



Voice recording (Sinclair NICE)

This procedure is part of North Yorkshire Police policy to which all Chief Constable personnel and the functions provided by the Police, Fire and Crime Commissioner are required to adhere.

Procedure Statement

This document describes the recording system for all telephone calls and a number of radio channels received through the Force Control Room at York, the FCR Fallback Room at Harrogate, CROMU and Room G77 at York (collectively referred to in this document as FCRXN).

North Yorkshire Police (NYP) strives to improve the quality of service it delivers to its customers via the telephone and radio systems.

The telephone is the primary means of communication between the public and NYP and includes calls from the emergency and non-emergency services, other forces and agencies.

The Airwave radio system is designed to facilitate the deployment and control of resources within the NYP area and will, when circumstances dictate, include radio transmissions to and from other police forces and external organisations.

This procedure document gives the reader a clear understanding of why and how FCRXN records:

- All internal and external calls to the FCR (Details of which phones are recorded can be obtained from the FCR Systems Administration Team)
- A number of Analogue Airwave radio channel transmissions (Details of which radio channels are recorded can be obtained from the FCR Systems Administration team)

In addition, NYP has a duty to ensure that all employees are compliant with official working practices and trained staff will, in certain circumstances, interrogate the recording systems in terms of:

- Policy and procedure
- Data quality
- The interests of justice
- To aid staff development and provide identified training
- To assist in the resolution of complaint handling
- Directed by Professional Standards Department in the event of an investigation

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- To provide HMICFRS with historic recordings for inspection purposes

Procedures:

Data Protection Procedure

Professional Standards Reporting Procedure

PROCESS**System and its capabilities**

The system used for the recording of telephone calls and a number of radio channels is called Sinclair NICE.

All telephone calls that pass through the FCR or are dealt with directly within the FCR are recorded to the system.

Access to the data is via a web- based browser that can (with appropriate authority) be viewed from any NYP workstation.

Sinclair NICE SYSTEM

This procedure document must be followed at all times by ALL users of the Sinclair NICE system. Failure to do so could compromise the security and integrity the system and may lead to disciplinary and/or misconduct procedures.

The following principles will apply in the use of Sinclair NICE by NYP:

- Sinclair NICE may be used as an accountability and management tool and as such all NYP staff should be aware of its presence in the control rooms and its capabilities
- Sinclair NICE is a system which could be a valuable tool to evidence the innocence of a member of staff following a malicious or false allegation
- Equally, should it be suspected or alleged that procedures were not complied with, then Sinclair NICE could be used as part of a diligent investigation
- All of the above may involve the accessing of Sinclair NICE data but, as a matter of routine, FCR staff will not be subject to live listening or monitoring
- Sinclair NICE will be used to give timely and effective feedback to call takers and dispatchers
- To aid staff development and provide identified training
- To assist in the resolution of complaint handling
- As and when directed by Professional standards Department in the event of an investigation
- To provide HMICFRS with historic recordings for inspection purposes
- To provide evidence for court hearings

USE OF THE SYSTEM

Those authorised to access the system will do so for lawful purposes only and in accordance with NYP's policies and procedures and subject to current legislation. The system will **NOT** be used for personal reasons. Breaches may result in disciplinary action.

Access to the system will be gained via a login created by FCR Systems Administrators after authority has been received.

Only authorised recording equipment will be used to 'download' data. It may, in the interests of security and/or justice be used to exclude or restrict access to certain radio channels and/or telephone lines. This will be sanctioned by the Head of the FCR or their deputy.

The Head of the Information Management Unit or their duly appointed delegate, in liaison with the FCR Managers, may access the Sinclair NICE system to ensure compliance with legislation and/or audit purposes.

The HMIC liaison team may access the Sinclair NICE system and download public calls and radio transmissions for inspection purposes.

Professional standards department may use, or direct other teams to retrieve data to assist in investigations by themselves or IOPC.

The FCR System Administrators are permitted use of the Sinclair NICE system to ensure compliance with the procedure and will act as a single point of contact (SPOC) for any access/data queries. In the unlikely event of a request being made for data that does not comply with the above, or is outside normal office hours, the matter will be referred to the FCR Duty Deployment Manager (DM) or FCR Duty Inspector (Silver).

Those interrogating the system must ensure that they have logged off when finished. In the event of being required to 'break off' from the enquiries the terminal must be locked. The Sinclair NICE session does 'timeout' after 60 minutes of non-use.

In addition to the above, all non-personal data held in relation to Sinclair NICE may be subject to the general right of disclosure under Section 1 of the Freedom of Information Act 2000.

Authorised persons may be required to justify their reasons for accessing the system.

Persons authorised to access the system will be:

- FCR Systems Administration team
- FCR Supervision
- FCR Communications Officers and Controllers (restricted access)
- Designated ICT staff
- NYP Officers and Staff authorised by the Head of Customer Contact, after having had the correct training (e.g. Criminal Investigation Department, Professional Standards, Investigation

Hub, Major Crime, HMIC liaison team) (A list of such staff is maintained by FCR Systems Administrators and accessible to FCR Supervision for reference)

Controlling Access to Data

Data from the Sinclair NICE system may be obtained in the following circumstances:

- For providing evidence at court hearings
- where a member of staff is subject to enquiries by the PSD the investigating officer will have direct access to historical information on the Sinclair NICE Server. Authority for such purposes will be given in writing by the Head of Professional Standards, when applicable, the Head of the Professional Standards Integrity Unit.
- where a member of staff is suspected of committing criminal acts Sinclair NICE data may be proactively and covertly acquired. Authority Level – Directed Surveillance Application, through the Authorising Officer who will be the rank of Superintendent or above.
- where evidence is required authorised members of approved departments will be able to interrogate the system for relevant information, providing that the supervisor of the department is satisfied that it will be of value to the investigation and in the interests of justice.
- Any data that has been downloaded to CD or other medium will be considered to be OFFICIAL material and will be stored in accordance with NYP policy/procedure. Disposal of downloaded data will be in accordance with the relevant policy and procedure and the Criminal Justice Act requirements.
- Communications Officers and Controllers may access the system in a restricted capacity to retrieve recent calls made by themselves for operational reasons. This is restricted to the last two hours and only to lines which they would use as part of their role.
- When historic call data is required by the HMIC Liaison team in conjunction with inspections

All 'downloaded' material will be marked automatically, by the NICE system, with a unique reference number exhibited, accompanied by a witness statement. All downloaded data will be stored on CD or DVD as the NYP Computer system may be compromised in terms of capacity.

When, in the course of an investigation, authority to retrieve data from Sinclair NICE is granted or exercised, a record will be made in the appropriate place – e.g. RIPA, investigation policy, pocket notebook.

REQUESTS FOR ACCESS TO DATA & LEGISLATION

Personal Data – requests from individuals

Sinclair NICE data may include personal data of members of the public, as well as police officers and police staff. Under Section 7 of the Data Protection Act 1998, an individual has a right to access any personal data held about them. Any requests for access to personal data should be made to the Civil Disclosure Unit, using a Subject Access Request form. These requests will be processed in accordance with the Data Protection – Subject Access Procedure.

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On receipt of a request from police officer or police staff the Civil Disclosure Unit may liaise with the Head of Professional Standards before releasing any such information.

Personal Data – requests from external agencies

Any requests for Sinclair NICE data (for purposes other than for ongoing criminal investigations) from external agencies must be directed to the Civil Disclosure Unit in writing. The Civil Disclosure Unit will consider the request, and whether there is any statutory or common law basis for the disclosure of the information.

Any requests for data that is required for ongoing criminal investigations (for example from other police forces) must be referred to the Officer in the Case to consider for disclosure under Section 115 of the Crime and Disorder Act 1998 for a policing purpose, providing the disclosure would be justified, necessary and proportionate.

Any sharing of Sinclair NICE data should be compliant with the Code of Practice on the Management of Police Information made under the Police Acts of 1996 and 1997.

Where repeated requests are made from the same agency, consideration should be given to entering into an Information Sharing Agreement in accordance with the Information Sharing Procedure.

Non-Personal Data

Any data that is not personal data may be subject to release under the Freedom of Information Act 2000, on receipt of a relevant request.

Data Ownership and Storage

The Head of FCR will own the data from the Voice Recording system which is stored on NYP servers, maintained and supported by ICT and third parties.

Any request for data must be accompanied by a reason for the request and the extracted data transferred from the NYP Storage Area Network (SAN) / servers to the Q:\Sinclair NICE shared area and managed by the requestor in accordance with the relevant NYP procedures.

It may, in the interests of security and/or justice, be necessary to exclude or restrict access to certain radio channels and/or telephone lines. This will be sanctioned by the Head of the Force Control Room or their deputy.

DISPOSAL OF DATA

If original downloaded data is not subsequently required, it will be disposed of in accordance with NYP procedures.

All recordings (Airwave and Phone Calls held on the SAN/server will be retained until the end of the

current year plus 6 years at which point such data will be disposed of in accordance with NYP procedures.

TRAINING AND AUTHORISATION

A digital training package is available on the intranet and can be found: Training Department - Home

Only trained staff will be granted access to the system, and they will sign documentation to the effect that they are trained in the system and are aware of their obligations in terms of inappropriate use of the system. Blank "User Declaration" forms are stored on the intranet alongside the digital training package.

Completed forms (signed) to this effect are to be added to the authorised user's personal records.

All those accessing the system will do so for lawful purposes only.

RESPONSIBILITIES

Crime Department - will provide all telephone call and radio transmission recordings requests for case files and investigations for NYP Officers. The department best suited will carry out the authorised request.

CJD - Will provide all authorised call and radio transmission recordings for NYP cases proceeding through the court process, with the exception of recordings for the purposes of investigation.

PSD - In respect of:

- a complaint or potential complaint investigation or local resolution
- a misconduct investigation
- Professional Standards related intelligence development
- a review of an incident or case involving NYP officers or police staff members
- IOPC investigations

- trained members of the Professional Standards Department will undertake the research and recovery / downloading of recordings of telephone calls or radio transmissions connected with such Professional Standards Department requirements

FCR – will undertake 'live time' reviews of calls and radio transmissions as part of the management of NYP's response to calls for service.

Civil Disclosure (Jt. Corporate Legal Services) – process requests for Sinclair NICE data as detailed above (page 5/6).