

# OVERT FILMING BY POLICE

The purpose of this presentation is to:-

- Define what is meant by Overt Filming
- Outline and explain the key requirements of the Overt Filming Standard Operating Procedure

# OVERT FILMING BY POLICE

## Definition

### Overt Filming:-

- Is a highly visible and effective police tactic used for the prevention and detection of crime, the maintenance of public order and the gathering of intelligence
- Includes the capture of both still and video images
- DOES NOT include covert or surveillance photography or the use of public space fixed CCTV systems.

# OVERT FILMING BY POLICE

## Key Requirements

### Overt Filming MUST BE

- Highly Visible
- For defined Policing Purpose
- Compliant with the Human Rights Act 1998
- Compliant with the Data Protection Act 1998
- Correctly Authorised by an Officer of at least the Rank of Inspector.

# OVERT FILMING BY POLICE

## Key Requirements

Images MUST BE

- Processed,
- Stored,
- Reviewed,
- Retained, and
- Disposed of

In accordance with the Data Protection Act 1998 & the Guidance for the Management of Police Information 2006 (MOPI)

# OVERT FILMING BY POLICE

## Must be Highly Visible; and Carried out with Full Public Awareness

- Consider using marked police vehicles where appropriate
- Officers engaged in filming to be in uniform
- Consider signs and/or local press or other media campaign.
- It must be made clear to the public that filming is taking place especially individuals who are being filmed.

# OVERT FILMING BY POLICE

## Policing Purpose

**A Policing Purpose is Defined as:-**

- Preserving Order
- Preventing the Commission of Offences
- Bringing Offenders to Justice
- Any Duty or Responsibility Arising from Common or Statute Law
- Protecting Life and Property

# OVERT FILMING BY POLICE

## Human Rights Act 1998

In Order to Comply With the Human Rights Act  
Overt Filming **MUST BE**

- For a Defined Policing Purpose
- Necessary and Proportionate to the Circumstances

# OVERT FILMING BY POLICE

## Data Protection Act 1998 (DPA)

DPA (1<sup>st</sup> principle) states the following information, where practicable, is given or made available to individuals at time their image is captured

- Identity of Data Controller (Commissioner
- Policing Purpose

(where filming carried out by clearly identifiable police officers/staff there is no need to provide details of Data Controller)

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## DPA (cont'd)

- Reasonable steps must be taken to provide information to the public as to the purpose of the filming
- Where specific individuals are targeted and filmed they must be provided with the information verbally or by written notice using Form 850B.

# OVERT FILMING BY POLICE

## Authorisation

- The use of Overt Filming must be authorised by an officer of at least Inspector rank.
- Form 850A must be used to record the authorisation and be signed by the authorising officer.
- In urgent cases, where prior authorisation is not possible, the matter must be brought to the attention of an Inspector as soon as possible and the Form 850A completed.

# OVERT FILMING BY POLICE

## Review, Retention, Storage and Disposal of Images

Images obtained via Overt Filming are likely to be 'personal data' as defined by the DPA and are therefore subject to the following requirements:-

- Footage must be viewed as soon as practicable after filming.
- Images that are clearly of no evidential/intelligence value must be deleted.

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## Review, Retention, Storage and Disposal of Images (cont'd)

- Footage considered to be of potential evidential value may be retained as part of the prosecution case or other investigation.
- Footage containing intelligence may be retained if justifiable
- Storage media containing images (tapes, discs, memory cards etc) must be securely stored and must only be available to staff having an operational need to access the material.

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## Further Information

- The SOP for Overt Filming forms part of the MPS Visual Evidence Policy. The SOP should be read in conjunction with this presentation.
- Further information can be obtained from TP Emerald