



<u>Policy Title</u>	VOICE RECORDING
<u>CCMT Sponsor</u>	ACC OPERATIONAL SUPPORT
<u>Department/Area</u>	CONTROL ROOM & ENQUIRIES DEPARTMENT
<u>Section/Sector</u>	HEADQUARTERS

1 Rationale

Thames Valley Police receive a high volume of calls through the switchboard, into the Control Rooms and Police Enquiry Centres (PEC's), via the public and 999 lines as well as contact over the radio. The nature of a voice transmission cannot be predicted and, therefore, all transmissions are recorded without discrimination.

2 Intention

The intention of this document is to set out the policy of recording telephone calls and radio transmissions to and from the Control Rooms and PEC's within the Thames Valley Police (TVP) area.

3 General Principles

3.1 The Lawful Business Practice Regulations

3.1.1 The Regulation of Investigatory Powers Act 2000 (RIPA) establishes a basic principle that communications may not be intercepted without consent and ensures compliance with the Human Rights Act 1998, Article 8 'Right to respect of private and family life'.

3.1.2 The Lawful Business Practice Regulations make an exception to this rule and allow businesses, which include public authorities, to intercept communications transmitted over their systems without consent for certain purposes, including:

- i. Ascertain standards which are achieved, or ought to be achieved, by users.
- ii. Preventing and detecting crime.
- iii. Investigating or detecting unauthorised use of the business's telecommunications system.

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4 Challenges & Representations

- 4.1** Should an individual wish to challenge this policy, they will be informed of their right to utilise the police complaints system, as follows:
- i. In writing to the Chief Superintendent, CR&ED, Thames Valley Police, Headquarters, Oxford Road, Kidlington, Oxford. OX5 2NX; or
 - ii. By attending their local police station and making the complaint in person by asking to speak to an officer of Inspector or above.
- 4.2** An individual may also exercise their right to challenge this policy through the Independent Police Complaints Commission (www.ipcc.gov.uk).
- i. In writing
The Commissioner, Independent Police Complaints Commission, 90 High Holborn, London WC1V 6BH
 - ii. By telephone
Tel: 08453 002 002
 - iii. By e-mail
enquiries@ipcc.gsi.gov.uk

5 Guidance, Procedures & Tactics

5.1 Policy Owner and the remit for management/review of the policy

5.1.1 The policy owner is the Chief Superintendent of CR&ED.

5.1.2 The day to day management and the review of the policy will be the remit of the head of the CR&ED Systems & Data Services Team.

5.2 Users of Thames Valley Police Telecommunications Systems

5.2.1 In all of these cases the regulations require businesses to make all reasonable efforts to inform every person who may use the systems that interception may take place. Accordingly, all CRED staff and potential users of the Thames Valley Police telecommunications systems are warned as follows;

'Thames Valley Police receives a high volume of calls through the switchboard, into the Control Rooms and Police Enquiry Centres, via the public and 999 lines as well as contact over the radio. The nature of a voice transmission cannot be predicted and, therefore, all transmissions into and out of Control Rooms and PEC's are recorded, without discrimination, to assist with the prevention and detection of crime and to

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ensure that standards are achieved and maintained. (Transmissions include radio transmissions, telephone conversations and other voice transmissions.)

All staff, contract employees and everyone who may use Thames Valley Police Telecommunications systems are reminded that their conversations and all other communications using these systems may not be considered private.

Thames Valley Police is emphatic in its determination that integrity is non-negotiable. If deemed appropriate, recorded communications will be used in criminal and disciplinary proceedings.'

- 5.2.2 This warning will be reinforced annually by an 'all user' e-mail, an entry in Force Weekly Orders and a Thames View entry.
- 5.2.3 In accordance with the Human Rights Act 1998 an unrecorded telephone will be made available in each Control Room and PEC to enable staff to make and receive personal calls. CR&ED reserve the right to levy a charge for personal calls.
- 5.2.4 The public will be informed that all calls into the CR&ED are recorded by a message at the front end of the Automatic Attendant which will say - ***Calls are recorded for monitoring purposes*** – prior to presenting the call routing options.
- 5.2.5 Callers using the 999 system will not be informed that their call will be recorded.

5.3 Access to and security of the recording systems

- 5.3.1 **Access to Systems.** Monitoring access to the Recording Systems is restricted to the following –
 - i. CR&ED Team Leaders, Supervisors and Managers for quality monitoring, development or training purposes,
 - ii. CR&ED Team Leaders, Supervisors and Managers for operational purposes,
 - iii. Members of the Systems and Data Quality Team for Quality and Audit purposes,
 - iv. CR&ED Systems Administrators for evidential and disclosure purposes,
 - v. Members of the Force Quality Service Unit for quality monitoring purposes.
- 5.3.2 **Security.** The Tape Recorders are situated in locked equipment rooms and only authorised staff (Sergeants/Duty

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Managers, Team Leaders and Admin Assistants) has access rights to the management systems. Similarly, tapes not in current use, or retained for evidential purposes, are kept in a secure cabinet that is only accessible by authorised personnel.

5.4 Operating Principles

- 5.4.1** Due to the nature of work within the CR&ED, it is impossible to tell in advance which voice transmissions will need to be recorded. Therefore all voice transmissions made to and from the Control Rooms and PECs are recorded on Digital Tape recorders without discrimination. The individual telephone lines and radio channels are connected to the machine via a hard wired network, and CR&ED operators have no ability to select or de-select which channels are recorded.
- 5.4.2** The digital recorder stores all transmissions onto a hard disk drive which permits rapid access for search and replay of transmissions. The hard disk drive acts as a storage device for all transmissions until such times as this data is removed for archiving or over written. All messages are automatically transferred on to archiving media (VXA tapes) for storage as soon as practicable during periods of low activity. When the Hard Drives becomes full, transmissions are deleted on a first-in, first-out basis.
- 5.4.3** This system has been created to enhance the call handling and radio monitoring services provided by CR&ED. Copies of recorded data will only be produced in the following circumstances:
- i. To aid the police investigation of a crime.
 - ii. To aid the police investigation of any offence where a prosecution is being actively pursued.
 - iii. To assist the TVP Professional Standards Department in any active investigation.
 - iv. Where a training need is apparent or a discipline issue is discovered.
 - v. For disclosure purposes in compliance with any legislation, after due consultation with the Force Information Security and Data Protection Department.
- 5.4.4** Tapes will be retained for a period of 7 years at which stage, if they have not been retained for evidential purposes, they will be recycled.
- 5.4.5** If access to a recording is needed as a matter of Urgent Operational Necessity a facility exists which allows CR&ED Supervisors to e-mail a recording to the officer requesting it

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for immediate evaluation. Audio files tend to be rather large and this means that it will only be possible for the shortest of calls/transmissions. Best evidence is obviously a tape cassette produced in the normal manner.

- 5.4.6** Any e-mail message so sent will contain the following addendum:

'The attachment is a true copy of an official message to Thames Valley Police. It is data under the Data Protection Act and must be treated as such. It is provided for use in connection with a police purpose only. You must not send this to any other person, or send it to yourself using any external electronic system. When you play the audio record you must ensure that it can only be heard by you and any person authorised to share that data.'

- 5.4.7** Abingdon Control Room and Windsor PEC do possess a twin-deck cassette recorder which would allow Room Supervisors to produce a recording in exceptional circumstances outside normal office hours.

5.5 Documentation of Decisions and Decision Making Process

- 5.5.1** The OIC, SIO or officer nominated by the SIO (hereafter the OIC) is to make contact with the CR&ED Systems & Data Team (hereafter the Systems Team) by means of form Voice1 (available on the LAN), as soon as they are aware a copy is required.
- 5.5.2** The practice of routine archive tape seizures, which involves sealing and labelling, has been discontinued for the following reasons:
- i. The large capacity of VXA tapes may result in more than one month's worth of all voice traffic for the whole Room being contained on each tape;
 - ii. The VXA tapes can only be copied or played at the location of the recorder or the Systems Team play-back facility; they are not compatible with conventional recording equipment.
- 5.5.3** In the case where a VXA tape is seized, the cost of a replacement will be borne by the investigation or BCU. The tapes will be appropriately identified, labelled and retained in the Systems Team secure storage facility; for the reasons listed above.

6 Communication

6.1 Links to Police National Legal Database Other

There are no links to the Police National Legal database.

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6.2 Communications Strategy

6.2.1 This policy will be communicated through Force Weekly Orders and the CR&ED Reference Database. It will also be available on the Policy Management Unit Intranet site, with a link from the CR&ED Intranet site.

6.2.2 Target audience: All Police and Police staff that have contact with CR&ED must be aware of the policy.

7 Compliance and Certification

7.1 Human Rights Certification

7.1.1 Legal Basis

The retention and recording of information is in accordance with the Criminal Procedure and Investigations Act 1996 Codes of Practice. S23 5.6 to 5.8 states that:

All material which may be relevant to the investigation must be retained until a decision is taken whether to institute proceedings against a person for an offence.

If a criminal investigation results in proceedings being instituted, all material which may be relevant must be retained at least until the accused is acquitted or convicted or the prosecutor decides not proceed with the case.

Where the accused is convicted, all material which may be relevant must be retained at least until:

- i. the convicted person is released from custody, or discharged from hospital, in cases where the court imposes a custodial sentence or a hospital order;
- ii. six months from the date of conviction, in all other cases.

If the court imposes a custodial sentence or hospital order and the convicted person is released from custody or discharged from hospital earlier than six months from the date of conviction, all material which may be relevant must be retained at least until six months from the date of conviction. If an appeal against conviction is in progress when the release or discharge occurs, or at the end of the period of six months specified in paragraph 5.8, all material which may be relevant must be retained until the appeal is determined. Similarly, if the Criminal Cases Review Commission is considering an application at that point in time, all material which may be relevant must be retained at least until the Commission decides not to refer the case to the Court of

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Appeal, or until the Court determines the appeal resulting from the reference by the Commission.

The Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 states in Para 3:

Lawful interception of a communication

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(1) For the purpose of section 1(5)(a) of the Act, conduct is authorised, subject to paragraph (2) below, if it consists of interception of a communication, in the course of its transmission by means of a telecommunication system, which is effected by or with the express or implied consent of the system controller for the purpose of –

a) monitoring or keeping a record of communications –

(i) in order to –

(aa) establish the existence of facts

(ii) in the interests of national security

(iii) for the purpose of preventing or detecting crime

b) monitoring communications for the purpose of determining whether they are communications relevant to the system controller's business which fall within regulation 2(b)(i)

c) monitoring communications made to a confidential voice-telephony counselling or support service which is free of charge (other than the cost, if any, of making a telephone call) and operated in such a way that users may remain anonymous if they so choose.

(2) Conduct is authorised by paragraph (1) of this regulation only if –

a) the interception in question is effected solely for the purpose of monitoring or (where appropriate) keeping a record of communications relevant to the system controller's business;

b) the telecommunications system in question is provided for use wholly or partly in connection with that business.

7.1.2 Human Rights Articles Engaged

This policy has been drafted and audited in accordance with the Human Rights Act 1998.

It is acknowledged that this policy has the potential to engage the following Articles:

- Article 8 The Right to Respect for Private and Family Life

In the event that an Article of the Convention is engaged, the legitimacy for the engagement is provided within the text of the Article:

- Article 8 The Right to Respect for Private and Family Life
– necessary in a democratic society, for the protection of

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public safety, for the prevention of crime and disorder, for the protection of the morals of others, for the protection of the rights and freedoms of others.

Audited by: Keron Harris
Audited on: 26/5/04

7.1.3 Prohibition of Discrimination

Article 14 Prohibition of Discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. Actions taken as a consequence of this policy will be applied in a fair and impartial way, having due regard for natural justice and human rights.

7.2 Diversity Impact Assessment

A Diversity Assessment has been completed.

7.3 Diversity (Human Resources)

To be completed by the Policy Management Unit after consultation with the Force 'experts'

7.4 Data Protection

Any written information pertaining to persons will be held according to the Data Protection Act 1998.

7.5 Freedom of Information Act

There is nothing held within this policy that restricts its public availability.

This policy may be made available to the public via the Thames Valley Police policy website.

7.6 Protective Markings

This policy has been assessed as NOT PROTECTIVELY MARKED

7.7 Health & Safety at Work

There are no risks to Thames Valley Police employees within the CR&ED when this equipment is in use. However, there is a duty of care to ensure the Health and Safety of Officers patrolling the streets or otherwise utilising the system. By recording voice transmissions, staff in the CR&ED have the ability to replay and listen again to a transmission if

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required, which may assist with ensuring officer safety. The Health and Safety at Work Act 1974 states the following:

Section 2 states “It shall be the duty of every employer to ensure, as far as is reasonably practicable, the health, safety and welfare of all employees”.

Section 3 states “It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not exposed to risks to their health and safety”.

8 Monitoring and Review

8.1 Links to Best Value/PPAF/Priorities/Performance Indicators

To become more efficient and effective in line with Best Value, Thames Valley Police need to deliver a high quality of service to both internal and external customers.

8.2 Review Process

8.2.1 This policy will be reviewed on an annual basis

8.2.2 A full review will examine:

- i. Changes in legislation
- ii. Court rulings – Domestic, European and Human Rights
- iii. Examples of good practice from other Forces or other organisations
- iv. Changes in Home Office Circulars
- v. Developments with ACPO Policy Unit
- vi. Representations made by individuals and relevant organisations

Relevant diversity data

APPENDICES

Appendix 1

Definitions

For the purposes of this document:

BCU – Basic Command Unit

CR&ED – Control Rooms and Enquiries Department

Information - refers to the information recorded on the tapes

Machine - refers to the recording device used, currently the NICE WORDNET 3 Digital Recorder.

OIC - is the Officer in the Case of any investigation.

PDR - Performance and Development Review (TVP staff appraisal system)

PEC – Police Enquiry Centre

SIO - is the Senior Investigating Officer of a Major Enquiry.

Tapes - refers to the VXA tapes used in the NICE machines;

Voice transmission - refers to any call made to or from the Control Rooms and PEC's by telephone or radio