

15 January 2020		ITEM: 15
Cabinet		
CCTV Public Identification Policy		
Wards and communities affected: All	Key Decision: Key	
Report of: Councillor Barry Johnson, Portfolio Holder Housing		
Accountable Assistant Director: Carol Hinvest, Assistant Director of Housing		
Accountable Director: Roger Harris, Corporate Director of Adults, Housing and Health/ Interim Director Children's Services		
This report is Public		

Executive Summary

CCTV is a powerful tool fighting against crime. The 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.

This report sets out the benefits of implementing a CCTV Public Identification Policy and the approval steps necessary to tackle resident priorities such as anti-social behavior [ASB], fly tipping, criminal damage and public nuisance.

Having a Public Identification Policy will improve the Council's investigative response to serious crimes and encourage resident participation to help identify offenders of ASB and Environmental crime who are not known or could not be identified by any other means. Due process eliminates the release of images of vulnerable persons known to the Police, Adult and Children social care teams to safeguard their health and wellbeing.

The Community Safety Partnership that deals with crime and disorder in Thurrock will oversee the implementation and monitoring of this policy.

1. Recommendation(s):

- 1.1 That Cabinet approve the implementation of a Public Identification CCTV policy for enforcement purposes.**

1.2 That Cabinet approve the use of images in local publications and on the internet including the council's website

1.3 That Cabinet approve the Community Safety Partnership monitor the implementation of this policy

2. Introduction and Background

2.1 The Cleaner Greener and Safer Overview and Scrutiny Committee, 11 May 2017 recommended the use of media outlets to tackle environmental crime of those committing offences where identities are unknown.

2.2 The process to design a policy and business workflow to streamline this procedure has been completed during this period of time and on 3 October 2019, the Cleaner Greener and Safer Overview and Scrutiny Committee supported the implementation of the CCTV Public Identification Policy.

2.3 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.

2.4 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 in 2019, consisting of fixed and mobile cameras.

2.5 The CCTV service includes monitoring and escalation of incidents to Essex Police who have access to the council's system and the Environmental Protection, Waste, Anti-Social Behaviour and Tenancy Management Teams for enforcement action.

2.6 A Public Identification policy will make it more effective and reliable process to help identify offenders who are not known or could not be identified by any other means.

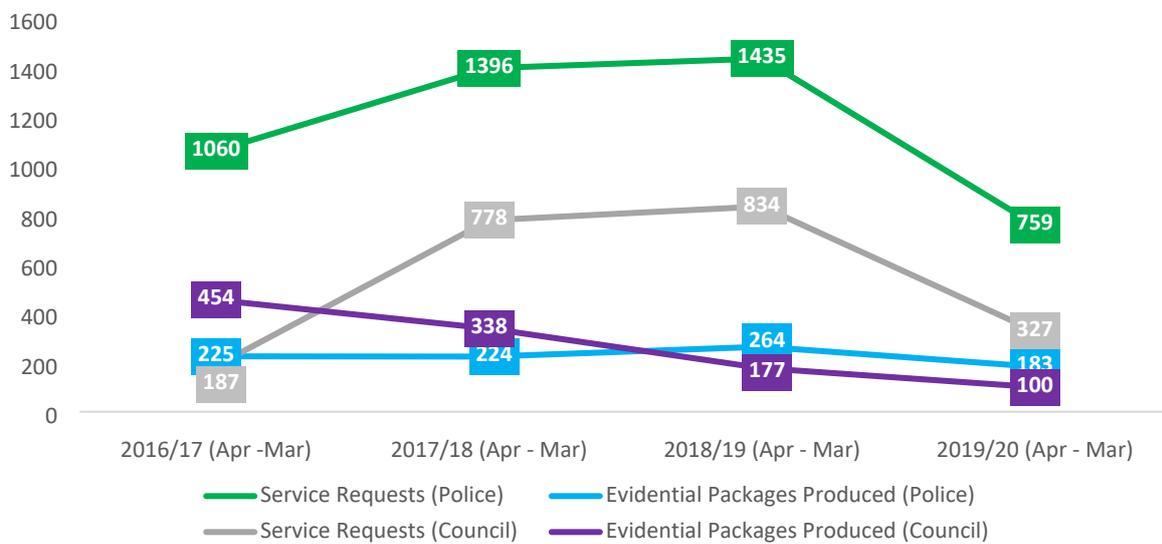
2.7 This approach will enable the Council and its partner agencies to actively encourage local communities and businesses to take a stand against the inconsiderate behaviour of a minority of people, whose actions blight a local area.

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 This table 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
2019/20 (Apr - Sep)	759	327	327	100



3.3 These are two examples of how CCTV identification tackled crime in the borough in conjunction with enforcement partners.

- 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 of 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 machines.

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 cause 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 codes 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 cause 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.
- 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 Community Safety Partnership including early consultation with Essex Police.
- 5.9 The above steps need to be compiled 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 against the law.
- 6.2 We use CCTV 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 plays a part of the council's overall package to fight crime and disorder and ASB in the borough.

7.2 The Community Safety Partnership 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 Cleaner, Greener and Safer Overview and Scrutiny Committee considered the Policy on 3 October 2019 and resolved that:

- The Cleaner, Greener and Safer Overview and Scrutiny Committee noted and commented on the implementation of a Public Identification CCTV policy for enforcement purposes.
- The Cleaner Greener and Safer Overview and Scrutiny Committee note that images would be released in local publications and on the internet including the Council's website.
- The Cleaner Greener and Safer Overview and Scrutiny Committee agreed that an Update Report should be brought back in six months' time.

8.2 The Community Safety Partnership have been consulted on the CCTV Public Identification Policy and support its implementation to help solve crimes and reduce disorder in the borough in line with Section 17 of the Crime and Disorder Act 1988.

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: **Mike Jones**
Strategic Lead – Corporate Finance

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

10.2 Legal

Implications verified by: **Simon Scrowther**
Solicitor

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 has had to comply with the General Data Protection Regulation. 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 Lee**
Community Development Team Manager

A Communities and Equality Impact Assessment was completed. See appendix. 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 **Other Implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder, and Impact on Looked after Children)

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 and Safer Overview and Scrutiny Committee, Contracted Environmental Enforcement Services
- October 2019, Cleaner Greener and Safer Overview and Scrutiny Committee, Public Identification Policy

12. **Appendices to the report**

- Appendix 1 - CCTV Public Identification Policy
- Appendix 2 - Communities and Equalities Impact Assessment CCTV Public Identification Policy

Report Author:

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