of higher status or rank;
- (b) PROTECTED - Inspector, manager, Director of the State Emergency Service or

senior legal officer or any of the above; and

- (c) IN-CONFIDENCE - Originator or an officer of higher status or rank.
- (6) Notwithstanding the above authority to authorise, an Assistant Commissioner may delegate a person to classify a document as protected or highly protected. That authorisation must be in writing, specifying the unit and classes of document.
- (7) Reclassification should regularly occur to ensure documents are properly classified. The decision should be based on the nature, source and implications of the information it contains.
- (8) The following rules should be applied to reclassification:
  - (a) clearly mark the former classification so that it remains legible, but so that it is clearly not applicable;
  - (b) insert the new classification near the old; and
  - (c) the officer authorised to make the change should then date and sign the document.
- (9) Where the time for which protection is required is or may become known, documents should be marked with the length of time that protection is required. Where it is to be reviewed, a date is applicable HIGHLY PROTECTED or PROTECTED material - the date should be one year after. IN-CONFIDENCE material - the date should be three years after.
- (10) When the specific date is known that reclassification can occur, the original classification should record that date, such as, *IN-CONFIDENCE (unclassified as from 1/1/1996)*.

#### **11.1.8.2 TRANSMISSION**

- (1) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (2) **EXEMPT PER S.30(1)(c) OF RTI ACT**

#### **11.1.9 OBJECTIONABLE OR OFFENSIVE MATERIAL**

- (1) Where it is necessary to transmit material that is or could be considered offensive in nature, such as depictions of or actual pornographic images, then it shall be attached to a covering report and sealed in a manner so that the contents are not visible.
- (2) The covering report shall describe in general terms the contents of the envelope and that it shall only be opened by a person having a need to view the contents for the purpose of investigating the matter or making a determination as the case may be.
- (3) With regard to Child Exploitation Material, please refer to TPM [section 4.4.10.3](#) for guidance.

## **12.1 RECORD MANAGEMENT AND ARCHIVING**

- (1) Information relating to the management of records can be found in the Records Management Guidelines.
- (2) The Archives Act 1983 provides that all obsolete records held by any department must be available to the State Archivist before being disposed of in any way and approval obtained before any such records are disposed of or destroyed.

## **12.2 SUPPLY OF INFORMATION**

### **12.2.1 GENERAL**

- (1) Persons are entitled to receive a copy of any documents, such as statements or interviews made by that person, that they have made or provided to Tasmania Police free of any charges. All requests by individuals to access their own personal information except, as provided for in this chapter, are to be in accordance with the [Right to Information Act 2009](#).
- (3) When a request for any information is received under the authority of a subpoena or summons, that subpoena or summons is to be referred to Operational Information Services. Once certified, the requested information will be provided to the relevant court.

### **12.2.2 INTERSTATE INFORMATION**

- (1) All requests for interstate police record checks/information for police purposes are to be requested through Crime Management Units or accessed through the National Police Records System (NPRS).

### **12.2.3 POLICE RECORD CHECKS**

- (1) Criminal History Services, Business and Executive Services is responsible for processing requests from members of the public and/or third parties for police record checks, except as provided for in this chapter. Police record information is released in accordance with the [Annulled Convictions Act 2003](#) and/or the [Record of Offences \(Access\) Act 1981](#).
- (2) A fee will be charged for the supply of information at such rates as may be determined from time-to-time by the Commissioner of Police. Applications will only be processed upon advance payment of the prescribed fee except in such circumstances authorised by the Manager, Information Services, Business and Executive Services.
- (3) Requests for police record checks for third party purposes within Tasmania will only be processed with the consent of the individual to whom the record relates.
- (4) Requests for police record checks from persons other than the person to whom the record relates, including government agencies, will be processed (including the charging of relevant fees) in accordance with any Memorandum of Understanding or agreement on the legislative requirement, between Tasmania Police and the relevant agency or organisation.
- (5) SRCT is responsible for processing requests for criminal history checks in relation to the requirements under the [Security-Sensitive Dangerous Substances Act 2005](#).

### **12.2.4 CRASH REPORTS**

- (1) Applications from solicitors, insurance companies and other interested parties requesting information about traffic crashes and/or the supply of statements are to be directed to Information Services, Business and Executive Services.
- (2) Applications must be in writing and contain the following particulars:
  - (a) name of applicant;
  - (b) name of client;
  - (c) registration number of vehicle;
  - (d) name of driver;
  - (e) name of other parties involved;
  - (f) registration number of other vehicle/s involved; and
  - (g) date and location of the crash.
- (3) A fee will be charged for the supply of information at such rates as may be determined from time-to-time by the Commissioner of Police. Applications will only be processed upon advance payment of the prescribed fee unless except in such circumstances as authorised



by the Manager, Information Services, Business and Executive Services.

- (4) Members authorised by the Manager, Information Services are responsible for the release of crash information.
- (5) If court proceedings are not initiated against any person involved in a crash, then any statements obtained during the crash investigation should be scanned or saved into RM8 (TRIM). Each statement will have the Traffic Crash Reporting System (TCRS) number recorded on the top of the document.
- (6) A traffic crash statement which is endorsed by the witness not allowing its use in civil proceedings is not to be released.
- (7) All other traffic crash statements may be released, provided the following are redacted:
  - (a) witness address;
  - (b) telephone number;
  - (c) date of birth; and
  - (d) drivers licence number and type.
- (8) A copy of the TCRS form may be released, provided that the following are deleted:
  - (a) age; and
  - (b) drivers licence number and type.

#### **12.2.5 OFFENCE REPORTS**

- (1) Applications from solicitors, insurance companies and other interested parties requesting information about offence reports are to be directed to Information Services, Business and Executive Services.
- (2) Applications must be in writing and contain the following particulars:
  - (a) name of persons involved;
  - (b) name of client;
  - (c) date of offence;
  - (d) address offence occurred; and
  - (e) date of offence.
- (3) A fee will be charged for the supply of information at such rates as may be determined from time-to-time by the Commissioner of Police. Applications will only be processed upon advance payment of the prescribed fee, except in such circumstances as authorised by the Manager, Information Services, Business and Executive Services.
- (4) Depending on the applicant, personal information such as a person's address, age, date of birth, telephone number and work details must be deleted from offence report prior to its release.
- (5) Opinion, conjecture and suspect information is also to be deleted prior to the release of the report. The provisions of the [Youth Justice Act 1997](#) also prevent the release of some information. If there is doubt about the release of information advice should be sought from Right to Information Services, Strategy and Support.

#### **12.2.6 PROSECUTION INFORMATION**

- (1) Where a person has been charged with any offence or crime, that person, their solicitor or in the case of a child, their parent or guardian, may apply to Prosecution Services for copies of particular documents contained in the prosecution file.
  - (a) Applications are to be in writing and should contain the following information:
    - i. the name, address, age and date of birth of the person charged;

- ii. particulars of the offence or crime;
  - iii. complaint number/s; and
  - iv. particulars of the next court appearance.
- (2) In respect to simple offences, the supply of the information is the responsibility of Prosecution Services.
  - (3) In respect to indictable offences, the supply of the information is the responsibility of the relevant commander.
  - (4) Information supplied on adjournment of proceedings for indictable offences to defendants or their legal representatives is to be in accordance with the section relating to Disposition of Indictable Offences and with this section where applicable.
  - (5) The following documents will be supplied upon application without charge:
    - (a) Complaint;
    - (b) Facts for the Prosecutor (clearly marked 'Without Prejudice');
    - (c) Prior Convictions; and
    - (d) Statement/Interview made by the Offender.

The following documents will be supplied upon application and will attract the applicable disclosure fee:

- (a) Brief;
  - (b) Affidavits or Statutory Declarations;
  - (c) Witness Statements; and
  - (d) Proof of Evidence.
- (7) Applications will only be processed upon advance payment of the prescribed fee. The member in charge of the relevant Prosecution Service has the discretion to waive the prescribed fee in circumstances they believe are appropriate.
  - (8) The member in charge of the relevant Prosecution Service shall have the discretion to supply additional documentation requested by the applicant that is not listed in this section. If the member in charge elects not to exercise their discretion to supply additional documents, the applicant should be advised to apply for that documentation under the [Right to Information Act 2009](#).
  - (9) Where the applicant requires information not contained within the file at the time the application is made, and which is not subject to a [Right to Information Act 2009](#) application, it will be necessary for the applicant to make a subsequent application for the required information. Information supplied as a result of a subsequent application will be supplied without further cost to the applicant.
  - (10) Copies of co-defendants' interviews are not to be released without the authorisation of that person or their solicitor.
  - (11) Personal information such as a person's address, age, date of birth, telephone number and work details must be deleted from witness statements and any document containing that information prior to its release.
  - (12) The provisions of this section do not alter the current arrangements by Prosecution Services to allow a defendant or their solicitor to view a video interview or to be provided with an audio copy of that interview.
  - (13) Prior to release, all items are to be clearly marked with a stamp identifying that the documents have been released by Tasmania Police.
  - (14) Where an applicant seeks to view electronic or photographic evidence, a written application must be forwarded to the member in charge of the relevant Prosecution Service.
  - (15) Viewing of such evidence will only be with the approval of the member in charge of the relevant Prosecution Service and will occur at a time and place approved by that Officer.

- (16) The supply of copies of photographs will only occur upon the approval of the member in charge of the relevant Prosecution Service in accordance with departmental disclosure procedures and at such rates as may be determined from time to time by the Commissioner of Police.

#### 12.2.7 CHILDREN AND YOUTH SERVICES INFORMATION

- (1) [A Memorandum of Understanding and subordinate protocols](#) exist between DPFEM) and DHHS for the exchange of information, relating to the placement of children, criminal history record checks and other requests pursuant to Sections 18 and 53B of the [Children Young Persons and Their Families Act 1997](#) and [Schedule 1](#) of the [Personal Information Protection Act 2004](#).
- (2) All such applications are processed by Operational Information Services (OIS) during normal business hours (9.00 am to 5.00 pm). OIS staff will conduct a comprehensive check of all databases, including intelligence databases, for each application received, and once the results are reviewed and endorsed by the Manager, Information Services a response will be forwarded to the requesting Child and Youth Services (CYS) personnel.
- (3) Urgent CYS child placement requests received outside normal business hours are to be directed to the supervisor, Radio Dispatch Services (RDS), who will conduct a preliminary assessment and advise CYS accordingly. If after provision of a preliminary assessment by RDS, the request requires further attention, RDS will forward the application, together with the results of their preliminary assessment, to OIS for completion during normal business hours.
- (4) All applications must:
- (a) be in writing and if faxed or emailed, must be sent from a legitimate DHHS address;
  - (b) contain the name, date of birth and any additional information required to enable the subject to be identified;
  - (c) be signed by the team leader requesting the check.
- (5) Tasmania Police has given an undertaking to process CYS kinship and other care requests pertaining to the care of children as follows:
- (a) emergency kinship placements and/or urgent requests – a preliminary assessment will be provided either by telephone or email within 24 hours. A [Consent to Check and Release Tasmanian and National Police Record](#), will then be submitted by CYS if placement of a child is necessary;
  - (b) routine requests are to be completed and returned to CYS within 10 working days.

#### 12.2.8 INTERVIEW OF MEMBERS

- (1) Where a solicitor or other interested party (including members of the public) requests an interview with a member, a written application must be directed to the commander of the relevant district of the area where the member is attached.
- (2) Interviews are not permitted with members until court proceedings or inquest is completed, including the possibility of an appeal. In such cases, the solicitor or interested party should be informed of the date of the court proceedings or inquest.
- (3) The interview will be conducted in the presence of, and at a time and place organised by, the member's supervisor.
- (4) The solicitor or interested party is to be advised of the time and place of the interview, and that a fee will be payable at the time of interview, at a rate set by the Commissioner of Police.
- (5) The fee is to be forwarded to Finance and Payroll Services where:
- (a) criminal or summary proceedings have been initiated or are contemplated; or
  - (b) an inquest is to be held.

### 12.2.9 RIGHT TO INFORMATION

- (1) Any requests for information that are not described in this chapter fall under the provisions of the [Right to Information Act 2009](#).
- (2) Requests are to be made in writing and are to be immediately forwarded to Right to Information Services, Strategy and Support to enable the requests to be processed in accordance with legislative time constraints.

## 12.3 RADIO AND TELEPHONE COMMUNICATIONS

### 12.3.1 RADIO COMMUNICATIONS

- (1) This section should be read in conjunction with the [Operational Response Policy](#).
- (2) Members should not view communications technology as a replacement for situational assessment, risk analysis and operational safety tactics.
- (3) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (4) Tasmania Police radio communications facilities should only be used for the receipt and transmission of official police communications.
- (5) Radio procedure, terminology and language should be in accordance with training received.
- (6) Supervisors are responsible for the manner in which members under their control use radio communications equipment.
- (7) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (8) RDS, by way of the Operational Response Model are responsible for coordinating the initial response to an incident based upon the presence or otherwise, of risk factors. Members who arrive and take control of an incident are responsible for ensuring that appropriate resources are called to the incident and that all relevant notifications are subsequently made.

### 12.3.2 RADIO PROCEDURE

#### ORDER

- **WHERE PRACTICABLE, MEMBERS ARE TO ENSURE THE CREW LOGON FACILITY IS USED TO LOG ON AT THE COMMENCEMENT OF EACH SHIFT AND THAT ALL INFORMATION REQUIRED IS ENTERED ACCURATELY.**
- **MEMBERS WHILE ON-DUTY SHALL ENSURE THAT WHERE IT IS POSSIBLE AND PRACTICABLE THEY ARE CONTACTABLE BY RADIO COMMUNICATIONS UNLESS OTHER APPROVED CONTACT ARRANGEMENTS HAVE BEEN MADE.**
- **MEMBERS SHALL NOT LEAVE ANY ISSUED DEPARTMENTAL COMMUNICATION EQUIPMENT IN UNATTENDED VEHICLES OR IN ANY OTHER LOCATION OR POSITION WHERE THEY MAY BE EXPOSED TO THEFT, LOSS OR DAMAGE.**
- **MEMBERS SHALL NOTIFY RADIO DISPATCH SERVICES (RDS) OF THEIR ARRIVAL AND DEPARTURE AT ANY INCIDENT SITE ('INCIDENT' DOES NOT INCLUDE A VEHICLE INTERCEPTION – REFER [VEHICLE INTERCEPTION 14.13](#)).**

**IF IT IS NOT IMMEDIATELY POSSIBLE TO NOTIFY RDS, NOTIFICATION MUST OCCUR AS SOON AS PRACTICABLE THEREAFTER.**

- (1) Members responding alone or otherwise to incidents without communication with RDS can compromise their safety and the safety of others by delaying appropriate support, limiting the availability of relevant intelligence and delaying assistance in urgent circumstances. As such, in circumstances which necessitate that a member makes the decision to gather information and initiate a response themselves, they must assess the risk in accordance with the Model and notify RDS. In assisting RDS to identify risk factors, responding members must advise RDS of any relevant information or local knowledge in a timely manner, enabling RDS to be in a position to monitor and reassess a situation as it unfolds.

- (2) The call sign for the base station is 'VKT' Hobart.
- (3) Call signs for all units will be assigned by RDS.
- (4) When calling VKT, a unit should clearly identify itself by the caller using the call sign allocated.
- (5) For the purposes of maintaining operational safety, members should ensure that all transmissions are brief, clear and concise. The phonetic alphabet should be used in spelling or identifying letter prefixes if required.
- (6) RDS performs a task dispatching role and provides maintenance of communications between operational units. It is not the role of RDS to maintain comprehensive records regarding an incident resolution other than an indication of how the incident was resolved, in particular whether the task resulted in a report or not.
- (7) At the commencement of duties, operational personnel are to advise RDS of their hours of duty, details of personnel in the unit and their availability status. If the operational deployment/availability of such members changes during a shift they are to advise RDS of their hours of duty, details of personnel in the unit and their availability status at that time.
- (8) Operational personnel that are anywhere other than their own station/workplace when due to conclude duty, are to notify RDS as to their status and if they are working on.
- (9) When urgent attention is required by a unit, the member should use the allocated call sign, followed by 'urgent' and wait until they are answered. If VKT has not responded to an urgent call, the matter should be reported as soon as possible.
- (10) Where units are required to communicate direct on the normal police frequencies, they should first obtain permission from VKT.
- (11) RDS will not carry out routine inquiries which would normally be handled by other means. Communications operators have the authority to determine if the inquiry could have been dealt with in a more appropriate manner and refuse to undertake the inquiry.
- (12) When intercepting a vehicle, members shall advise RDS of the registration number of the intercepted vehicle and of their location.
- (13) When a member calls-off at a station or other departmental workplace and is engaged in an interview or similar duty and is not contactable by either telephone or radio, they shall advise RDS of that situation and the estimated time they will be so engaged. As soon as members are clear of any duty which prevented radio or telephone contact, they shall advise RDS of their status and contact details.

### **12.3.3 RADIO COMMUNICATION CONTINGENCY STANDARD OPERATING PROCEDURES**

#### **12.3.3.1 ACTION TO BE ADOPTED IN THE EVENT OF UNEXPECTED RADIO COMMUNICATIONS DIFFICULTY**

- (1) The following are procedures to be adopted by police officers in the event of a radio communication failure experienced by an operational unit:
  - (a) identify that the EDACS radio is not working (communications failure);
  - (b) check power source (replace battery if possible);
  - (c) check appropriate communications channel;
  - (d) check appropriate communication site identification;
  - (e) conduct environmental scan to identify 'high point';
  - (f) change to an analog channel;
  - (g) identify alternate communications methods, including the use of the provided 1800 telephone number to RDS; and
  - (h) comply with orders contained at 12.3.2 (*Radio Procedure*).

**12.3.3.2** [EXEMPT PER S.30(1)(C) OF RTI ACT]

**12.3.3.3** [EXEMPT PER S.30(1)(C) OF RTI ACT]

#### **12.3.3.4 ALTERNATIVE COMMUNICATIONS VIA 1800 TELEPHONE NUMBER**

(1) [EXEMPT PER S.30(1)(c) OF RTI ACT]

(2) The telephone number can be used from a mobile telephone, landline telephone or public call box. No cost is involved in relation to landline telephones or public call boxes. In relation to mobile telephone calls, the cost of the call will be billed approximately 50-50 between the caller and the Department.

(3) This number is not to be used for non-urgent general enquiries or administrative matters that can be facilitated by other means. The number is not to be provided to members of the public and is intended for use by members only.

#### **12.3.4 DISPLAY OF RADIO COMMUNICATIONS [EXEMPT PER S.30(1)(C) OF RTI ACT]**

(1) [EXEMPT PER S.30(1)(c) OF RTI ACT]

(2) Districts will be responsible for the display of maps and posters at all areas where EDACS radios are stored/issued (this is not a matter for RDS).

#### **12.3.5 EDACS RADIO TRAINING AND VALIDATION**

(1) Operational members up to and including the rank of inspector will undertake refresher training in the use of EDACS radios at least once in each year. Such instruction and training will be in accordance with the EDACS training manual.

(2) If an operational member does not satisfy the training requirements, they are to be reassigned to non-operational duties.

(3) The inspector in charge, RDS shall be responsible for the maintenance of the EDACS training manual and ensure it is appropriately maintained, to reflect changes in technologies and/or standard operating procedures.

#### **12.3.6 RECORDING OF RADIO AND TELEPHONE TRANSMISSIONS**

(1) All radio and telephone transmissions made through RDS are recorded and stored electronically at Communication Services.

(2) Where an electronic recording is required to be replayed or a copy made for whatever reason, a verbal request should be made as soon as possible with Communication Services for the electronic recording to be retained.

(3) The verbal request is to be followed by a written request for a copy of the electronic recording on the appropriate form to the Commander, Operations Support who has the authority to authorise such requests.

(4) The request procedure is:

(a) a verbal request direct to Communication Services as soon as possible after relevant incident;

(b) a written request on the appropriate form to be completed by requesting member and forwarded to district commander;

(c) a request form authorised by district commander to Commander, Operations Support for authorisation and forwarded to Manager, Communication Services; and

- (d) Communication Services will liaise with requesting member to facilitate the request.
- (5) When an initial verbal request to retain a recording is made to Communication Services, the member making such a request is to provide the following details to assist in identifying the correct electronic recording:
  - (a) date, time and location of incident;
  - (b) radio channel used and relevant call-signs of units involved; and
  - (c) CACS incident number and other additional details that may assist in the search.
- (6) In certain circumstances, solicitors, defendants and members of the public may request to be provided with copies of recorded information. A scale of fees at rates calculated by Communication Services is charged for information supplied to non-police sources. A deposit may be required, unless a certificate is produced indicating that the represented person qualifies for legal aid.
- (7) A request from a solicitor is to be accompanied by a statement indicating the name and address of the person on whose instructions the solicitor acts. The commander should notify the member in charge, Prosecution Services of a request made by a defendant or solicitor.



## 13.1 ABACUS: COMMISSIONER'S DIRECTIONS FOR CONDUCT AND COMPLAINT MANAGEMENT, AND COMPLIANCE REVIEW

### ORDER

A member who is advised by any person that they wish to make a complaint against a police officer, or Tasmania Police, is required to obtain details (person reporting, circumstances, etc.) and must register the matter on IAPro™ or BlueTeam™ as a Complaint 1, Complaint 2 or Complaint 3 (whichever is appropriate to the circumstances).

A statement of complaint must be obtained for all Complaint 2 and Complaint 3 matters. A statement of complaint is not required for Complaint 1 matters.

Certain members are exempted from this Order in particular circumstances. Those circumstances are detailed in [Abacus 5.3](#) Receiving Complaints.

### ORDER

A member who becomes aware of another member

- committing a serious offence or crime; or
- committing a breach of the Code of Conduct

must report the matter immediately to a senior officer. The senior officer is to direct the informing member to register the matter on BlueTeam™; or register it themselves. Registration is to occur prior to the conclusion of duty that shift, unless the matter is able to be dealt with as provided for in *Abacus 4.1.1* Discretionary Action for minor internally raised matters or victimisation/discrimination of police complainants.

- (1) [Abacus: Commissioner's Directions for Conduct and Complaint Management, and Compliance Review](#) provides direction to members, inquirers / investigators and authorisers. Abacus is available to the public.
- (2) Abacus is a central reference tool for all matters related to conduct, complaints and compliance. Members must comply with Abacus.
- (3) Abacus is divided in to the following sections.
  1. [Objectives and Principles](#)
  2. [The Code of Conduct & Examples](#)
  3. [Process Overview](#)
  4. [Internally Raised Matters and Compliance Review](#)
  5. [Receiving, Registering and Categorising Abacus Matters](#)
  6. [Equity and Diversity Complaints](#)
  7. [Responsibilities in the Registration Process](#)
  8. [Members' Rights and Obligations](#)
  9. [Alternative Resolution Options & Apologies](#)

10. [The Inquiry / Investigation Process](#)
11. [Provisional Report by Inquirer / Investigator](#)
12. [Authorisation & Finalisation](#)
13. [Explanation of Section 43\(3\) Actions](#)
14. [Review of Decisions](#)
15. [Use of Information, Data Collection & Reporting](#)

## 13.2 GENERAL CONDUCT

- (1) Section 42 of the Police Service Act 2003 contains the [Code of Conduct](#).
- (2) [Abacus 2](#) fully describes the Code of Conduct and provides examples.

### 13.2.1 PROVISION OF NAME, NUMBER AND STATION ON REQUEST

#### ORDER

Any member who is asked by any person to provide any information as to their name, number or station, is to provide the information if it is reasonable in all the circumstances.

### 13.2.2 ACCESS, DISCLOSURE AND SUPPLY OF INFORMATION

#### ORDER

Members shall not:

- access any Tasmania Police Information System;
- conduct police record checks; or
- show or disclose particulars contained in any Tasmania Police book, document or record to any person outside Tasmania Police;

for any purpose which does not arise out of, and in the course of, the performance or execution of their duties.

Members shall not disclose information obtained by virtue of their employment as a police officer.

- (1) Tasmania Police are custodians of various levels of protected, highly protected, sensitive and private information and hold responsibility for the security and management of that material.
- (2) Misuse, or inappropriate use, of Tasmania Police information or an information system poses a significant organisational risk to Tasmania Police and is contrary to our organisational values.
- (3) A member must not access any information which that member is not entitled to access. Members must only access information for a genuine work-related reason.
- (4) A member must not:
  - (a) access information / information systems to satisfy personal interest or simple curiosity;
  - (b) access their own personal information;
  - (c) access information relating to family members, friends, or colleagues unless there is a reason directly related to their work duties and they have express permission from a Commissioned Officer to access that information;
  - (d) access information on behalf of another member unless the member accessing the information believes the requesting member has legitimate work related reason for accessing the information.
- (5) Members must:
  - (a) be able to justify their work-related reason for accessing information; and
  - (b) list sufficient information in the 'Reason for Access' (where required) to satisfy the criteria of a legitimate work-related purpose for accessing the information or information system.
- (6) Information must only be disclosed for the genuine work-related reason and in accordance with legislation, policy and procedures.

- (7) If a member is in any doubt as to the appropriateness of their accessing or disclosing information, they must seek advice from a supervisor.

### 13.2.3 DEBT AND CREDIT ENQUIRIES

#### ORDER

Members shall not:

- undertake enquiries for business or debt collecting firms requesting reports upon the credit rating of named clients;
- collect debts; or
- supply addresses of persons for debt collecting purposes.

### 13.2.4 EQUITY AND DIVERSITY

- (1) Tasmania Police strives to ensure our workplaces are free from all forms of **harassment and discrimination**.
- (2) Members are subject to the Equity and Diversity provisions in **Abacus 6 Equity and Diversity Complaints**.
- (3) State Service Employees are subject to the **Equity and Diversity Policy**.

### 13.2.5 GIFTS, BENEFITS AND HOSPITALITY

- (1) Tasmania Police has comprehensive guidelines for the management of gifts and benefits. Money, gift, benefit and gratuity or reward have the same definition as that contained in Key Definitions and Appendix A of the **Gift, Benefits and Hospitality Guidelines**.
- (2) All gifts, benefits and hospitality of \$10 and over must be declared. All gifts must be under \$100 and comply within the accepted scope of an appropriate gift, benefit or hospitality as identified in the **Guidelines**.
- (3) If a cumulative amount of over \$100 is received over a 12-month period from a single supplier, each item should be accounted for and a declaration made to the Gifts, Benefits and Hospitality Register.
- (4) The Gift and Benefits Notification Form located in RM8/TRIM is to be submitted within five working days of the gift/benefit or offer being received. The process for completing the form is described in **A16/126348**.

## ORDER

Members shall not solicit, accept or receive any money, gift, benefit, gratuity or reward from any person without the express permission of the relevant commander or director.

Where any money, gift, benefit, gratuity or reward is offered to or received by a member, a Gift and Benefits Notification Form in RM8/TRIM is to be completed and submitted to the relevant commander or director.

Members shall comply with the provisions of the [\*Gift, Benefits and Hospitality Guidelines\*](#).

### 13.3 SEARCHING OF PERSONAL LOCKERS

- (1) If a member refuses to open a personal locker, correspondence locker or desk, or has lost the key and a duplicate is not available, it can be opened by force on the authority of a commissioned police officer and in the presence of that commissioned police officer.
- (2) Inspection or search of such property should be conducted, where possible, in the presence of the member to whom the locker or desk was allocated, or in the member's absence, the presence of a witness.
- (3) Where it is necessary to inspect or search such locker or desk, a BlueTeam™ *Information Only Report* is to be submitted for the attention of the district commander. The *Information Only Report* is to set out the grounds for the search or inspection and the result. The district commander is to forward the matter to Professional Standards when complete.
- (4) Members are reminded that the Service cannot accept responsibility for the loss, theft or damage to members' personal property on police premises.

#### ORDER

Members shall open for inspection or searching any personal locker, correspondence locker or desk with which they are allocated on demand being made by the member in charge of the station or office at the time, or a commissioned police officer.

## 13.4 PROCEEDINGS AGAINST A MEMBER

### ORDER

Any member who is

- proceeded against for any offence (other than a parking offence) or a serious offence or crime (including whilst interstate or overseas); or
- proceeded against civilly; or
- subject to bankruptcy proceedings

must immediately inform a senior officer and register the matter on BlueTeam™ as an Information Only report. The Information Only report may be recategorised as appropriate.

#### 13.4.1 MEMBER APPEARING IN COURT AS DEFENDANT OR ACCUSED NOT TO WEAR UNIFORM

- (1) A member appearing in any court as a defendant or accused person is not to wear any item of police uniform.

## 13.5 CIVIL OR PRIVATE PROCEEDINGS AGAINST A MEMBER

- (1) An inter-department committee is established to advise the government on legal actions against public officers, including police, for acts or omissions arising in the course of the performance of their duties.
- (2) When a writ or summons is served on a member alleging an act or omission arising in the course of the performance of the member's duties, that member is to, immediately submit a full report, in writing, of the circumstances through official channels to the Assistant Commissioner, Specialist Support.
- (3) If a private prosecution is initiated against a member that member is to, immediately submit a full report, in writing, of the circumstances through official channels to the Assistant Commissioner, Specialist Support.
- (4) Applications for reimbursement of legal expenses incurred by members in defending actions for acts done in the execution of duty will be considered after the conclusion of the proceedings (refer to [Abacus 8.5.6](#)).



## **13.6 CHARACTER AND EMPLOYMENT REFERENCES FOR CURRENT AND EX- MEMBERS**

- (1) The Commissioner shall be the only authority to whom reference may be made regarding the conduct and character of a person while he or she is or was a member of the Police Service.
- (2) Members requesting a character or employment reference should do so through official correspondence channels to the Commissioner.

## 13.7 PUBLIC INTEREST DISCLOSURES

- (1) The [Public Interest Disclosures Act 2002](#) encourages and facilitates the making of disclosures of improper conduct by public officers and public bodies. It establishes a system for the matters disclosed to be investigated and rectifying action to be taken. [Abacus 4.2](#) describes the public interest disclosure process.

## 13.8 LIABILITY FOR LOST OR DAMAGED EQUIPMENT

- (1) [Section 87](#) of the *Police Service Act 2003* provides that members may be liable for lost or damaged equipment issued to, or used by, him or her if they are unable to account satisfactorily for the loss or damage.

## 13.9 REVIEWS RELATING TO TERMINATION, DEMOTION AND OTHER MATTERS

- (1) A police officer (other than the Commissioner, Deputy Commissioner, Assistant Commissioners, Commanders and a special constable) may apply to the Police Review Board for a review of a decision in certain Code of Conduct related matters. [Part 4](#) of the *Police Service Act 2003* contains details on what can be reviewed and the review process.

## 14.1 ABANDONED VEHICLES

- (1) Local government and the agency responsible for State roads are responsible for the removal of abandoned vehicles from public highways and streets once police have no further interest in the vehicle and have discharged their responsibilities in accordance with this section.
- (2) Upon being notified of an abandoned vehicle, RDS is to create a CACS incident entry and check that it is not stolen.
- (3) A member is to be tasked to attend an abandoned motor vehicle and is to take appropriate action where:
  - (a) the vehicle is parked in a dangerous or hazardous position; the vehicle is obstructing access/egress of traffic; or
  - (b) if there are suspicious circumstances including that the vehicle is possibly stolen, was used in a crime or involved in an accident.
- (4) When the vehicle has been established abandoned, RDS is to notify the relevant agency to have the vehicle removed.
- (5) Abandoned vehicles seized or removed by Tasmania Police are to be dealt with in accordance with the provisions of this Manual and any existing policy framework.
- (6) A report containing the circumstances, is to be submitted to enable recovery of towage fee from the owner when located or from proceeds of the sale when the vehicle is disposed of.

## 14.2 DRIVER LICENSING/LICENCES

### 14.2.1 GENERAL

- (1) Only members attached to Currie, Whitemark and Lady Barron are permitted to conduct the practical test for driver license applicants.
- (2) When the holder of a licence is convicted of a serious offence or sustains some physical or mental disability or infirmity, the prosecutor or member having knowledge of such facts is to forward a report including licence details, if possible, through official channels to the Registrar of Motor Vehicles.

### 14.2.2 SEIZURE OF DRIVERS LICENCES FROM SUSPENDED DRIVERS

- (1) Pursuant to the provisions of Section 48(2)(a) of the [Vehicle and Traffic Act 1999](#), members intercepting suspended drivers who present a licence for inspection when detected driving, may seize the drivers licence. It is desirable that this practice routinely occurs.
- (2) When a licence is seized, the person from whom it is seized should be issued with a property seizure receipt.
- (3) Any licence seized is to be forwarded to the Driver Licensing Unit, Department of State Growth without delay. Delivery can be in person or by post.
- (4) A [Licence Seizure - Transmission to Driver Licensing Unit](#) template letter is available under the Traffic section of the Microsoft Word templates.
- (5) Licences should not be seized from suspended drivers who are not detected driving or from drivers who are issued an excessive speeding or breathalyser infringement, as any driving suspension in these circumstances is not immediate.

## 14.3 DEFECT AND DISCONTINUANCE ORDERS

- (1) Vehicles which have been subject to the issue of defect or discontinuance orders and notices are required to be presented to an [approved inspection station](#) to gain a clearance.
- (2) Supplies of Defect and Discontinuance orders and notices are provided to Tasmania Police by the Registrar of Motor Vehicles. Books of completed orders are to be returned by the member in charge of the station direct to the Registrar of Motor Vehicles for recording and audit purposes.

## 14.4 RADAR/LASER SPEED MEASURING DEVICES

### 14.4.1 RADAR/LASER

- (1) Devices must be operated by approved radar and laser operators only.
- (2) Devices must be operated in strict accordance with the Radar Operator's Manual or [Laser Operator's Manual](#), as applicable, and the requirements specified by Standards Australia;
- (3) Any fault/damage detected in a hand held speed measuring device is to be reported to Road and Public Order Services and that device forwarded for replacement or repair. The necessary repairs/maintenance will be organised by that area.
- (4) Immediately prior to the expiration of the Certificate issued by the University of Tasmania, in respect to accuracy, such device is to be returned to the Road and Public Order Services who will organise recertification with Communication Services.
- (5) The certification period is 12 months.
- (6) At the time of certification, the devices are sealed by the University of Tasmania. In the event that such seals become loose or are broken, the device is not to be used and must be returned Road and Public Order Services.

### 14.4.2 POLICE VEHICLES DETECTED BY ROAD SAFETY CAMERA

- (1) Where a Tasmania Police vehicle is detected by a road safety camera for a speeding offence:
  - (a) the Infringement Notice is to be issued by Traffic Liaison Services in the first instance in the name of 'Tasmania Police' and forwarded to the district or support commander to which the vehicle is allocated;
  - (b) the commander is to have the statutory declaration on the rear of the notice completed in full, identifying the driver, driver's address and licence number. The document must then be forwarded to Traffic Liaison Services by return mail;
  - (c) a copy of the statutory declaration is to be supplied to the member identified as the driver;
  - (d) Traffic Liaison Services will re-issue the notice in the name of the identified driver and it will be transmitted direct to the member;
  - (e) members who seek consideration of a defence under the [Road Rules 2009](#) shall, within 21 days of issue, make representation in writing to the commander in the district in which the offence was detected;
  - (f) where a commander withdraws a Road Safety Camera Infringement Notice issued to a police officer, a copy of the full file is to be returned to Traffic Liaison Services for filing and audit purposes; and/or
  - (g) a withdrawal notice issued in accordance with a defence under the Road Rules is to be clearly endorsed 'POLICE VEHICLE'.
- (2) Where the vehicle is allocated to a position under the control of the Director, Finance and

Physical Resources:

- (a) the Road Safety Camera Infringement Notice is to be issued by Traffic Liaison Services in the first instance in the name of 'Tasmania Police' and forwarded to the Director, Finance and Physical Resources;
  - (b) the director, through the relevant manager, will arrange for the statutory declaration on the rear of the notice to be completed in full, identifying the driver, driver's address and licence number; and
  - (c) the document will then be forwarded to Traffic Liaison Services by return mail.
- (3) Any State Service Employee may seek consideration of a withdrawal within 21 days of issue by making representation in writing to the commander in the district in which the offence was detected.

## 14.5 ROAD CLOSURES

- (1) Where it becomes necessary to close a street or road under the provisions of [the Vehicle and Traffic Act 1999](#), or because of traffic hazard conditions, police should:
- (a) notify the divisional inspector or duty officer of the closure, the reason, the area affected, and the period likely to be closed;
  - (b) request notification to the relevant Government Department responsible for roads or local council;
  - (c) notify Radio Dispatch Services;
  - (d) ensure that news media are advised of the hazard;
  - (e) The road closure is (where practicable) to be posted on the COP/Tas Alerts; and
  - (f) in the event of the Government Department responsible for roads or council taking necessary action to restore the road conditions to safe, their recommendation should be accepted. In all other cases, the divisional inspector or duty officer is responsible for ordering the re-opening of the road and ensuring that there is no undue delay.

## 14.6 ROAD SAFETY - ALCOHOL AND/OR DRUGS

### 14.6.1 BREATH TESTS

- (1) Any fault or damage detected in breath-test devices is to be reported to the relevant district Traffic Services. The necessary repairs or maintenance will be organised by this area.
- (2) As members often rely on positive breath test readings to require a subject to undergo breath analysis the breath testing devices must be calibrated on a regular basis, which is organised by district Traffic Services.
- (3) Members should be aware that a subject's blood alcohol content (BAC) level does not peak until sometime after the consumption of alcohol ceases. Similarly, environmental and physiological factors can influence the rate of alcohol dissipation. On that basis, members should not volunteer details of breath test readings. Should the subject request to view the reading members should accede to the request.
- (4) In either case, members should be guided by the following:
  - (a) a person who undergoes a 'preliminary breath test' and returns a positive reading (below the prescribed limit) is not, as a general practice, to be advised of the reading obtained;
  - (b) should the subject specifically request to be advised of the reading, it is to be provided;



- (c) where a positive reading is obtained, all subjects are to be advised that, whilst the reading indicates that the reading is below the prescribed limit for driving motor vehicles or operating vessels at this time, their BAC may continue to rise. A subsequent test reading may indicate a different BAC that is above the prescribed limit; and
- (d) the subject is to be advised that a decision to continue to drive/operate is a matter for them.

#### **14.6.2 BREATH ANALYSIS AND BLOOD TESTS**

- (1) A breath analysis must only be performed by an approved operator.
- (2) Breath analysing instruments must be operated in accordance with the [Tasmania BAS Manual](#) provided to all approved operators.
- (3) Any fault or damage detected in a breath analysing instrument is to be reported to the relevant district Traffic Services. The necessary repairs or maintenance will be organised by this area.
- (4) Immediately prior to the expiration of the Certificate issued by the Supervising Analyst in respect to the accuracy of a breath-analysing instrument, the instrument is to be returned to district Traffic Service to arrange for re-certification.
- (5) The certification period for breath analysis instruments is 12 months.
- (6) Blood tests and medical examinations are to be arranged and supervised by an approved operator.
- (7) Members requiring information as to the results of blood tests conducted are to make those enquiries to the member in charge, district Traffic Services and not contact the approved analysts direct.
- (8) Approved operators who supervise blood tests and medical examinations are to ensure that blood samples are delivered to an approved analyst within 10 days.
- (9) Immediately following service of a sample of blood to a subject, the approved operator is to prepare a blood test file and return to the member in charge, district Traffic and BAS Services.

#### **14.6.3 ORAL FLUID TESTING**

- (1) Oral fluid testing is to be conducted on a random basis or when members have cause to suspect that illicit drugs may be present in a driver's blood.
- (2) Members involved with oral fluid testing are to be conversant with the provisions of *Section 30(2A) of the [Road Safety \(Alcohol and Drugs\) Act 1970](#)* as it relates to the [Forensic Procedures Act 2000](#), the [Misuse of Drugs Act 2001](#) and the [Search Warrants Act 1997](#).
- (3) When conducting oral fluid testing in inclement weather, personnel using oral fluid testing devices are to ensure that the device does not become wet during the testing procedure.
- (4) Members must promptly dispose of all used oral fluid testing devices in an appropriate manner.
- (5) If a driver returns a positive reading to an oral fluid test, the member is to advise the driver that they have returned a positive result and are required to accompany a police officer for the purpose of a blood test to obtain a sample for analysis. The driver should be advised that the oral fluid test is for screening purposes only and the blood test will confirm or negate the presence of a prescribed illicit drug in the blood.
- (6) If a driver returns a positive oral fluid test, the member conducting the test is to ensure that they record any relevant observations in relation to the effect of the drug/s on the driver's ability to control the motor vehicle. The offence of driving with a prescribed illicit drug in the blood is in addition to, and not instead of, driving under the influence. In appropriate cases the use of sobriety testing should be considered.

- (7) Where a police officer believes that a prescribed illicit drug may be present in the blood of a driver, whether as a result of an oral fluid test or otherwise, that driver should be advised not to drive for a period of time and that, if they do drive, further offences may be committed. Where a driver is obviously affected the provisions of apply (vehicle immobilisation).
- (8) Information privacy legislation prohibits the disclosure of certain information regarding some enforcement processes. Contact and disclosure to vehicle owners and/or driver employers, particularly in the case of heavy transport vehicles, should, where possible, be made by the driver in the first instance;
- (9) If appropriate, the driver returning a positive oral fluid test should be provided with the means to make contact with the relevant owner/employer. If the driver does not make the aforementioned contact, and there is good reason to do so, a police officer should contact the owner/employer and the following advice provided:
  - (a) the vehicle has been intercepted as a result of a routine check at (location);
  - (b) as a result of the interception, the vehicle and load has been left at (location) and for safety reasons the driver is unable to drive any vehicle for a period of (specify); and
  - (c) the driver is not injured or harmed, that the vehicle and load are not damaged.

#### **14.6.4 DRUG BLOOD TESTING PROCEDURES RESULTING FROM ORAL FLUID TESTING**

- (1) Blood tests are to be arranged and supervised by an approved breath analysis operator in accordance with current procedures. Operators are to direct the driver to provide a sample of blood for analysis. [The Advice Letter for Approved Analyst](#) is to be marked 'Oral Fluid Test' and a copy of the Oral Fluid Test Result Form must also be provided to the approved analyst.
- (2) Forensic Science Service Tasmania will only report presence of prescribed illicit drugs. Comprehensive drug testing reports are not required unless the driver has been charged with Driving under the Influence of a Drug.
- (3) Details of blood tests are to be appropriately recorded in the electronic database maintained by districts in relation to drug and alcohol testing of drivers.

#### **14.6.5 TRACE PARTICLE DETECTION TESTS**

- (1) Trace particle detection testing may be conducted on a random basis.
- (2) Only personnel who have received training in the use of trace particle detection devices (TPDD) are authorised to use those devices. TPDD are to be operated in accordance with the manufacturer's instructions and the training manual.
- (3) Personnel operating the actual TPDD are to ensure that other members collecting samples from vehicles have received appropriate instructions on sample collection.
- (4) Members involved with trace particle detection testing are to be conversant with the provisions of [Section 7D of the Road Safety \(Alcohol and Drugs\) Act 1970](#).
- (5) It is to be noted that the TPDD will detect more drugs than the oral fluid tests (refer to the training manual for further information).

#### **14.6.6 ENTRY TO MOTOR VEHICLE**

- (1) Members are only to use the authority to enter a motor vehicle under [Section 5\(4\) of the Road Safety \(Alcohol and Drugs\) Act 1970](#) when the driver is an occupant of the motor vehicle and is denying Tasmania Police entry to that motor vehicle.
- (2) Whilst each case will need to be assessed individually, members will need to ensure that the method of entry will minimise risk and injury to the occupants of the vehicle and police, and only cause damage that is reasonable in the circumstances. Reasonable alternative

methods to gaining access to the vehicle are to be explored before damaging the vehicle.

- (3) Prior to forcing entry to a motor vehicle, members will ensure that the driver and any occupants of the vehicle are warned that Tasmania Police has the authority to use force to enter the vehicle if the driver does not comply with the officer's request to access the vehicle.
- (4) A written report from a member is required when damaged is caused to a motor vehicle.

## 14.7 DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS

### 14.7.1 SOBRIETY TESTING

- (1) Where members find a person driving who they suspect of having driven a vehicle while under the influence of intoxicating liquor, and/or a drug, they may request that person to perform sobriety tests to assist in determining if they are capable of driving and having proper control of the vehicle. The tests may be carried out at the place of apprehension or at a police station.
- (2) No power of arrest or custody exists for the sole purpose of directing a driver to undertake sobriety testing.
- (3) Subjects cannot be compelled to undergo sobriety tests.
- (4) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (5) Members should:
  - (a) precisely record the details and results of all tests applied;
  - (b) when preparing reports and giving evidence, state exactly what the subject did or said, and avoid general statements that the tests were performed well or badly or otherwise;
  - (c) ensure the type of clothing worn by the subject, where the tests are conducted, manner of driving, road surface and street lighting, are accurately noted; and where possible, obtain corroboration of tests given by requesting another member to be present and prepare a brief of evidence. Utilisation of audio visual recording may be useful.

### 14.7.2 MEDICAL EXAMINATIONS

- (1) If a member is in doubt whether a driver is under the influence of intoxicating liquor and considers that a medical examination is advisable, and the driver does not object, arrangements should be made for such examination. If the driver claims that the condition is due to illness, it is sufficient reason to take the person to a medical practitioner to determine their condition.
- (2) If a member suspects a driver is under the influence of a drug (other than alcohol) the driver must be directed to undergo a full medical examination by a qualified medical practitioner (not a nurse) in accordance with the provisions of the [Road Safety \(Alcohol and Drugs\) Act 1970](#).
- (3) If a driver requests to see a doctor, members should comply with that request. Members should inform the driver that Tasmania Police will not accept any responsibility for any expenses involved

## 14.8 TRAFFIC INFRINGEMENT NOTICES – POLICE INFRINGEMENT NOTICE SYSTEM (PINS)

- (1) Where a member or authorised officer is satisfied that a person has committed a prescribed offence or offences, pursuant to the [Traffic \(Compliance and Enforcement\) Regulations 2011](#), that member or authorised officer may create a traffic infringement notice in the Police Infringement Notice System (PINS).
- (2) The PINS mobile application does not allow for printing. Infringement notices created in the mobile application can be served electronically via email subject to the consent of the alleged offender. Alternatively, infringement notices created in the mobile application will be served on the person to whom it relates, by post, in the same way that speed-camera infringement notices are served.
- (3) Members are still able to create 'Caution' notices using PINS.
- (4) Where a member is content that a person has committed a prescribed offence or offences, pursuant to the provisions of [Section 43H of the Traffic Act 1925](#), the member is to be satisfied of the identity of the person committing the prescribed offence before a traffic infringement notice is issued. The following exceptions apply:
  - (a) where an unattended vehicle left on a public street is found to be unregistered, and/or
  - (b) for parking offences where the owner is not present.
- (5) In the case of (a) and (b), the member may issue an infringement notice to the registered owner of the offending vehicle.
- (6) In all other circumstances where the identity of the offender cannot be confirmed, members should proceed by way of a [Notice of Demand](#).
- (7) Infringement notices may still be issued for parking offences by entering the registered owner details into PINS in the usual manner. Business card sized notices are provided for members to affix to the offending vehicle, alerting council attendants and the driver of the vehicle that an infringement notice will be sent to the registered owner in the post.
- (8) The desktop application allows for printing of an infringement notice for immediate service. Copies of infringement notices for court or other purposes may also be printed from the desktop application.
- (9) The procedure for service of a Breathalyser Infringement Notice (BIN) has not changed. The BIN is to be printed and served upon the offender by the BAS operator at the time of the analysis.
- (10) If a member becomes aware of an error of any kind made or believed to have been made, prior to the notice being served the member creating the infringement is to contact Information Services **EXEMPT PER S.36 OF RTI ACT** to correct or amend the error. Information Services is only available during business hours.
- (11) If a member becomes aware of an error of any kind made or believed to have been made, after the notice has been served, the member must create a replacement infringement notice in PINS, ensuring the infringement data is carefully reviewed before re-issuing. The issuing member is to complete a [PINS Termination Request \(PTR\)](#) form detailing the error and subsequent action taken to rectify it.
- (12) PTR forms must be sent to Traffic Liaison via a supervisor or they will not be processed. A supervisor is a sergeant, (including an acting sergeant) or above. PTR forms are required to be emailed as soon as practicable to the member's supervisor and copied to Traffic Liaison Services.
- (13) A traffic infringement is not to be issued in the following circumstances:
  - (a) where the offender has never held a driver licence or is an unlicensed driver for a period exceeding three months from the date of expiry;

- (b) where the offence arises from a motor vehicle crash and the circumstances are such that an infringement notice cannot be issued in accordance with another section of this Manual;
  - (c) where there is serious aggravation, such as high speed, a considerable degree of danger, or where, in the opinion of the member concerned, the circumstances are such that the issue of an infringement notice would not be appropriate; or
  - (d) where the offender is 16 years of age or younger.
- (14) Where, after the issue of a traffic infringement notice, it is established that the offender, at the time of the offence, was not the holder of the prescribed class of driver licence (other than a learner licence), a 'Brief' is to be submitted with respect to the applicable licence offence. Any proceedings by virtue of that 'Brief' will be additional to the traffic infringement notice proceedings.
- (15) Where, after the issue of a traffic infringement notice, it is established that the offender at the time of the offence was not the holder of a driver licence for a period exceeding three months of the expiry date, the infringement notice is to be withdrawn and a 'Brief' submitted with respect to all offences.
- (16) A 'Withdrawal Notice' relating to a traffic infringement notice issued by a police officer, may be issued by the Commissioner or an authorised member delegated with that authority by the Commissioner.
- (17) Any infringement notice which is to be withdrawn, is to be withdrawn in accordance with the provisions of Division 2 of the [Monetary Penalties Enforcement Act 2005](#).
- (18) 'Withdrawal Notices' may be served personally or by post. All police officers are authorised by the Commissioner to serve 'Withdrawal Notices'.

## **14.9 INFRINGEMENT NOTICES ISSUED PURSUANT TO THE ROAD SAFETY (ALCOHOL AND DRUGS) ACT 1970**

- (1) Infringement notices for offences under the [Road Safety \(Alcohol and Drugs\) Act 1970](#) may only be issued by members appointed as approved operators.
- (2) Where an approved operator is satisfied that a person has committed a prescribed offence, or offences, that approved operator may create a Breathalyser Infringement Notice (BIN) on the Police Infringement Notice System (PINS).
- (3) Approved operators are to ensure that BIN are issued only in circumstances provided by the [Road Safety \(Alcohol and Drugs\) Act 1970](#).
- (4) BIN must not be issued in cases where an offender has elected to undergo a blood test following a breath analysis.
- (5) A BIN should not be issued to a person who is likely to make a restricted licence application.

## **14.10 CAUTIONING OF TRAFFIC OFFENDERS**

- (1) A caution may be issued:
  - (a) for a moving offence if the issuing officer is satisfied that the identity of the person has been established
  - (b) for a parking offence, even though the identity of the offending driver may not have been established
  - (c) except as provided in this section (refer S14.10(2) and (4) below) for any other traffic

offence for which a traffic infringement notice may be issued.

- (2) A caution, other than a caution for not carrying a driver licence, may not be issued:
  - (a) where a vehicle/person has been involved in a traffic accident;
  - (b) where the offence committed is against the [Road Safety \(Alcohol and Drugs\) Act 1970](#) or involves exceeding the speed limit by 38 kilometres per hour or greater;
  - (c) where there is more than one offence committed at the time;
  - (d) where an offence detected is by a photographic detection device;
  - (e) where the offender does not admit the offence or consent to a caution being issued;
  - (f) where it is known that a person has been reported/cautioned for any moving traffic offence within the previous three years; or
  - (g) to a passenger in a motor vehicle where, if the same offence was to have been committed by the driver of the motor vehicle it would not attract a caution notice.
- (3) As advised in section [14.8, PINS contains](#) an integrated validation function which will assist members in ensuring that legislative requirements such as those referred to in (2) above are complied with.
- (4) In the case of the offence of failing to carry a driver licence, other than a restricted licence, all first-time offenders shall be issued with a caution notice. For any subsequent offence of failing to carry a licence, other than a restricted licence, regardless of the time elapsed since the original offence, the issuing officer may use their discretion and issue either a further caution notice or an infringement notice.
- (5) Notwithstanding the constraints of this section, a commander or commissioner may issue a caution notice for any traffic offence provided an appropriate record is made for accountability purposes. If a caution notice is to be issued, the original infringement notice is required to be withdrawn and a new caution notice issued.
- (6) A caution notice issued pursuant to these instructions is deemed an output for Corporate Management Group reporting.
- (7) Pursuant to these instructions, where an issuing officer is satisfied a caution may be issued under the provisions of these instructions, a caution notice may be completed in the usual manner. In such cases, the offender is to be advised that the infringement notice is a conditional caution.
- (8) Where a caution is found to have been issued incorrectly, the following processes are to apply:
  - (a) where the caution has not yet been processed (prior to the notice being transferred from PINS at 10.00am on the day following the issue of the caution), the process as outlined in [14.8\(10\)](#) is to be followed; or
  - (b) where the caution has been processed, or the person named therein has requested a review, the notice is to be referred to the relevant commander in the district in which it was issued, for assessment and any further action which may be required (for example withdrawal of the notice, issuing of a new infringement notice or submission of a brief);
- (9) If the caution notice is to be withdrawn, the relevant district commander will facilitate its withdrawal and the issuing of a new infringement notice, if applicable.
- (10) The relevant district administration will also ensure the person named therein is provided with a letter explaining why any caution previously issued was outside the departmental guidelines and why the alternative action is to be taken.
- (11) The Commissioner or an authorised member delegated with that authority by the Commissioner, may issue a 'Withdrawal Notice' relating to a caution notice issued by a police officer.

## 14.11 REGISTRATION PLATES

- (1) Where vehicle registration number plates (including interstate plates) are seized, a receipt should be issued wherever possible. A copy of the receipt is to accompany the plates to [Service Tasmania](#).



## 14.12 VEHICLE INSPECTIONS

- (1) Vehicle owners whose motor vehicles or trailers need to be inspected, should be directed to an Approved Inspection Station.
- (2) Motorists requesting assistance to locate the nearest Vehicle Inspection Station may be referred to the Transport Tasmania website: [http://www.transport.tas.gov.au/vehicles/vehicle\\_inspections](http://www.transport.tas.gov.au/vehicles/vehicle_inspections) or Service Tasmania telephone on 1300 135 513.

## 14.13 VEHICLE INTERCEPTIONS

- (1) For the purposes of this Manual;
- (a) 'Vehicle interception' means intercepting a driver or rider of a vehicle. It
- i. commences when a member/s takes any action intended to stop the vehicle;
  - ii. ends when the
    1. member/s terminate the vehicle interception because the driver or rider failed to stop; or
    2. intercepted vehicle re-joins the traffic flow; or
    3. police leave the scene of the interception
  - iii. does not include static RBT, static speed check or static vehicle inspection sites.

### **ORDER**

**ON COMMENCING A VEHICLE INTERCEPTION, MEMBER/S MUST IMMEDIATELY NOTIFY RADIO DISPATCH SERVICES:**

- **OF THEIR CURRENT LOCATION; AND**
- **OF THE VEHICLE DETAILS (WHICH MAY INCLUDE REGISTERED NUMBER, MAKE, MODEL, COLOUR AND THE NUMBER OF OCCUPANTS ABLE TO BE OBSERVED).**

**MEMBERS MUST IMMEDIATELY NOTIFY RADIO DISPATCH SERVICES WHEN THE VEHICLE INTERCEPTION HAS ENDED.**

**IF IT IS NOT POSSIBLE TO IMMEDIATELY NOTIFY RDS, NOTIFICATION MUST OCCUR AS SOON AS PRACTICABLE THEREAFTER.**

### **ORDER**

**A MEMBER INVOLVED IN A VEHICLE INTERCEPTION OR ATTEMPTED VEHICLE INTERCEPTION, THAT RESULTS IN DEATH OR SERIOUS INJURY TO ANY PERSON OR SIGNIFICANT PROPERTY DAMAGE IS TO NOTIFY RADIO DISPATCH SERVICES (RDS) AS SOON AS REASONABLY PRACTICABLE.**

**RDS IS TO PROMPTLY NOTIFY THE DIVISIONAL INSPECTOR AND THE COMMANDER, PROFESSIONAL STANDARDS IF ANY A VEHICLE INTERCEPTION OR ATTEMPTED VEHICLE INTERCEPTION RESULTS IN DEATH OR SERIOUS INJURY TO ANY PERSON.**

- (2) Members conducting a vehicle interception shall endeavour to ensure that the intercepted vehicle and the police vehicle are stopped at a safe location. A corridor of safety must be established and emergency warning equipment (emergency lights) must remain activated for the duration of the vehicle interception, unless exceptional circumstances exist. Refer [Safe Traffic Operation Procedures](#) (STOP) for additional information.
- (3) Members should not engage in a vehicle interception if their vehicle is conveying persons other than police officers, unless exceptional circumstances exist.

## 14.14 MANAGEMENT OF POLICE PURSUITS AND AUTHORISED FOLLOWS

### 14.14.1 OBJECTIVES

- (1) [EXEMPT PER S.30(1)(c) OF RTI ACT]

### 14.14.2 GENERAL

- (1) [EXEMPT PER S.30(1)(c) OF RTI ACT]

- (2) [EXEMPT PER S.30(1)(c) OF RTI ACT]

- (3) [EXEMPT PER S.30(1)(c) OF RTI ACT]

- (4) National research of police pursuits has revealed that:

- (a) the number of people killed or injured as the result of police pursuits (including offenders, other road users and police) far outnumbers those killed or injured by the discharge of police firearms; and
- (b) an unacceptably high number of pursuits end in a crash.

- (5) [EXEMPT PER S.30(1)(c) OF RTI ACT]

- (6) These Manual provisions balance the need to apprehend offenders and prevent crime against the need to ensure that pursuits are conducted and concluded as safely as possible. To that end, they:

- (a) assist members with assessing the risks associated with pursuits; and
- (b) ensure that pursuits only occur when justified, and in accordance with these provisions.
- (c) In addition to this, Section 28 of the [Work Health and Safety Act 2012](#) describes the *Duties of workers*. Pursuant to that Act, a worker must:
- (d) take reasonable care for their own safety; and
- (e) take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons; and
- (f) comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with the Act; and
- (g) cooperate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.

### 14.14.3 DEFINITIONS

- (1) [EXEMPT PER S.30(1)(c) OF RTI ACT]

### 14.14.4 LEGISLATIVE CONTEXT

- (1) Rule 305 (Exemption for drivers of police vehicles) of the [Road Rules 2009](#) states that;

(1) A provision of the [Road Rules](#) does not apply to the driver of a police vehicle if –

- (a) in the circumstances –

(i) the driver is taking reasonable care; and

(ii) it is reasonable that the provision should not apply; and

(b) the vehicle is a motor vehicle that is moving, and the vehicle is displaying a blue or red flashing light or sounding an alarm.

Note: Motor vehicle and police vehicle are defined in the dictionary.

(2) Subrule (1)(b) does not apply to the driver if, in the circumstances, it is reasonable

–

(a) not to display the light or sound the alarm; or

(b) for the vehicle not to be fitted or equipped with a blue or red flashing light or an alarm.

- (2) In order to qualify for this exemption, the driver must establish that, on the balance of probabilities, they complied with all the elements of Rule 305.
- (3) This exemption does not preclude the requirement to drive at all times with due care and attention, and reasonable consideration for other road users. Members have a duty of care towards their fellow officers and to the public. This duty of care extends to the drivers and other occupants of vehicles which members are endeavouring to intercept.
- (4) While the Road Rules provide a conditional exemption to the driver of a police vehicle if certain criteria are met, clearly there are many circumstances where members will not be justified in sustaining speeds in excess of speed limits, engaging in pursuits or not obeying traffic laws.
- (5) Members will be called upon to justify their decisions and actions, and any claim for an exemption under the Road Rules or a discretion in accordance with driving allowed under guidelines written for Specialist Units. It is not sufficient for members to allege they were acting in good faith or in strict compliance with these provisions if the circumstances are such that their driving was clearly inappropriate and contrary to the intentions and objectives of these provisions.
- (6) A test that is both subjective and objective will be applied to determine whether the member's actions were reasonable and pursuant to the provisions of the TPM.

#### 14.14.5 KEY RISK FACTORS

- (1) [EXEMPT PER S.30(1)(c) OF RTI ACT]

#### 14.14.6 ASSESSMENT OF KEY RISK FACTORS

- (1) [EXEMPT PER S.30(1)(c) OF RTI ACT]

#### 14.14.7 INITIATION AND COMMUNICATION

##### ORDER

[EXEMPT PER S.30(1)(C) OF RTI ACT]

- (1) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (2) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (3) [EXEMPT PER S.30(1)(c) OF RTI ACT]

- (4) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (5) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (6) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (7) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (8) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (9) [EXEMPT PER S.30(1)(c) OF RTI ACT]

**ORDER**

[EXEMPT PER S.30(1)(C) OF RTI ACT]

**14.14.8 MANAGEMENT**

- (1) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (2) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (3) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (4) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (5) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (6) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (7) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (8) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (9) [EXEMPT PER S.30(1)(c) OF RTI ACT]

**14.14.9 [EXEMPT PER S.30(1)(C) OF RTI ACT]**

- (1) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (2) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (3) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (4) [EXEMPT PER S.30(1)(c) OF RTI ACT]

**14.14.10 TERMINATION**

**ORDER**

- [EXEMPT PER S.30(1)(C) OF RTI ACT]

- (1) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (2) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (3) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (4) [EXEMPT PER S.30(1)(c) OF RTI ACT]

**ORDER**

- [EXEMPT PER S.30(1)(C) OF RTI ACT]

#### 14.14.11 AUTHORISED FOLLOW

- (1) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (2) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (3) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (4) [EXEMPT PER S.30(1)(c) OF RTI ACT]

#### ORDER

- [EXEMPT PER S.30(1)(C) OF RTI ACT]

#### 14.14.12 RE-ENGAGEMENT WITH PURSUED VEHICLE

- (1) [EXEMPT PER S.30(1)(c) OF RTI ACT]

#### 14.14.13 PURSUIT CATEGORISATION MODEL

- (1) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (2) [EXEMPT PER S.30(1)(c) OF RTI ACT]

#### 14.14.14 REPORTING AND INVESTIGATION

##### 14.14.14.1 GENERAL

- (1) In order to ensure consistency in understanding and application of the TPM pursuit provisions, the member who is assessing the pursuit or authorised follow is to make early contact with Management Review, Professional Standards Command to receive guidance and direction as to the application of the TPM to the incident under review, including whether or not the incident does, or does not, constitute a pursuit or authorised follow.
- (2) Professional Standards has responsibility for the investigation and/or oversight of the investigation of all pursuits (authorised and unauthorised) and follows (authorised and unauthorised) which result in death, serious injury, significant property damage or involves a serious crash.
- (3) Assistance will be provided to Professional Standards for an investigation if required.

##### 14.14.14.2 CONFLICT OF INTEREST

- (1) If a duty supervisor, divisional inspector or duty inspector is actively involved in a pursuit (authorised or unauthorised) or follow (authorised or unauthorised) they are not to undertake or be involved in the assessment process. Actively involved includes making tactical decisions other than the decision to terminate.

##### 14.14.14.3 INITIAL REPORTING - CONTROLLER RESPONSIBILITIES

- (1) At the conclusion or termination of a pursuit (authorised or unauthorised) or follow (authorised or unauthorised) the controller is to provide notification (email) of the incident to Management Review, Professional Standards Command [EXEMPT PER S.36 OF RTI ACT] prior to the conclusion of their shift.
- (2) The notification is to include the CACs number and any other information the controller considers relevant.

##### 14.14.14.4 INITIAL REPORTING

- (1) Primary Unit
  - (a) Following a pursuit (authorised or unauthorised) or follow (authorised or unauthorised) a member of the primary unit (the first primary unit if there are multiple primary units) is required to submit a 'vehicle pursuit' incident report on IAPro BlueTeam prior to the conclusion of their shift. If the member/s of the primary unit are unable to do this, their sergeant must submit the report.
  - (b) The member submitting the 'vehicle pursuit' incident report is to assess the circumstances and categorise the pursuit as a 'Pursuit 1', 'Pursuit 2' or 'Pursuit 3'. They are to type 'Pursuit 1', 'Pursuit 2' or 'Pursuit 3' in the 'case number' section on IAPro BlueTeam.
  - (c) All members engaged in the pursuit/follow are to be listed on the 'vehicle pursuit' incident report, including the controller.
  - (d) A 'vehicle pursuit' incident report is required whether or not the pursued vehicle was intercepted, and/or the offender/s apprehended.
  - (e) The 'vehicle pursuit' incident report is to be forwarded (routed) to a sergeant for review.
- (2) Sergeant
  - (a) The sergeant to whom the 'vehicle pursuit' incident report is forwarded on BlueTeam is to assess whether it has been correctly categorised and make comments in the section provided. They are then (after selecting 'approved' or 'not approved') to forward the incident to their inspector.
- (3) Inspector
  - (a) The inspector to whom the 'vehicle pursuit' incident report is forwarded on BlueTeam is to assess whether it has been correctly categorised and make comments in the section provided. They are then (after selecting 'approved' or 'not approved') to forward the incident to Professional Standards with a copy (cc) to their commander.
- (4) Professional Standards
  - (a) Professional Standards will assess the 'vehicle pursuit' incident report, noting the categorisation provided from within the district.
  - (b) If all the required information is on the 'vehicle pursuit' incident report and the matter is confirmed as a:
    - i. Pursuit 1, it will be closed;
    - ii. Pursuit 2, it will be actioned for completion of the required reports; or
    - iii. Pursuit 3, it will be actioned for completion of the required reports.

#### **14.14.14.5 REPORT SUBMISSION**

- (1) Pursuit 1
  - (a) for a Pursuit 1, the BlueTeam 'vehicle pursuit' incident report is to be submitted. No additional reports are required.
- (2) Pursuit 2
  - (a) for a Pursuit 2, the BlueTeam 'vehicle pursuit' incident report is to be submitted;
  - (b) Professional Standards will undertake an initial assessment and determine the extent of assessment/investigation and reporting required (if any). The district will be advised in writing of the extent of assessment/investigation and reporting required;
  - (c) an independent sergeant (or inspector) will then undertake the assessment. If a sergeant is involved in the pursuit the assessment is to be completed by an inspector;

- (d) the sergeant or inspector tasked with the assessment is to maintain a running sheet. The running sheet is to be attached to IAPro BlueTeam;
  - (e) within seven days of the pursuit or authorised follow, Subject Reports from all required officers (including the controller) are to be submitted and attached to IAPro BlueTeam. Witness evidence should also be obtained where appropriate;
  - (f) within 14 days of the pursuit or authorised follow a Divisional Assessment Report is to be submitted to IAPro BlueTeam by the independent sergeant **EXEMPT PER S.30(1)(c) OF RTI ACT** where required by Professional Standards. The 'vehicle pursuit' incident report is then to be routed to the inspector;
  - (g) within 21 days of the pursuit or authorised follow a Divisional Recommendations Report from the inspector (include action taken, if any) is to be submitted to IAPro BlueTeam. Contact with Professional Standards is required prior to the submission of the report to identify if any member involved has previously been involved in a pursuit;
  - (h) Within 28 days of the pursuit or authorised follow a district Pursuit Report is to be submitted by the commander to Professional Standards (include action taken, if any) via IAPro Blue Team;
  - (i) Member/s involved in a Pursuit 2 are to be advised, in writing, of the outcome of the pursuit review;
  - (j) Any professional development measure, remedial or conduct action, is to be documented with the member/s concerned acknowledging receipt of documentation. All reports (including Determination Notices) are to be submitted to IAPro BlueTeam;
  - (k) Professional Standards will review the district reports and liaise with the district commander if required;
  - (l) Professional Standards may undertake a Pursuit 2 investigation if considered appropriate, including where there are multiple breaches of Orders or wider organisational implications;
  - (m) Professional Standards will undertake all Pursuit 2 investigations in which an inspector or above has overturned a decision to terminate; and
  - (n) extensions of time to complete the Divisional Assessment Report, Divisional Recommendations Report or District Pursuit Report can be granted following a written request to the Deputy Commissioner.
- (3) Pursuit 3
- (a) for a Pursuit 3, the BlueTeam 'vehicle pursuit' incident report is to be submitted.
  - (b) paragraph (a) does not apply if Professional Standards takes immediate carriage of the matter;
  - (c) a Running Sheet must be maintained and submitted to IAPro BlueTeam;
  - (d) within seven days of the pursuit or authorised follow Subject Reports from all involved officers (including the controller) are to be submitted to IAPro BlueTeam (interviews may be required instead of, or in addition to, Subject Reports). Witness evidence should also be obtained where appropriate;
  - (e) Professional Standards, unless otherwise directed by the Deputy Commissioner, will undertake the Pursuit 3 investigations and assessments. All reports (including Determination Notices, if any) will be submitted to IAPro;
  - (f) members involved in a Pursuit 3 are to be advised, in writing, of the outcome of the pursuit investigation;
  - (g) Professional Standards is to report the outcome of the pursuit investigation to the Deputy Commissioner. This includes advice in respect to any proposed professional development measures, remedial and/or conduct action;



- (h) a Pursuit 3 assessment/investigation is to be completed within six months of the date of the pursuit or authorised follow; and
- (i) extensions of time to complete the Professional Standards Assessment Report, Professional Standards Recommendations Report or Professional Standards Pursuit Report can be granted following a written request to the Deputy Commissioner.

#### **14.14.14.6 SYSTEM ACCESS**

- (1) **EXEMPT PER S.30(1)(c) OF RTI ACT** The member conducting a review is entitled to this access which is facilitated through the district administration sergeant.
- (2) Professional Standards (Management Review) is available to assist with the interpretation of the data.

#### **14.14.15 CORPORATE REPORTING**

- (1) Professional Standards will report to the Deputy Commissioner each March, June, September and December on trends, issues, organisational learnings, outcomes of pursuit reviews and training needs. Notification by exception will occur as the need arises.

## 14.15 URGENT DUTY DRIVING

### 14.15.1 OBJECTIVE

- (1) The objective of these provisions is to minimise risks associated with urgent duty driving to the public and members.

### 14.15.2 GENERAL

- (1) The following provisions of the [TPM 14.14 Management of Police Pursuits and Authorised Follows](#) provisions apply to this section:
  - (a) General;
  - (b) Definitions (as applicable);
  - (c) Legislative Context;
  - (d) Key Risk Factors;
  - (e) Assessment of Key Risk Factors; and
  - (f) Termination.

### 14.15.3 DEFINITION

- (1) For the purposes of this section; 'Urgent duty driving', means driving a police vehicle in accordance with the exemption provided under Rule 305 of the [Road Rules 2009](#) in order to respond in a prompt manner to an incident or situation. It does not include pursuits, authorised follows or vehicle interceptions.

### 14.15.4 URGENT DUTY DRIVING

#### ORDER

**MEMBERS SHALL NOT ENGAGE IN URGENT DUTY DRIVING UNLESS JUSTIFIED AND IT IS REASONABLE TO DO SO.**

**MEMBERS WHO ENGAGE IN URGENT DUTY DRIVING SHALL ACTIVATE EMERGENCY WARNING EQUIPMENT, UNLESS UNNECESSARY OR UNDESIRABLE IN THE CIRCUMSTANCES.**

**MEMBERS DRIVING POLICE VEHICLES CONVEYING PERSONS OTHER THAN POLICE OFFICERS SHALL NOT ENGAGE IN URGENT DUTY DRIVING, UNLESS A PERSON'S LIFE IS JEOPARDISED BY NOT DOING SO.**

- (1) The key consideration prior to initiating, and during, urgent duty driving is the effect on the outcome if the arrival of police is delayed, cognisant of the proximity of the police vehicle to the incident and a dynamic assessment of key risk factors.
- (2) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (3) Members who engage in urgent duty driving are to undertake dynamic risk assessments ([refer TPM 14.14 Management of Police Pursuits and Authorised Follows](#)).

## 14.16 ROADBLOCKS AND VEHICLE IMMOBILISING DEVICES

### 14.16.1 GENERAL

#### ORDER

**A VEHICLE IMMOBILISING DEVICE (VID) MUST ONLY BE DEPLOYED BY MEMBERS WHO ARE TRAINED IN THE DEPLOYMENT OF THAT DEVICE.**

**A ROADBLOCK MUST NOT BE ESTABLISHED, NOR A VID DEPLOYED, FOR THE INTERCEPTION OF MOTORCYCLES UNLESS EXCEPTIONAL CIRCUMSTANCES EXIST.**

- (1) The deployment of a VID must only be undertaken after consideration has been given to the location, nature and circumstances of the incident together with the safety of the public and members, and the provisions of *Section 5 of the Police Powers (Vehicle Interception) Act 2000*.
- (2) The primary role of members responsible for establishing a roadblock or deploying a VID (roadblock/deployment) is to:
  - (a) establish the roadblock/deployment in accordance with the *Police Powers (Vehicle Interceptions) Act 2000* and the TPM;
  - (b) immobilise the offending vehicle with minimal risk;
  - (c) after deployment remove any equipment or obstruction from the roadway to ensure safe passage of movement for the public and members; and
  - (d) rehabilitate the road site to its original condition.
- (3) Members positioned at a roadblock or VID deployment site must at all times be positioned in an area to ensure their safety.
- (4) If it is safe and appropriate members positioned at a roadblock or VID deployment site must:
  - (a) wear an approved reflective vest; and
  - (b) use traffic wands at night.

### 14.16.2 KEY RISK FACTORS

- (1) [EXEMPT PER S.30(1)(c) OF RTI ACT]

### 14.16.3 ASSESSMENT OF KEY RISK FACTORS

- (1) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (2) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (3) [EXEMPT PER S.30(1)(c) OF RTI ACT]
- (4) [EXEMPT PER S.30(1)(c) OF RTI ACT]

### 14.16.4 INITIATION AND COMMUNICATION

#### ORDER

[EXEMPT PER S.30(1)(C) OF RTI ACT]

- (1) The Sergeant, RDS or, if they are unavailable, the RDS Operator directed by the Sergeant, RDS to undertake this role, must ensure that, on notification of a roadblock or deployment, an appropriate comment reflecting the task and the authorising officer or call sign are recorded within the appropriate incident on the Command and Control System.

#### 14.16.5 ROADBLOCKS

##### ORDER

- [EXEMPT PER S.30(1)(C) OF RTI ACT]

- (1) [EXEMPT PER S.30(1)(C) OF RTI ACT]

#### 14.16.6 DECISION TO REMOVE ROADBLOCK/NOT DEPLOY VID

- (1) A decision to remove a roadblock or not deploy a VID may be made by:
  - (a) an inspector or above; or
  - (b) the Sergeant, RDS or, if they are unavailable, the RDS Operator directed by the Sergeant, RDS to undertake this role; or
  - (c) an on-road supervisor; or
  - (d) a member at the site.

#### 14.16.7 POST-ROADBLOCK/ VID DEPLOYMENT

##### ORDER

- [EXEMPT PER S.30(1)(C) OF RTI ACT]

- (1) The members at the site must notify RDS of the conclusion of the roadblock/deployment.

#### 14.16.8 DAMAGE CAUSED AT A ROADBLOCK OR DEPLOYMENT SITE

- (1) If an offender's vehicle is involved in a crash as a result of a roadblock/VID deployment, or damage has occurred to any police vehicle, vehicle (excluding damage to the offending vehicle's tyres caused by deployment of VID) or property (including property used as an obstruction in a roadblock), then the following protocols apply:
  - (a) if a police vehicle is crashed or damaged all police drivers are subject to the section relating to police collisions in this TPM;
  - (b) the divisional inspector, duty inspector or duty supervisor must attend the scene; and
  - (c) a report must be submitted to the district commander within 24 hours of the crash/damage.

#### 14.16.9 REPORTS

- (1) The member who authorised the roadblock/deployment must submit a 'Roadblock or Vehicle Immobilisation – Authority' to the member in charge of the Operational Skills Unit through their district commander within 24 hours.
- (2) The member who established the roadblock/deployment site must submit a 'Roadblock or

Vehicle Immobilisation - Deployment Report' to the member in charge of the Operational Skills Unit through their district commander within 24 hours.

## **14.17 ROAD RACE AND ROAD CYCLE PERMITS**

- (1) Road Races and Road Cycle Races are not to be organised or conducted wholly or partly on a public street unless authorised by a permit. Permits may be issued by a member of or above the rank of inspector.
- (2) When considering an application for a Road Cycle Race Permit the relevant issuing member is to consult the Guidelines for Road Cycle Races.
- (3) A permit for either event may be subject to such conditions that are considered necessary or expedient for the safety and convenience of participants and the public.
- (4) A permit is to be issued to a named individual and that person must comply with its conditions and produce the permit on demand by a police officer. A permit may be surrendered but is not capable of being amended, renewed or transferred.

## **14.18 OTHER JURISDICTIONS TRANSPORT RECORDS**

- (1) Members should check information available via PINS in the first instance.
- (2) If the required information is not available via this system, members should direct all routine (non-urgent) enquiries direct to district Crime Management Units via a request for information on IDM. If the information is required promptly, verbal requests may be made to Radio Dispatch Services.
- (3) Costs for other jurisdictions registration and licence checks may be incurred.

## 15.1 COMMUNITY POLICING PROGRAMS

### 15.1.1 NEIGHBOURHOOD WATCH

- (1) Neighbourhood Watch is a community based crime prevention program which aims to improve the quality of life within a neighbourhood by minimising preventable crime and promoting closer community ties. The program relies on the community and the Police working together in a partnership to achieve these aims.
- (2) The State Coordinator of Neighbourhood Watch Tasmania (NHWT) is attached to State Community Policing Services, Hobart who is the liaison between NHWT and Tasmania Police. Each geographical policing district assigns a member from district Community Policing to be the district coordinator. The district coordinator will coordinate police liaison officers for each Neighbourhood Watch area in that district. A member attached to district Community Policing Services shall be the district coordinator and police liaison officers will be appointed for each Neighbourhood Watch area.

### 15.1.2 BUSH WATCH

- (1) Bush Watch is a community based crime prevention program which aims to prevent and detect offences on both private and public land in the Tasmanian bush. The initiative encourages bush users to report to police any vandalism or suspicious activity. Information is reported by the public using the phone number 131 444.
- (2) Sworn members attached to the district Community Policing Services, act as police Bush Watch Liaison Officers.

### 15.1.3 CRIME STOPPERS

- (1) Crime Stoppers Tasmania is an independent community-based crime solving initiative aimed at reducing the incidence of crime in Tasmania by providing mechanisms to anonymously report crime online and or by phone.
- (2) The following points should be observed;
  - (a) information supplied to Crime Stoppers via the online reporting tool or the toll free number, 1800 333 000, can be anonymous;
  - (b) **EXEMPT PER S.30(1)(c) OF RTI ACT**
  - (c) **EXEMPT PER S.30(1)(c) OF RTI ACT**
  - (d) **EXEMPT PER S.30(1)(c) OF RTI ACT**
  - (e) **EXEMPT PER S.30(1)(c) OF RTI ACT**; and
  - (f) any person, who directly contacts Crime Stoppers and gives information leading to either an arrest, police action against any person or the recovery of property, including drugs, is eligible for a reward. Payment of a reward is authorised following assessment by the Board of Directors of Crime Stoppers Tasmania.
- (3) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (4) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (5) **EXEMPT PER S.30(1)(c) OF RTI ACT**

### 15.1.4 ADOPT-A-COP AND SCHOOL LIAISON OFFICERS

- (1) These programs aim to assist school students to develop a better understanding and respect for police officers and the law.
- (2) Adopt-a-Cop police officers operate in primary schools and School Liaison Officers operate in designated high schools or secondary colleges. The Adopt-a-Cop and School Liaison

Officer positions are not related to the Police-in-Schools Program.

- (3) The Adopt-a-Cop and School Liaison Officer positions are voluntary and are appointed, upon request, at the discretion of the commander of the relevant district.
- (4) Members appointed to these positions should be given permission to visit their school or college during working hours. However, members should understand that normal police duties will take priority.
- (5) Members shall spend the agreed amount of time at their respective school or college as determined by their member in charge of their respective area.
- (6) Schools wishing to take part in the Adopt-A-Cop or School Liaison Officer programs are required to make a request in writing to the relevant district's Community Policing Services.

#### **15.1.5 PARTY SAFE (MANAGED BY EACH RESPECTIVE DISTRICTS CPS)**

- (1) The Party Safe Program is a community based program that provides education and support to assist with planning and holding a successful and safe party. It is aimed at reducing the likelihood of a party resulting in harm to persons in attendance or to property.
- (2) It is not the role of police to provide security for a registered party. The capacity of police to undertake patrols of party venues or to visit a party venue in the event of trouble will depend on other demands and priorities on Tasmania Police resources at the time, and the nature of the incident.
- (3) Information relating to [Party Safe and an application form](#) can be located on the internet.
- (4) Members of the public should be advised that;
  - (a) a completed registration form must be lodged with police at least seven days prior to the party being held; and
  - (b) registration forms will only be accepted for private parties held in residential premises or at other venues. Party Safe is not responsible for the registration of public, special or major events.
- (5) Upon receipt of a registration form, the relevant Crime Management Unit will;
  - (a) allocate a number;
  - (b) record basic details of the registration, including the address on CACS for the duration of the party; and
  - (c) forward the registration to the relevant divisional inspector.
- (6) Having received a registration form, the divisional inspector will ensure that the member in charge of the relevant police station is provided with details of the registration. This responsibility extends to personnel from any other station that covers the area where the party is to be held, after the local officers have concluded duty.
- (7) Upon receipt of a registration form, the member in charge of a police station is to;
  - (a) ensure that the information about a registration is included in tasking and operational planning; and
  - (b) retain the hardcopy of the registration form in a dedicated Party Safe folder, at a central location, ordered by date of a party.
- (8) Once a party has been held, any incidents and/or feedback will be recorded by the members on duty for the duration of the party and placed with the Party Safe Registration Form. This document is then returned to the district's Crime Management Unit for filing.

#### **15.1.6 SPONSORSHIP AND DONATIONS**

- (1) It is the policy of DPFEM to establish an ethical basis for the acceptance of sponsorship and donations, without compromising integrity.
- (2) Members should be conversant with [Departmental policy and strategies](#) relating to this

topic.

**15.1.7 POLICING IN A CULTURALLY DIVERSE TASMANIA**

- (1) DPFEM is committed to advance policies and practices which reflect the laws and regulations, and Government commitments in dealing with cultural diversity, including all laws prohibiting discrimination on any ground regardless of race, national or ethnic origin, colour, social standing, religion or gender.
- (2) Members should be conversant with [Departmental policy and strategies](#) for policing in a culturally diverse Tasmania.



## 15.2 MEDIA

### 15.2.1 GENERAL

- (1) While members should exercise discretion with respect to information of a nature that cannot and should not be divulged, it is equally important to promptly release to the news media such information as is permissible. Where possible, consultation should occur with Media and Communications.
- (2) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (3) All members of Tasmania Police can talk to the media about their sphere of operations, but only the Minister or Senior Executive Officers are entitled to speak on policy issues.
- (4) In general, members should speak only on matters that are directly under their operational control or in which they have direct experience, provided that such material will not hamper an investigation or prejudice a person's right to a fair trial. If unsure on any aspect, members should seek guidance from senior officers.
- (5) The exception to any member speaking to the media is where a major incident or investigation is underway. In such cases, the commander of the district or area involved should nominate one officer to be the media spokesperson throughout the operation.
- (6) When supplying information to the media, members are not to supply information that:
  - (a) is critical of other government departments;
  - (b) does not relate directly to the members specific area of responsibility;
  - (c) may interfere with or jeopardise a police operation;
  - (d) may prejudice an investigation;
  - (e) may prejudice a person's right to a fair court hearing;
  - (f) expresses an opinion of culpability;
  - (g) may be of assistance to criminals or suspected persons;
  - (h) has been requested to be withheld by the victim;
  - (i) may cause a breach of confidentiality, privacy or place any person in jeopardy;
  - (j) contains means of identifying any person appearing before the Children's Court;
  - (k) identifies deceased persons or injured victims before their next-of-kin have been notified;
  - (l) identifies victims of sexual assaults;
  - (m) identifies witnesses without their permission; and
  - (n) identifies a defendant before they appear in an open court.
- (7) Members should be conversant with, and comply with, the two Police publications - [Social Media Publication Guidelines](#) and [Media Guidelines](#) produced by Media and Communications.

### 15.2.2 PROHIBITION ON MAKING PUBLIC STATEMENTS ON GOVERNMENT MATTERS

- (1) Except as provided for in [section 1.46 Police Use of Social Media](#), Members are not to comment publicly, or supply or release information, in response to any statement made by a Minister of the Government or a Member of Parliament, or on any subject the resolution of which is likely to be a matter for Government Policy.
- (2) Such requests should be sent to Media and Communications.
- (3) These instructions relate to matters of policy. Members should understand this instruction does not prevent them from informing the media as to the facts of some incident or operational matter within the parameters of section 15.2 and the [Tasmania Police Media](#)

Guidelines.

**15.2.3 INTERACTION WITH MEDIA AT INCIDENTS**

- (1) Planned Operations: Members responsible for preparing operation orders for major incidents should consult Media and Communications, during the preparation of the order.
- (2) Unplanned Operations: In the case of an unplanned major incident, Media and Communications should be notified as soon as possible.
- (3) The success of a police operation is paramount and should not be compromised by the unauthorised or inappropriate release of information. The following procedure should apply in most cases:
  - (a) the Police Forward Commander should appoint a member to liaise with the media to ensure the dissemination of current and accurate information;
  - (b) a clearly defined area, as close as practicable to the incident, should be established as a media area. If possible, this area should be within the outer cordon. All media personnel arriving at the scene of an incident should be directed to and given access to this location;
  - (c) the media liaison officer or person performing that role, should be advised as soon as practicable of any information given to the media at the scene;
  - (d) once appointed, all information to be supplied to the media at the scene should be provided through the media liaison officer; and
  - (e) the Police Forward Commander should be available, where possible, for media interviews.

**15.2.4 OUT OF HOURS MEDIA**

- (1) In the event of an incident occurring outside the office hours of Media and Communications, members are to provide details of incidents and media releases to RDS for distribution to the media. The details are to include a contact person and contact number for which media enquiries can be referred.
- (2) The duty sergeant, RDS is authorised to provide advice to the media of incidents such as road crashes and other incidents that attract public attention and are likely to generate community concern.
- (3) If an incident involves members from CIB or other specialist areas, the duty sergeant, RDS should seek advice from the member in charge of an incident prior to releasing any initial information.
- (4) Members can contact the on-call media liaison officer if assistance or advice is required.

## 16.1 TELECOMMUNICATIONS SERVICE PROVIDERS, AUSTRALIA POST AND SPECTRUM - RADIO MONITORING

## 16.2 TELECOMMUNICATION SERVICE PROVIDERS

(1) [EXEMPT PER S.30(1)(c) OF RTI ACT]

(2) [EXEMPT PER S.30(1)(c) OF RTI ACT]

(3) [EXEMPT PER S.30(1)(c) OF RTI ACT]

(4) [EXEMPT PER S.30(1)(c) OF RTI ACT]

(5) [EXEMPT PER S.30(1)(c) OF RTI ACT]

(6) [EXEMPT PER S.30(1)(c) OF RTI ACT]

**16.2.1.1 [EXEMPT PER S.30(1)(C) OF RTI ACT]**

**16.2.1.2 [EXEMPT PER S.30(1)(C) OF RTI ACT]**

**16.2.1.3 [EXEMPT PER S.30(1)(C) OF RTI ACT]**

### **16.2.1.4 UNWELCOME CALLS**

(1) 'Unwelcome' means a call which is of a menacing, offensive or harassing nature, but which is not currently a life threatening call and which may be intentional or unintentional on the part of the caller (such as a repeated call from an incorrectly programmed facsimile or message bank service).

(2) Timely or early intervention in matters of unwelcome calls usually results in such calls ceasing. In the first instance, members are to advise the complainant that it is necessary for them to contact their telecommunications service provider. In line with the [Australian Communications Industry Code \(ACIF C525:2006\)](#), it is the responsibility of the telecommunications service provider to investigate and try to resolve the issue without further recourse to the Department.

(3) In cases where the calls still continue and an offence is disclosed then the matter is to be referred back to the Department for a full police investigation and subsequent report and/or proceedings.

(4) [EXEMPT PER S.30(1)(c) OF RTI ACT]

(5) [EXEMPT PER S.30(1)(c) OF RTI ACT]

**16.2.1.5 [EXEMPT PER S.30(1)(C) OF RTI ACT]**

**16.2.2 [EXEMPT PER S.30(1)(C) OF RTI ACT]**

**16.2.3 [EXEMPT PER S.30(1)(C) OF RTI ACT]**

**16.2.4 [EXEMPT PER S.30(1)(C) OF RTI ACT]**

### **16.2.5 PROCEEDINGS**

(1) Members are not to institute or prosecute proceedings under any Commonwealth Act

unless authorised by the Commonwealth, Director of Public Prosecutions or delegate.

### 16.3 DEFENCE FORCES

- (1) Police have authority under the provisions of the [Defence Act 1903](#) Section 116U to arrest without warrant any person trespassing or committing certain other offences on Australian Defence Force (ADF) property.
- (2) When members have occasion to make enquiries or execute a process on board any naval ship or at any defence establishment, they should communicate with the master of the ship or member in charge of the establishment or their representative and produce the necessary authority for the intended action. They should, at the same time, apply to the officer concerned for any assistance that may be necessary for that purpose.
- (3) Although the [Defence Act 1903](#) Section 116F authorises police officers to arrest and deal with absconders and deserters from defence forces pursuant to warrants issued by authorised officers, such arrests and actions are, wherever possible, to be left to responsible officers from the ADF service concerned.
- (4) Members should provide all reasonable assistance to responsible officers endeavouring to lawfully effect the arrest of an absconder or a deserter.
- (5) When an absconder or a deserter is located or arrested, the member concerned is to notify Operational Information Services for the purpose of advising the ADF service concerned.
- (6) Police should, if requested, provide escorts for arrested absconders and deserters.

## 16.4 DEPARTMENT OF FOREIGN AFFAIRS AND TRADE

- (1) The functions of [the Department of Foreign Affairs and Trade](#) include arranging notification of next-of-kin within Australia of the death of, or other emergency relating to, an Australian national who is overseas.
- (2) Conversely, when police in Australia desire or are requested to an Australian national abroad for notification of a death or for other humanitarian reasons, [the Department of Foreign Affairs and Trade](#) may undertake such enquiry on behalf of the police.
- (3) The [Department of Foreign Affairs and Trade](#) is available on a 24 hour basis with respect to the matters referred to in paragraph (2) and members should avail themselves of this facility in appropriate cases.

## 16.5 HYDRO-ELECTRIC COMMISSION (AURORA)

- (1) The Hydro-Electric Commission (HEC) also known as 'Aurora', is a State Government Business Enterprise. It has specific provisions in its legislation and by-laws to protect personnel and property, and to control the behaviour of persons affecting its property and/or entering on lands vested in or under the control of Aurora.
- (2) Members should assist the Aurora by reporting breaches of the legislation and by-laws detected or reported to them.
- (3) Members should promptly notify Aurora where any damage or defect is noted in transmission lines or other installations or where there is unauthorised entry to substations, other premises or land controlled by the Aurora.
- (4) Where any pole or installation is damaged in an accident, immediate notification should be made to the local Aurora office. Radio Dispatch Services should be requested to make such notification.
- (5) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (6) **EXEMPT PER S.30(1)(c) OF RTI ACT**
- (7) **EXEMPT PER S.30(1)(c) OF RTI ACT**

## 16.6 LOCAL GOVERNMENT

- (1) Members should render local government bodies every reasonable assistance in carrying out the provisions of the Local Government Act 1993 and the by-laws made thereunder.
- (2) These instructions are not to be taken to extend to the duties properly devolving upon officers of city or municipal councils or to warrant the appointment of police under any circumstances to positions under such councils.
- (3) The Council of each Municipality within the State issues proclaimed by-laws. Copies of such by-laws can be obtained from the relevant municipality and under Section 166 of the [Local Government Act](#) 1993 must also be available on the council's website. A directory of Tasmanian councils, including website addresses, is available.
- (4) Members should be conversant with the by-laws applicable to the municipality in which they serve.
- (5) Under Section 155 of the Local Government Act 1993, by-laws automatically expire on the ten-year anniversary of coming into effect. As a consequence of this automatic expiry provision, members should ensure by-laws are still in force before exercising any power under them.

## 16.7 PARKS AND WILDLIFE SERVICE

- (1) The Parks and Wildlife Service is responsible for the administration of State Reserves and Conservation areas which have protection and include areas designated as national parks, state reserves, natural reserves, aboriginal sites and historic sites.
- (2) Members are 'authorised officers' under [the National Parks and Reserves Management Act 2002](#) and the [Nature Conservation Act 2002](#). This authorises members to enforce the provisions of these Acts and, where necessary, take action or render any assistance to officers of the Parks and Wildlife Service, for the detection, apprehension and prosecution of offenders.
- (3) Members investigating offences under National Parks and Wildlife legislation should not hesitate to contact officers of the Parks and Wildlife Service for advice and assistance.
- (4) Any enquiries from members of the public which cannot be immediately dealt with should be directed to the Director, Parks and Wildlife Service, Hobart.

## 16.8 [EXEMPT PER S.30(1)(G) OF RTI ACT]

## 16.9 DEPARTMENT OF VETERANS AFFAIRS

- (1) Tasmania Police is committed to ensuring that members of the veteran community who come into contact with members of Tasmania Police because of a psychiatric episode or other behavioural difficulty are given the opportunity for referral to appropriate support services. The [Department of Veterans' Affairs \(DVA\)](#) and the [Veterans and Veterans Families Counselling Service \(VVFCS\)](#) are available for assistance and support.
- (2) Referrals to DVA/VVCS are to be made in the following ways:
  - (a) where a veteran, their spouse or the children of a veteran have been identified as such, the person should be encouraged and allowed to contact VVFCS on the after hours crisis line (VET Line - 1800 011 046); or
  - (b) in the case of a mental health crisis, all parties (Tasmania Police, Crisis Assessment Triage Team and hospital admission staff) should be encouraged to refer the matter to the VVFCS after the crisis has been managed.

## 16.10 [EXEMPT PER S.30(1)(G) OF RTI ACT]