

3 October 2019		ITEM: 8
Cleaner Greener Safer Overview & Scrutiny Committee		
CCTV Public Identification Policy		
Wards and communities affected: All		Key Decision: Key
Report of: Dulal Ahmed, Housing Enforcement Manager		
Accountable Assistant Director: Carol Hinvest, Assistant Director of Housing		
Accountable Director: Roger Harris, Corporate Director of Adults, Housing and Health		
This report is Public		

Executive Summary

On May 11 2017, the Cleaner Greener Safer Overview & Scrutiny Committee recommended the use of media outlets to appeal for information pertaining to the identity of those persons committing environmental crime where identities are unknown. The process to design a policy and business workflow to streamline this procedure has now been completed.

Having a CCTV Public Identification Policy encourages greater community safety protection and enforcement partnerships, as well as resident participation to help identify any offenders of anti-social behavior [ASB] and environmental crime, who are not known or could not be identified by any other means.

This report outlines the benefits of implementing a policy to tackle resident priorities, such as, ASB, fly tipping, criminal damage, and public nuisance, as CCTV is a powerful tool for addressing crime.

The CCTV borough wide service makes a positive contribution towards the council fulfilling its community safety obligation under the Crime and Disorder Act 1988, Section 17. The Council can publish images to prevent and detect crime in line with legislative requirements and the Community Safety Partnership will oversee the implementation and monitoring of this policy.

1. Recommendation(s)

1.1 Note and comment on the implementation of a Public Identification CCTV policy for enforcement purposes.

1.2 Note that CCTV images will be released in local publications and on the internet including the council's website

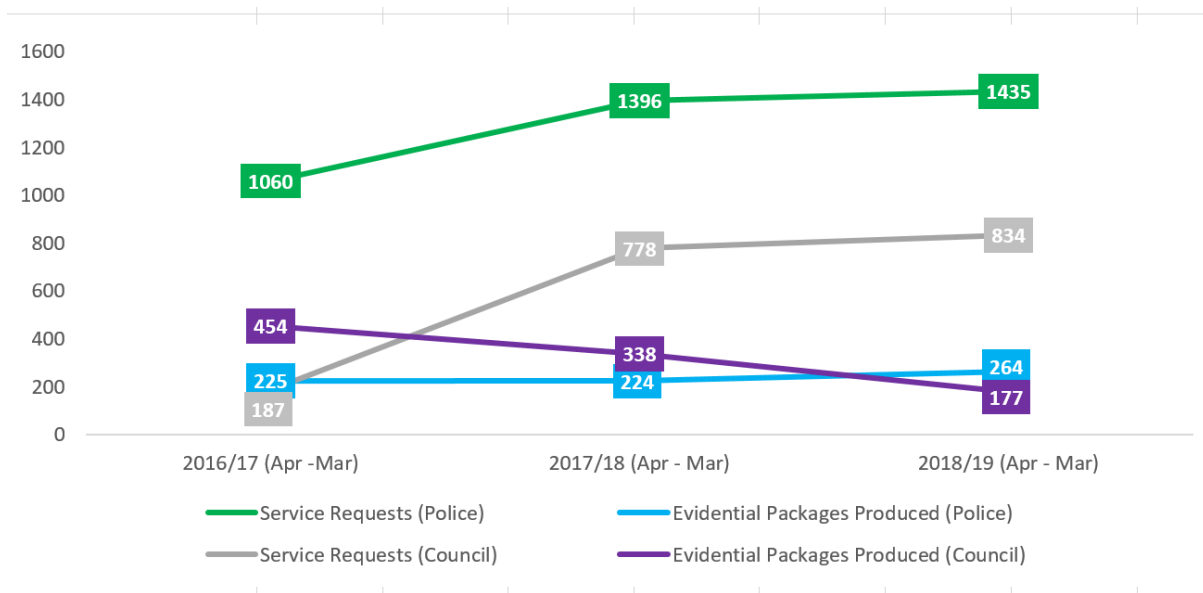
2. Introduction and Background

- 2.1 The Cleaner Greener Safer Overview & Scrutiny Committee recommended the use of media outlets to tackle environmental crime of those committing offences where identities are unknown.
- 2.2 Legislation provides the Council with the powers to take formal action under its Enforcement Policy and publish images to prevent, detect crime, apprehend and prosecute offenders.
- 2.3 Thurrock's Closed Circuit Television [CCTV] network is used for promoting community safety and reducing the fear of crime. The network has 600 fully live cameras borough wide, consisting of fixed and mobile cameras.
- 2.4 The CCTV service includes monitoring and escalation of incidents to Essex Police, who have access to the council's system and the Environmental Protection, ASB and Tenancy Management Teams for enforcement action.
- 2.5 A Public Identification policy will provide an effective and reliable process to help identify offenders who are not known, or could not be identified by any other means.
- 2.6 This approach will enable the Council and its partner agencies to actively encourage local communities and businesses to take a stand against the inconsiderate behaviour of a minority of people, whose actions blight a local area.

3. CCTV Enforcement in Thurrock

- 3.1 The Council's CCTV service has proved very successful in detecting crime, deterring criminals, assisting in the arrest of criminals and also as reassurance to the public.
- 3.2 The table on page 3 shows the total number of video package requests by the Police and council's enforcement team over the last three years has steadily increased. The service requests are incidents of interest for enforcement teams gathering evidence or clues for action.

Year	Service Requests (Police)	Evidential Packages Produced (Police)	Service Requests (Council)	Evidential Packages Produced (Council)
2016/17 (Apr -Mar)	1060	225	187	454
2017/18 (Apr - Mar)	1396	224	778	338
2018/19 (Apr - Mar)	1435	264	834	177



3.3 Examples of how CCTV identification tackled crime in the borough in conjunction with enforcement partners: -

- Derwent Parade- South Ockendon

Council residents reported young people aged 11- 16 years old were congregating in the communal areas from mid-afternoon to early hours of the morning. Many residents felt in fear of intimidation, criminal damage and vandalism if they got involved.

CCTV video images assisted both the police and council officers to identify the young people and engage with their parents and guardians to disrupt the anti-social behaviour.

- Grays Town Centre

CCTV operators gathered video images of young people and adults involved in dealing Class A drugs in the town centre and surrounding areas. This evidence helped Operation Raptor, Essex Police, prosecute four adults and five teenagers for a number of drug related offences and obtain a gang injunction excluding them from the town centre, Seabrook Rise and Grays Beach Riverside Park.

- King George Playing Field - Blackshots

The Police arrested a number of young people for nuisance motor cycling and off road quad biking with CCTV video evidence. This behaviour posed a real danger to our community and themselves at King George playing field. We received numerous complaints from members of the public about these incidents. The Police have taken action by serving notices on the riders and seizing their vehicles.

4. The benefits of a Public Identification Policy

- 4.1 CCTV can be used in court as evidence to prove someone was in a certain place or that they committed an offence. Use of CCTV evidence can increase the rate of prosecution of offenders.
- 4.2 The publicity of cases or images related to environmental crime and ASB offer a valuable approach in preventing, detecting crime and protecting the public from harm.
- 4.3 The policy framework outlines where, how, when and against who we will use media to help identify any offenders of ASB and Environmental crime whom are not known or could not be identified by any other means.
- 4.4 The policy complies with relevant legislation requirements and assists the Council in deciding whether such course of action is necessary and proportionate.
- 4.5 The Council will continue to share CCTV intelligence with Essex Police and other regulatory agencies where it is appropriate.
- 4.6 It will encourage residents to report crime and identify offenders.
- 4.7 Members of the public can identify the suspect anonymously either by phone or e-mail via a specified telephone number or e-mail address which would be given out when the images are published or via the Council's web site.
- 4.8 Information received would be passed onto the relevant council's enforcement teams to follow up. Any suspects identified in the process of released CCTV images will be interviewed under the Police and Criminal Evidence Act 1984 code of practice
- 4.9 The image will be taken down after a scheduled time period or once the identification has been completed
- 4.10 Many other Local Authorities already have this policy in place and it has been particularly useful in cases of fly tipping and ASB for example LB of Barking and Dagenham, LB of Newham and LB of Waltham Forest. Those authorities have found it improves how they work with other departments, investigating and tackling crime in an efficient and effective manner.

5. Approval steps before releasing a CCTV image

- 5.1 The release of images must be necessary for a legitimate purposes and in early consultation with Essex Police, Adult and Social Care services.
- 5.2 CCTV images would be produced and approved for publication for persons who are deemed to be over the age of 18 to ask members of the public to

help identify perpetrators via media publications and the internet who cannot be identified by other lines of enquiries.

- 5.3 Each case will be risk assessed to determine such a course of action is necessary and proportionate.
- 5.4 No images of persons known to be under the age of 18 years old will be published related to environment crime and ASB.
- 5.5 Safeguards will eliminate known suspects known to Adults and Children's social care.
- 5.6 Third party images and property will be masked to prevent unwarranted identification, where appropriate.
- 5.7 A clear picture of the suspect is published where there is sufficient evidence to prosecute or use a civil penalty notice in relation to the offence and description of the offences will be published.
- 5.8 The decision to publish an image will be triaged through the CSP, including early consultation with Essex Police.
- 5.9 The above steps need to be complied with before a CCTV image is published.

6 Legislation

- 6.1 Thurrock cameras are carefully positioned to respect people's privacy and do not overlook any areas where you would expect privacy. This ensures people's rights and privacy of the public are balanced with the law.
- 6.2 CCTV is used to assist investigations into ASB and crime such as fly tipping, graffiti, criminal damage and fly posting. Our cameras are overt to secure evidence at the scene of incidents.
- 6.3 The use of CCTV cameras will be considered in accordance with the following:
 - General Data Protection Regulations [GDPR] and UK Data Protection Law
 - ICO's Code of Practice for surveillance cameras and personal information
 - The Surveillance Camera Code of Practice
 - Criminal Procedure and Investigations Act 1996
 - The Protections of Freedoms Act 2012
 - The Human Rights Act 1998
 - Regulation of Investigatory Powers Act 2000
 - Freedom of Information Act 2000
- 6.4 The CCTV team will process personal data in compliance with data protection

principles. Section 29 of the Data Protection Act allows for 'data to be used for prevention and detection of crime, or apprehension or prosecution of offender' are exempt from the first data principle [Principle 1 data shall be processed fairly and lawfully].

- 6.5 The performance of staff is regularly reviewed to ensure that controls are being adhered to and all systems and processes are regularly audited.

7. Reasons for Recommendation

- 7.1 A CCTV Public Identification Policy supports the council's overall package of tools to fight crime and disorder and ASB in the borough.
- 7.2 The CSP fully supports this policy to address crime and enforcement.
- 7.3 A safer and cleaner borough contributes towards public pride in the borough and creates a positive perception for investors and visitors.

8. Consultation (including Overview and Scrutiny, if applicable)

- 8.1 The CCTV service consulted the CSP on the implementation of this policy to help solve crimes and reduce disorder in the borough in line with Section 17 of the Crime and Disorder Act 1988.
- 8.2 A six month review of the CCTV Public Identification Policy and processes will be presented to the Councils Excellence Panel.

9. Impact on corporate policies, priorities, performance and community impact

- 9.1 The use of images will be restricted to tackle ASB and enviro-crime. This policy is aimed to resolve investigations with greater efficiency, to bring about general improvements in those neighbourhoods, affected by crime and disorder. This may result in greater resident participation and their role in evidence gathering and prevention.

10. Implications

10.1 Financial

Implications verified by: **Krish Angamuthu**
HRA and Development Accountant

There are no financial implications for the council that arise from this report at this time.

10.2 Legal

Implications verified by: **Simon Scrowther**

For Head of Legal Services

In its administration of its CCTV system, the Council must comply with the Data Protection Act 1998. Due regard is given to the data protection principles embodied in the Data Protection Act. These principles require that personal data shall be:

- a) processed fairly and lawfully;
- b) held only for specified purposes and not used or disclosed in any way incompatible with those purposes;
- c) adequate, relevant and not excessive;
- d) accurate and kept up to date;
- e) be kept longer than necessary for the particular purpose;
- f) processed in accordance with the rights of individuals;
- g) kept secure; and
- h) not be transferred outside the European Economic Area unless the recipient country ensures an adequate level of protection.

From 25 May 2018, the Council is required to comply with the General Data Protection Regulation (GDPR). Due regard will be given to the data protection principles contained within Article 5 of the GDPR which provide that personal data shall be:

- a) processed lawfully, fairly and in a transparent manner;
 - b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
 - c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
 - d) accurate and, where necessary, kept up to date;
 - e) kept in a form which permits identification of the data subjects for no longer than is necessary for the purposes for which the personal data are processed;
- and
- f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorized or unlawful

processing and against accidental loss, destruction or damage, using appropriate technical or organizational measures.

10.3 Diversity and Equality

Implications verified by: **Rebecca Price**

Community Development Officer

A Communities and Equality Impact Assessment was completed. See Appendix 1. This mitigates against any negative impact on the community to ensure fair enforcement. Persons under the age of 18 years will be exempt from this policy.

10.4 Staffing

There are no staffing implication for the council that arise from this report at this time.

All staff receive rigorous Security Industries Authority [SIA] training that covers all aspects for the work including camera handling and relevant legal and data protection framework and required to undergo DBS checks.

11. Background papers used in preparing the report

11 May 2017, Cleaner Greener Safer Overview & Scrutiny Committee,
Contracted Environmental Enforcement Services

12. Appendices to the report

Appendix 1 - CCTV Public Identification Policy

Appendix 2 - Communities and Equalities Impact Assessment CCTV Public
Identification Policy

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