



NOTTINGHAMSHIRE
POLICE
PROUD TO SERVE

PG 033

Guidance On The Use Of Digital Voice Notation
By Officers Dealing With Road Traffic Offenders

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Guidance

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SECTION 1 VERSION CONTROL

Version No.	Date	Post Holder/Author	Post	Reason for Issue
1.0	Feb 2014	Chief Insp Andrew Charlton	Ops Support	Initial Draft Document

SECTION 2 AIMS / OBJECTIVES

PURPOSE

This document is designed to offer practical guidance to all Nottinghamshire Police staff who prosecute offenders for offences under the Road Traffic Act 1988.

The guidance will enable staff to correctly use digital voice notation to record their evidential notes of the offence and the interaction with the offender.

Strict adherence to the guidance is important. The use of digital evidence recording devices and processes will become an increasing feature of contemporary policing. It is essential that officers do not escalate their use without a clear mandate to do so. There may be a temptation to exploit the full potential of each device into other areas of policing. This is **strictly prohibited** unless and until further guidance is issued.

INTRODUCTION

The Blackberry mobile data device is standard issue to many front line police officers and staff in Nottinghamshire. The device has the capability to voice record speech which can then be transmitted from the device back to the originators 'Inbox' as an e-mail. That e-mail can then be stored in a folder and preserved. It allows staff to listen their notes again should the need arise.

The process offers the following significant advantages:

- The notes can never be tampered with or altered – they have a high level of integrity.
- The notes are timed and dated – there is no ambiguity about when an officer made their notes. This fact will add value to the officer account of what happened.
- The notes cannot be deleted. Once made they will always be recoverable even if they are accidentally deleted.
- The note file can be e-mailed to CPS, a Court, a colleague or to anyone authorised to receive them.
- Paper based notation, with all its attendant issues, is made redundant.
- Should a court require to listen to the notes, they can be copied to a CD and taken to court if not e-mailed directly to the court.
- The process is simple to use and has no complicated features.
- It will introduce staff to the concept of digital evidence capture, in a relatively risk free environment, paving the way for future inevitable developments.

SECTION 3 DETAILS

ROAD SIDE / POST EVENT PROCEDURE

Digital voice notation can be used by any staff member who deals with a Road Traffic offence, whether under the Road Traffic Act 1988 or other associated legislation, and they have ready access to a Blackberry device.

It must not be used for any other policing purpose. There **must be no transmission** in to other areas of policing even if there appear opportunities to do so.

As with written notes, voice notes should be dictated as soon as practicably possible after the offender has been dealt with for whatever offence(s) they have committed. Usually this will be after the TOR (Traffic Offence Report) has been issued.

It is perfectly possible to use multiple voice notes for an offence if the circumstances would benefit from doing so.

Staff should prepare themselves for voice dictation. Although it is perfectly possible to do a second, third or more dictation to add or clarify anything - regular practise will refine an officers' delivery and style.

Try to be brief. Dictated voice notes must be confined to the points to prove for each offence. Be as precise as possible. Give evidence of fact about what the offender allegedly did, their demeanour or behaviour and any supporting facts. The voice notes are timed and dated but you may need to comment on any extended delay in recording.

Do not speculate or offer unsubstantiated opinion. Remember there are strict force policies on language and behaviour and everyone must be treated with respect and dignity at all times. Do not record anything that could undermine your professionalism or damage the reputation of the force. Always remember that your voice notes could be played in open court and may be subject to challenge and scrutiny.

It remains acceptable to still make written notes if required, however using dictated voice notes should replace the need for any written notes in most cases.

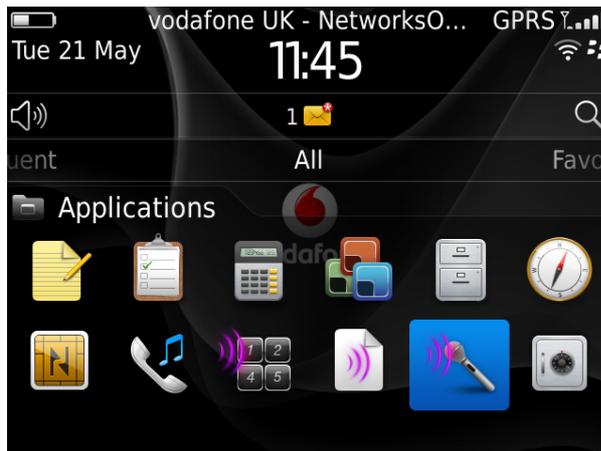
In complex or serious Road Traffic cases, particularly where an investigation or a collision is being dealt with where exhibits etc may need to be seized, the use of voice notes may not be appropriate at this stage. It is for each officer to determine the appropriate means to make notes.

VOICE NOTATION ON THE BLACKBERRY

The Blackberry device has a very simple function which allows voice notes to be recorded and stored on the device itself but then immediately exported as an email from the device back to the staff member's inbox on outlook. The following shows how to do it:

Voice Recording Via Blackberry

Select the applications folder (Grey Folder) from your home screen where you will find voice recorder application (highlighted in blue below)

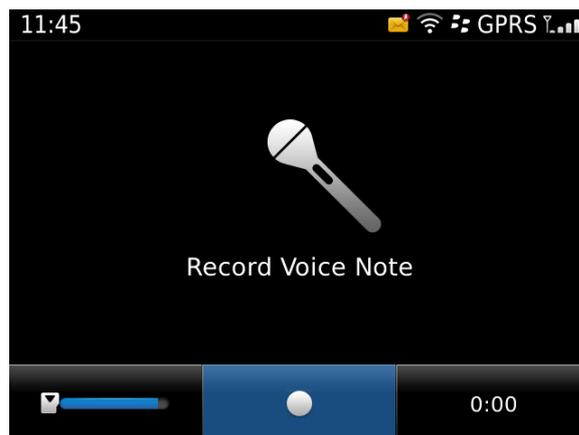


Click the record icon to start recording. To pause the recording, click the pause icon. To resume recording, click the record icon.

- o To stop recording, click the pause icon. Click the stop icon.

After you finish:

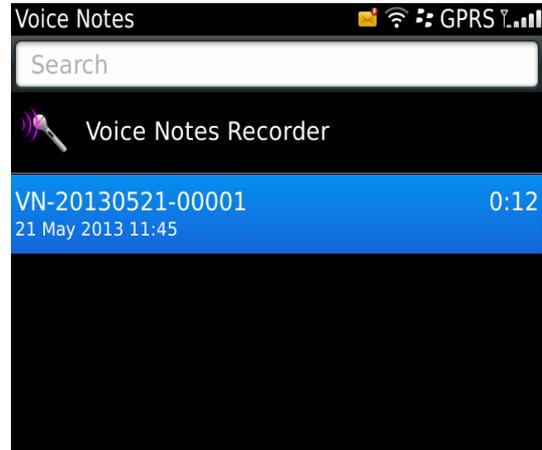
Note: When you stop recording a voice note, the voice note is automatically saved



N.B The voice recording function has a maximum five minute duration at any one time. If you wish to record more than five minutes of notes simply start a second or third recording and follow the same process.

How to attach a voice note to an e-mail

Select the voice recording from the voice notes and highlight the voice recording you wish to send. (Note the recording shows how long it is and times and dates it for you.)

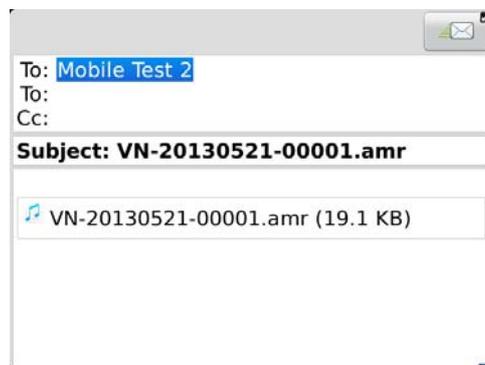


Then select the menu key on the BlackBerry (button with small dots) select send and then email. This will take you to the below screen.



How to send the e-mail

Complete the process by doing a lookup on your desired name from the directory and hit send by scrolling to the body of the email and clicking the enter key. Depending of size of recording and signal (either 3G or GPRS) will determine how fast the voice recording is sent to your email.

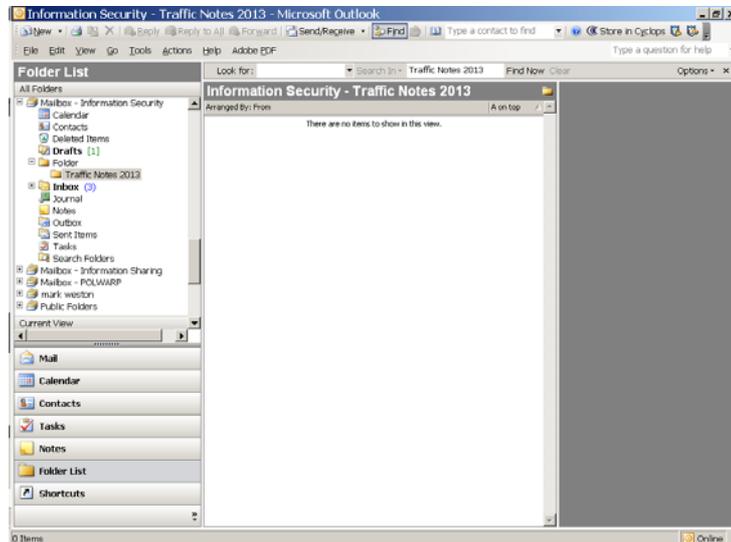


How to store your voice notes in Outlook

You need to create a folder off your in-box and name it Traffic Notes 2014. You can then click and drag the e-mail in to it for storage. It would be helpful to re-name the file at this stage with the name of the alleged offender. Once stored in Outlook you can delete the original recording from your blackberry device.

With the start of a new year simply create a new folder entitled Traffic Notes 2015 etc.

Voice Notes must be stored for seven years and then deleted. In the event that a staff member leaves the organisation INS will be responsible for retrieving and storing their voice notes from their outlook profile.



VOICE NOTES – EVIDENTIAL CONSIDERATIONS

It is highly unlikely that voice notes for Road Traffic cases will ever be needed in a court environment. There are now six diversion courses available for road traffic offences and a conditional offer (fixed penalty) covers most other offender disposals. The remainder, where a postal requisition is necessary (summons) usually plead guilty. Even where a not guilty trial takes place it is unlikely the notes will be needed.

On an MG file format – as with current written notes – the existence of digital voice notes must be disclosed and recognised as unused material. They should be identified as ‘Digital Voice Notes of Officer.’

Officers must use their verbal notes as the basis for their written statement. As such they must be referred to prior to completing an MG11. Officers may refresh their memory prior to any requirement to give evidence in court.

The voice files can be e-mailed directly from your inbox to anyone who has a lawful reason to listen to the notes. This would include the Crown Prosecution Service for example and the file could be sent as part of a disclosure package to a defendant or their legal defence team once it has been scrutinised by CPS. Transmission must always be to a secure web address. The files must always be stored and handled in accordance with any current legislation that covers data protection and the management of police information.

Should the voice notes be required at court then prior to the hearing the officer in the case must ensure that they contact INS helpdesk and request that the voice file is downloaded onto a conventional CD disc which can be played at the hearing. The court will have to ensure they have a CD player available and the officer will take it with them to court.

In exceptional cases it may be necessary to have the notes transcribed. Facilities exist across the force to have this done but this must be exceptionally rare.

In the event that an officer accidentally deletes an e-mail voice file or folder they must immediately contact INS Helpdesk who will arrange for the deleted items to be recovered and stored appropriately again.

FUTURE CONSIDERATIONS

This use of digital technology is one of the first steps by Nottinghamshire Police to move into a paperless prosecution process where all criminal justice material is digitally captured, stored and transmitted. It is a step towards the removal of a pocket note book.

Work is already underway nationally to ensure that all criminal files are digitalised.

The process described in this procedural guide could be extended in the future to include PACE interviews with suspects (outside the custody environment) or digital evidence capture from crime scenes etc.

Other new devices will be used with greater capabilities in the future but until new instructions are given it is important that all staff remain within then limitations of this procedural guide.

SECTION 4 LEGISLATIVE COMPLIANCE

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; European Convention on Human Rights; Employment Act 2002; Employment Relations Act 1999, and other legislation relevant to policing.

HUMAN RIGHTS

Consideration has been given to the compatibility of this policy and related 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 its aims; and that it defines the need to document the relevant decision making processes and outcomes of action.

HEALTH AND SAFETY

The police service is bound by a duty of care to any person who may be at risk from the foreseeable dangers inherent in pursuit situations, response and general driving, regardless of whether they are service employees, members of the public or suspects.

This document is intended to complement existing legislation, policy and guidance on the subject of Health and Safety.