

# HEDDLU GWENT POLICE

## AIRWAVE –

### Recording of Radio & Telephony POLICY



Heddlu  
Gwent  
Police

#### SUMMARY

STAFF ARE REMINDED THAT THIS SUMMARY IS STRICTLY AN OVERVIEW OF THE KEY ELEMENTS OF THE DOCUMENT. FOR A MORE COMPREHENSIVE EXPLANATION THE WHOLE OF THE DOCUMENT SHOULD BE READ, IN PARTICULAR THE AIMS AT SECTION 2.2.

This policy covers the circumstances of how and when Airwave Voice Radio and Telephony Transmissions will be recorded for evidential purposes, and includes information on disclosure and retention of recordings.

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UP TO DATE VERSION CAN BE FOUND ON THE INTRANET POLICIES SITE.

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## **1.0 Policy Identification Page**

This policy has been drafted in accordance with the principles of Human Rights Legislation. There is nothing contained in this policy that would prevent its disclosure to the public (see section 5.3).

**Policy Title: AIRWAVE – Recording of Radio & Telephony**

**Underlying Documents: Airwave Operation Manual**

**Reference Number: 310/1 a issue 3**

**Related Reference History:  
Wireless Equipment  
Standing Order 310 dated 6/90 (under revision)**

**Protective marking: Not protectively marked**

**Policy Ownership: Chief Officer Operations**

**Portfolio/Business Area Owner: Chief Inspector FCR**

**Policy Written By: Airwave Support Office (on behalf of Senior User)**

**Department Responsible: Airwave User Group**

**Policy Lead: Senior User Airwave User Group**

**Links to other Policies: Linked to Airwave Operation Manual, Data Protection Policy, Information Security Policy, Equal Opportunities, Health and Safety Policy, Management of Vehicle Pursuits, National Intelligence Model, PNC Policy, Media Policy, Professional Standards Reporting, Race Equality Scheme, Road Death Investigation, Surveillance, Vehicle Recovery.**

**Policy Implementation Date: Issue 1, 25 May 2004; issue 2, approved ACC for IS Strategy Group 12<sup>th</sup> Sept 2006; issue 3, 13 November 2008 (minor amendments only – not referred to PSG/OPG).**

**Policy Review Date: bi annually (due October 2010)**

## **2.0 Policy Statement & Intentions**

### **2.1 Principle & Scope of Policy:**

This policy relates to recording radio and telephony communications that route through the FCR.

## **2.2 Aims of Policy**

For the purpose of evidence and disclosure it is necessary to record the communications that route through the Force Control Room (FCR).

The following aims and outcomes are to be achieved:-

- All telephone calls routed through the FCR are recorded.
- Specified Radio Talkgroups that for the time being audio monitored by a console are automatically recorded.
- Incident Talkgroups and Firearms Talkgroups which include the Force Control Room are recorded when used for operational purposes.
- Recordings will be stored in line with current disclosure rules for a period of up to seven years.
- The above provisions **will not** apply to the fallback control room at Mamhilad, where there is no recording facility.

## **3.0 Introduction**

### **3.1 Origins/Background Information**

This policy has been developed because of legal requirements and the advent of the new Airwave technology.

### **3.2 Motivators/Driving Forces**

Failure to conform to this policy could result in difficulties in prosecuting cases through the courts or other lawful tribunal.

### **3.3 The Legal Basis and Legitimate Aims**

The legal basis is the requirement for disclosure in criminal cases and the aim of the policy is to satisfy that requirement.

Criminal Procedure and Investigations Act 1996

Attorney Generals Guidelines

Article 6 European Convention Human Rights (right to a fair trial)

## 4.0 Implications of the Policy

### 4.1 Financial Implications/Best Value

No additional financial implications

### 4.2 Human Resources/Training

Any training implications will be incorporated into the programme for suitable dissemination to all users.

### 4.3 Strategic Plan Links

Disclosure can broadly be linked with contributing justice in a way that secures and maintains public confidence in the rule of law.

### 4.4 Partnership Links

Airwave has adopted protocols to ensure that hospital and carer environments are not adversely affected by the use of the system. Guidelines can be obtained from the Airwave Administrator.

### 4.5 Diversity

In the application of this policy consideration must be given to the possible social impact of this policy on the community. A social impact assessment is a requirement to ensure all issues are considered. This is also a requirement of the Gwent Police Race Equality Scheme. Social impact assessments must be undertaken before and after the application of this policy.

Under the Race Relations (Amendment) Act 2000 Gwent Police is required to undertake proactive work to meet the General Duty of :

- Eliminating unlawful racial discrimination;
- Promoting equality of opportunity;
- Promoting good relations between people of different ethnic groups.

The General Duty is outlined in Section 71 (1) of the Act, and must be met **in its entirety**.

Monitoring must be undertaken to ensure that there is no adverse impact either positive or negative upon any one particular social group or individual. The results of monitoring must be analysed and be available for publication, and appropriate changes made.

All individuals using this policy must be aware of the potential impact that this

policy has on the individuals to whom it is applied. The following strands of diversity and their corresponding pieces of legislation must be considered when answering these questions.

- Welsh Language Act 1993
- Race – Race Relations Act 1976
- Race Relations Amendment Act 2000
- Disability - Disability Discrimination Act 1995
- Gender – Sexual Discrimination Act 1975
- Equal Pay Act 1971
- Age – Article 13 Treaty of Amsterdam (2006)
- Sexual Orientation – Article 13 Treaty of Amsterdam (2003)
- Religion – Article 13 Treaty of Amsterdam (2004)
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003

#### **4.6 Consultation**

Consultation was undertaken through the mechanism of the Airwave User Group. *Police Authority, ACPO, Divisional and Departmental Heads, Staff Associations and Trade Union, Force Solicitor, Freedom of Information Officer, Women's Police Association Black Police Officers Association Internal Disability Group*

#### **4.7 Sustainable Development**

The Managed Terminal Contractor will dispose of decommissioned equipment. Where equipment is to be scrapped the Contractor shall make arrangements to undertake such disposal in line with any legislation applicable to such disposal. Where equipment is sold the Contractor shall keep adequate records of any disposal. Where equipment is sold the Contractor shall pay to the Authority the proceeds of the sale having made allowance for the Contractor's reasonable expenses. The Contractor shall keep adequate records of any sale. The records of any disposal shall be available for inspection by the Authority.

### **5.0 Human Rights Consideration Certification**

#### **5.1 Auditing for potential interference and discrimination**

Q1. What articles of the Human Rights Act 1998 may be engaged?

Article 6 right to a fair trial

Article 8 respect for family life

Article 14 right not to be discriminated against.

Q2. Where individual rights are engaged what is the potential to discriminate

As well as details of the potential to discriminate, the procedure should include a generic statement.

" In the application of this procedure the Force will not discriminate against any persons regardless of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status as defined under article 14 of the European Convention on Human Rights ".

## **5.2 Key Human Rights Principles**

Q1. What is the legal basis for your policy?

Criminal Evidence and Procedures Act 1996

Attorney Generals Guidelines

Article 6 European Convention Human Rights (right to a fair trial)

Q2. Does the policy provide details of what could be considered as a legitimate aim for the potential interference with an individual's rights, through the exercising of this policy? Restrictions on the rights protected in articles 8 - 11 in the Human Rights Act will be compatible with the convention only if they are aimed at protecting one of the interests listed in articles 8(2), 9(2), 10(2) and 11(2) respectively.

The interest protected are broadly the same and generally include:

1. National Security
2. Public Safety
3. The protection of health or morals
4. The prevention of disorder or crime; and
5. The protection of the rights of others.

## **5.3 Rights, Publication, Audit and Inspection**

Q1. What rights to make representation and appeal process are available?

Persons who wish to make representations regarding the operation of this policy will have recourse to both civil and criminal law. There is also the right to use both formal, informal and organisational complaint procedures in respect to the operation of this policy.

Q2. Apart from the Gwent Police Publication Scheme how is the policy made available to the public?

(All policies must be published on the Force Internet Publication Scheme in accordance with our commitments under the Freedom of Information Act 2000)

Where copies of this policy are requested they can be made available from the Corporate Services Department or Systems Administrator Airwave.

Q3. What internal review and audit process is in place or is proposed?

This policy has been drafted in accordance with the principles and rights

contained within the Human Rights Act 1998. It will be reviewed and continuously assessed in the light of any relevant changes and developments in the application of the Act.

Q4. What external independent scrutiny is recommended?

Independent audit will be through the Performance Review regime Policy Authority/HMI/PITO.

#### **5.4 Certification of Compliance**

Consideration has been given to the compatibility of this policy and related policies and procedures with the Human Rights Act; with particular reference to the legal basis of its precepts: the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making processes and outcomes of actions.

#### **5.5 Legal Vetting**

**There are no issues in this policy under ECHR that cannot be resolved.**

**This policy has been vetted by the policy officer.**

#### **6.0 Promotion and Distribution**

This policy will be promoted by Force General Orders, inclusion on the intranet policies and procedures web site and on the force internet site through the publication scheme.

#### **7.0 Monitoring / Review**

The monitoring of the aims of this policy will be the responsibility of the managers and supervisors of the Force Control Room and Divisional and Departmental Management.

*The principles of the Race Relations Amendment Act must be adhered to in that any recognisable adverse impact should be identified and appropriate action taken.*

The policy can be reviewed every two years or as otherwise determined.

Reviewed: August 2006 Approved by Senior Airwave User/User Group  
October 2008 Approved by Senior Airwave User.

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