

Douglas



Douglas Borough Council



Douglas Borough Council
Municipal CCTV System

CODE OF PRACTICE

The aim of this Code of Practice is to ensure the community knows the principles that govern the regulation and operation of the Douglas Borough Council Municipal CCTV System.

Surveillance systems will inevitably process personal data – i.e. information that identifies living individuals. By producing and complying with this Code, Douglas Borough Council will ensure processing accords with the provisions of the Data Protection Act 2002, and in particular the data protection principles. By definition, such compliance will also ensure Human Rights considerations are taken into account during all processing of data.

For all enquiries about the Code of Practice, please telephone the Borough Engineer and Surveyor at Douglas Town Hall on 01624 696371.606300, via the Council website www.douglas.im or at the address given at the end of this document.

INTRODUCTION

Douglas Borough Council has developed a Municipal CCTV System for the sole purpose of making our Capital a safer and more welcoming place at any time of the day or night, allowing all citizens and visitors, regardless of age, gender or race, the opportunity to enjoy a 'Cleaner Safer Greener' Borough.

Douglas Borough Council operates and maintains the CCTV cameras, and is responsible for the fair and effective operation of all aspects of the system. Through a purpose built monitoring suite it is also possible subject to compliance with strict protocols to relay pictures through to the Police.

The System comprises a number of colour cameras viewed, controlled or operated from the Monitoring Suite. The images from the cameras record 24 hours a day. All recorded material is the property of Douglas Borough Council, which retains copyright.

This Code of Practice sets out the aims and uses of the CCTV system. The system will not operate for any other purpose than those set out in this document. Douglas Borough Council will review and audit its effectiveness on an annual basis. The day-to-day management of the system will be the responsibility of Douglas Borough Council Chief Executive and the Borough Engineer and Surveyor

1.1 Purpose Statement

Douglas Borough Council is cognoscent that the use of CCTV by local authorities is governed by section 2 of the Criminal Justice Act 1996, which says that Images may be recorded to “promote the prevention of crime or the welfare of the victims of crime”.

It is important that all those who will be affected by the Douglas CCTV system and all those charged with operating the service understand exactly why the system has been introduced and for what it will and will not be used. The key objectives of the Douglas CCTV System are:

- i. Protecting areas and premises used by the public;
- ii. Prevention and detecting crime;
- iii. Assisting in the identification of offenders leading to their arrest and successful apprehension;
- iv. Reducing anti-social behaviour;
- v. Reducing fear of crime;
- vi. Encouraging better use of Douglas’ facilities and attractions;
- vii. Maintaining and enhancing the commercial viability of Douglas and encouraging continued investment.
- viii. To assist with maintenance of the environment.

1.2 Privacy

We respect and support individuals entitlement to go about their lawful business and this is a primary consideration in the operation of the System. When CCTV cameras are installed, there is inevitably some intrusion of privacy, live monitoring of cameras will not be used to monitor the progress of individuals in the ordinary course of lawful business in the areas under surveillance.

The Monitoring Suite operators will only use the cameras to view public areas and not to look into the interior of any private premises or any other area where an infringement of privacy of individuals may occur. The only exceptions to this rule are first, if an authorised operation is mounted under the Regulation of Surveillance etc. Act 2006(see paragraph 1.6) or as a response to a police or other enforcement agencies’ request for assistance following a crime being committed, or if an Operator, whilst operating the cameras in accordance with this Code of Practice, happens to observe something which they believe indicates that a crime is being, or is about to be committed in a non-public area. Any event where an Operator takes a decision to view or continue viewing a private area must be entered into the Incident Log. The details must include location, time, date, camera number and the reason for the observation. Operators will be required to justify their actions. Any breach of this condition of employment may result in disciplinary proceedings and may lead to the dismissal of the Operator. Furthermore, any breach of the Code may also lead to an infringement against the Regulation of Surveillance etc. Act 2006, Data Protection and Human Rights legislation, all of which could result in a criminal investigation and consideration of prosecution.

1.3 Cameras

All cameras are sited so that they are clearly visible, No covert cameras will be used, nor will the Scheme utilise any non-functioning or 'dummy cameras'.

Notification will be given about the system by clear signage within the monitored area. This will ensure that both the maximum deterrent value is achieved and that the public are clearly aware when they are in a monitored area. The System will not record sound in public places.

Re-deployable CCTV cameras are designed to be deployed into other areas of the Borough for short periods. They are normally mounted on lampposts or buildings and relay images back to the CCTV Monitoring Suite via an encrypted radio signal. The use of these cameras is governed in exactly the same way as the fixed position cameras and they will be operated in accordance with this Code of Practice.

1.4 Provision of Evidence

Arrangements to provide recorded images to the enforcement agencies will be made. These images may be used to conduct investigations into potential criminal offences in compliance with Section 2 of the Criminal Justice Act 1996. Images will only be released in connection with law enforcement processes. Images recorded cannot be published except:

- With a view to institution of or otherwise for the purpose of criminal proceedings
- For the purposes of investigating crime
- By order of a Court
- In such circumstances as may be prescribed by order.

1.5 Breaches of the Code

Any breach of the Code of Practice is a serious matter. Officers or Monitoring Suite staff who breach the Code will be dealt with according to the disciplinary procedures of the Council or Partner agency. If any person were to misuse the images to make a profit for themselves, the Council would take all possible steps to recover the profit made. In the event of a serious breach, Douglas Borough Council will request that a person with relevant professional qualifications who is independent of the Scheme undertake an investigation and make recommendations to the Council on how the breach can be remedied.

1.6 Legislation

The Douglas CCTV Scheme has been registered with the Office of the Data Protection Supervisor and will follow the guidelines of the Data Protection Act 2002 and the principles of good practice identified by the Data Supervisor's Office (address on last page of this document).

In addition, Douglas Borough Council's CCTV system will comply with The Criminal Justice Act 1996, The Human Rights Act 2001 and The Regulation of Surveillance etc. Act.

The Regulation of Surveillance etc. Act is to ensure that investigatory powers of the intelligence services, the police and other enforcement agencies are used in accordance with the Human Rights Act and Douglas Borough Council will ensure that all requests for access to the Council's CCTV system under this Act are examined in detail to ensure that they are proportionate, legal, appropriate and necessary. Where any doubts exist, legal advice or advice from the Surveillance Commissioner's Office (address on last page of this document will be sought).

The data controller for the purposes of the Data Protection Act is Douglas Borough Council, and the entry in the register of data controllers maintained by the Data Protection Supervisor, includes the purpose of CCTV.

1.7 Changes to the Code

Revision and change to the Code of Practice will inevitably occur during the life of the CCTV Scheme, due to re-evaluation of the Code and developments in CCTV technology. The Chief Executive of Douglas Borough Council will approve all major changes to the Code of Practice after consideration and advice from relevant parties. If agreed, a revised Code of Practice will be produced. Notwithstanding the Borough Engineer and Surveyor has authority to make minor amendments to the Code of Practice.

.....

2. ACCOUNTABILITY

There is a need for a well-defined structure of responsibility to maintain public support and confidence in the CCTV System. The Douglas CCTV Scheme will address this issue in the following way:

- Copies of the Code of Practice as agreed by Douglas Borough Council and relevant stakeholders will be made available for public inspection at the Town Hall reception, Henry Bloom Noble Library and on the Council's and Douglas Community Partnership websites.
- The Council's formal complaints procedure covers complaints concerning the operation of CCTV.

3. EVALUATION

Douglas Borough Council will be responsible for the evaluation of the Scheme via the Douglas Community Partnership, which will be conducted informally at regular intervals and formally on an annual basis. The following areas will be examined as part of the evaluation process:

- Assessment of the impact on crime;
- Assessment of neighbouring areas without CCTV (Displacement);
- The views of the public;
- Operation of the Code of Practice.

The results of the evaluation, where appropriate, will be published.

.....

4. MONITORING SUITE OPERATION AND ADMINISTRATION

4.1 Staff

The Monitoring Suite will be operated by staff appointed subject to approved vetting procedures, to ensure their suitability for the work. The conditions of appointment will require a “Confidentiality Clause” which prohibits disclosure of information obtained during monitoring. This clause will be effective both during and after staff service on the scheme.

Douglas Borough Council and Partner agencies will ensure that all Operators are trained to a proficient level before they are allowed to take up an operational position in the Suite. Such training will encompass:

- Use of equipment;
- Observation techniques;
- Procedures and record keeping;
- Report procedures and action on incidents;
- Evidence handling;
- Actions in the event of an emergency;
- Legislation and crime prevention;
- Operational exercises.

The Council will also ensure that all operators are provided with annual “Refresher Training & Assessment” to ensure that the highest operating and management standards are maintained. The Council will ensure that training records are maintained for each member of staff employed in the Monitoring Suite. Health and Safety issues regarding the CCTV Monitoring Suite will be covered in any training package.

The Council and Partner agencies also reserve the right to exclude permanently from the Monitoring Suite, and/or require the dismissal of, any Operator who is in breach of this Code. Staff will be required to provide the Police from time to time with statements required for evidential purposes.

4.2. Operating Efficiency

The Monitoring Suite Operators will at commencement of duty confirm the operational efficiency of the system. Any defects will be logged and reported to the Borough Engineer and Surveyor who will ensure remedial action is taken as soon as practicable.

Use of the cameras shall accord with the purposes and key objectives of the Scheme as developed in training and specific operating instructions to staff, and shall comply with the Code of Practice.

Images and records will be reviewed periodically, on an ad hoc basis, without prior notice to staff, by the Borough Engineer and Surveyor to ensure compliance. Staff will be aware that they will be subject to this audit of their recordings and will be required to justify their interest in a member of the public or particular premises. In the event of an emergency requiring evacuation of the Monitoring Suite, procedures will be put into operation to ensure the continued operation and security of the system.

4.3 Access

The Monitoring Suite door has an access control system and will remain secured at all times. Routine access to the Monitoring Suite will be limited to:

- Duty CCTV staff;
- Designated officers of the Council;
- Designated police officers;
- Police officers who have been authorised by prior arrangement with the Borough Council ICT Manager or duty CCTV staff;
- Particular arrangements will apply to visitors and contractors as outlined in 4.4 and 4.5 below.

4.4 Visitors

Organised visits for viewing the operation of the system will be arranged from time to time, but these may be subject to change or termination at short notice to meet operational requirements. Operation of equipment will only be carried out by the duty staff. All other persons wishing to visit the Monitoring Suite must make their request to the Chief Executive of if unavailable the Borough Engineer or Head of ICT. Visitors may be asked to make their request in writing specifying the reasons for that request.

It is important that operations are managed with the minimum of disruption. Casual visits will not be permitted.

All visitors will sign a log detailing their name, company, organisation, purpose of visit and their arrival and departure times. This log will be subject to regular audit and assessed to ensure compliance with the Code of Practice and operating procedures.

4.5 Contractors

Access for contractors will be necessary from time to time for the purpose of maintaining the Monitoring Suite and its equipment. This will be limited to that strictly necessary for the work. All contractors' visits will be logged.

4.6 Police

The Police access to the Monitoring Suite will normally be limited to specifically designated or authorised Officers. Other Police Officers attending unexpectedly shall only be admitted after the purpose of the visit has been approved by contact with the Duty Inspector or the ICT Manager. Their attendance and purpose will be logged. The Douglas Police Commander will maintain a list of authorised staff indicating their role and position and the reasoning behind their authority.

4.7 Monitoring Suite Operation

During active monitoring, there must always be at least one trained Operator present within the Monitoring Suite. An Incident Log will be maintained on the basis of date and time of day throughout operation. It will give brief details of all incidents monitored and show all relevant actions taken by Operators.

A Media Movement Log and a Log of all Video (Still Image) Prints will be maintained.

4.8 Communications and Control

A monitor screen may be installed in the Emergency Services Joint Control Room (ESJCR). Pictures from any of the cameras may be relayed to this monitor at the instigation of the CCTV Operator or at the request of the Duty Police Inspector. The remote monitor has no direct control of any cameras or images being relayed. A dedicated radio link with the ESJCR is provided for communication. The link will only be used for official purposes. Standard procedures will be used in appropriate cases to call or liaise with fire, ambulance or other emergency services.

5. DIRECTION AND CONTROL OF THE SYSTEM

5.1 Direction

Operation of the system is the responsibility of the Council. The system is directed towards providing a safer environment for the community. The Council will use the system for:

- Day to day monitoring of the surveillance areas;
- The security of persons, premises, land and street furniture;

5.2 Police Role

The control of the cameras and monitoring is in the hands of the Monitoring Suite staff. The Police may request assistance in order to:

- Assist with the deployment of resources;
- Monitor potential public disorder or other situations;
- Assist in the detection of crime;
- Facilitate the apprehension and prosecution of offenders in relation to crime and public order;
- Assist with the detection of moving traffic offences where it is considered there is a risk to the public.

Such requests will usually be made through the Duty Inspector. In these circumstances, the Inspector may request the Duty Operator to take further action. In circumstances when problems are anticipated, arrangements may be made for a Police Officer to be present within the CCTV Monitoring Suite for liaison purposes. This will normally apply for the duration of the incident and will be subject to the arrangements made by the Duty Inspector. On each occasion, a record must be made in the Incident Log.

5.3 Major Incidents

Use of the CCTV System will be integrated into the Council's Emergency Planning Procedures during major civil emergencies. If required, the Chief Executive or designated deputy will authorise the deployment of a Liaison Officer from the major civil emergencies team into the CCTV Monitoring Suite.

The Duty Operator(s) will give assistance and technical advice as required in all matters concerning the deployment and use of the facilities within the CCTV Monitoring Suite.

5.4 Third Party Equipment

The Council may monitor pictures from cameras installed by Partner agencies subject to the making of the necessary formal agreements and the acceptance by those agency parties of this Code of Practice. Designated persons will have access to the Monitoring Suite by prior appointment only and such visits will be strictly for the purpose of reviewing the operation of their own equipment. Attendance will be closely supervised at all times and equipment will continue to be operated by the Duty Operators. Access to images is detailed in the following section.

.....

6. CONTROL OF IMAGE, RECORDING MEDIA AND VIDEO PRINTS

6.1 Recording

Recorded materials may need to be submitted as evidence in criminal proceedings and therefore must be of good quality, and be accurate in content. All such material will be treated in accordance with strictly defined procedures to provide continuity of evidence and to avoid contamination of the evidence. The Monitoring Suite system is supported by permanent digital recording for all cameras. Recorded material will not be sold or used for commercial purposes or the provision of entertainment.

The showing of recorded material to the public will only be allowed in accordance with the law; either in compliance with the needs of Police in connection with the investigation of a crime, which will be conducted in accordance with the provisions of this Code of Practice, or in any other circumstances provided by legislation.

In certain circumstances, images may be retained or copied for evidential purposes. All other routine recordings will be retained for a minimum of 14 days and then erased or overwritten in accordance with defined operating procedures. Details of all reviewing of images will be recorded in the Visitors Viewing Log.

The Council retains copyright of all images and would use this to restrain unauthorised use of them. This would remain the case even if the monitoring were being carried out by contractors.

6.2 Control of Media

All images on distributed media will remain the property of the Council.

At each use, the Media Movement Log must be completed.

Except for evidential, training and demonstration purposes media containing recordings must not be removed from the Monitoring Suite under any circumstances. All media containing images will be destroyed.

6.3 Access to Images

The principal external source of requests for access to images is expected to be from the Police or other enforcement agencies. The Duty Operators may deal with these requests. Other requests for access must be made in writing to the CCTV Manager, specifying the reasons for the request. Such reviewing must comply with the provisions of Section 2 of the Criminal Justice Act 1996.

Normally access will not be allowed to images by third parties except where a formal agreement is in force relating to monitoring of third party cameras. There may be circumstances in which the Council is subject to a court order to release images in connection with civil disputes. These cases are likely to be unusual, but the Council cannot refuse to release material in these circumstances.

There may be a request under the Data Protection Act to allow individuals to see or be informed about any data held about them. Data is retained for between 48 hours and a maximum of 28 days unless Douglas Borough Council is made aware the images will be required for criminal investigations. It is vital that such requests are made in writing to the Council (address on the last page of this document) as quickly as possible to allow the relevant data to be held. The applicant will then be sent the necessary form to be completed and returned so that their request can be met.

No other access will be allowed unless approved by the CCTV Manager for reasons, which fall within the purposes and objectives of the Scheme and in accordance with the Code of Practice.

6.4 Images from Partner Agency Cameras

Where a formal agreement for Partner agency monitoring is in force, routine access to images will not be allowed. Applications to review images must be made in writing to the CCTV Manager specifying the reasons for the request. Such viewings and production of recordings will be dealt with in the same way as all other agencies.

6.5 Copying of Images

Except for evidential, training and demonstration purposes, images will not be copied in whole or in part.

6.6 Evidential Media

Media required for evidence will be dealt with in accordance with The Police Powers and Procedures Act 1998. A record will be made in the Third Party Viewing Log of the production of a master media and its release to the Police or to other authorised agencies. An authorised officer may only remove master media from the Monitoring Suite to a secure store.

Media provided to the Police or other agencies will not be used for anything other than the purposes for which they were originally released.

Digital copies of recordings required for evidence will be dealt with in accordance with The Police Powers and Procedures Act 1998. A record will be made in the Third Party Viewing Log of the production of a master Digital copy and its release to the Police or to other authorised agencies. An authorised officer may only remove these master digital copies from the Monitoring Suite to a secure store.

Digital copies of recordings provided to the Police or other agencies will not be used for anything other than the purposes for which they were originally released. Digital copies of data may be stored on DVD or encrypted USB storage. Digital copies must not be emailed.

6.7 Photographs

The use of photographs for briefing camera operators should be conducted strictly in accordance with advice from the Police to avoid contamination of evidence. Unless otherwise advised by the Police, photographs:

- Should not be on open display;
- Should only be retained if provided by the Police for a particular purpose;
- Should be seen only by individuals stipulated by the Police.

7. REVIEW AND EVALUATION

7.1 Review

CCTV Operations will be subject to regular review against the objectives of the Scheme. A core set of criteria has been agreed, and information will be collected at regular intervals measuring progress against them. Improvements to operating procedures will be made as soon as they are identified.

8. COMMENTS AND COMPLAINTS

8.1 Comments

Comments on the scheme may be addressed to the Chief Executive, Douglas Borough Council, who has operational responsibility for the scheme.

8.2 Complaints

Formal complaints about the operation of the system should be addressed to the Chief Executive, Douglas Borough Council, at the address shown on the last page of this document as soon as possible after the incident or the CCTV action causing the complaint. They will be dealt with in accordance with the Council's formal complaints procedure.

8.3 Addresses

Contact addresses are:

Chief Executive's Department

Douglas Town Hall

Ridgeway Street

Douglas

IM99 1AD

Tel 01624 696300

Code drafted September 2012

Amended after consultation with the Office of the Data Protection Supervisor November 2012

Further amended January 2013

Approved for issue February 2013

