

Standard Operating Procedure (SOP)**Deployment of Evidence Gathering Teams (EGT)
within Humberside**

| | | | |
|-----------|------------|-------------------------|----------------------------------|
| Author | 21/12/2018 | PC 606 P HURRELL | Football Events/Intel Officer |
| Review | 02/01/2020 | | |
| ISO check | 02/01/2019 | Andy Robinson (8142) | ISO |
| Published | 03/01/2019 | S Page (9818) | Policy Officer |

1. Purpose

1.1 The purpose of this SOP is to ensure that the role of officers and staff overtly deployed as evidence gatherers conforms to National policy, is clearly defined and is supported by an audit trail regarding decisions made.

1.2 This SOP does not relate to the covert deployment of officers or staff, and does not cover policing activity where a RIPA authority is required for surveillance to take place.

1.3 This SOP will help to ensure that images captured as a result of deployment are processed, stored, reviewed, retained and disposed of in accordance with the management of Police Information 2006 (MoPI), the Data Protection Act 2018(DPA) and Criminal Procedures and Investigation Act 1996 (CPIA)

1.4 Adherence to this SOP and National policy will also ensure that all deployments are made in line with the requirements of the :

- Human Rights Act 1998 – Articles 2 & 8
- Management of Health and Safety at Work Regulations 1999
- (Personal Protective Equipment at Work) Regulations 1992
- Health and Safety at Work Act 1974
- Police (Health and Safety) Act 1997
- Regulation and investigative Powers Act 2000
- Police and Criminal Evidence Act 1984
- Data Protection Act 2018

1.5 This SOP should be read in conjunction with the Manual or Guidance on Keeping the Peace 2010.

1.6 This SOP must also be read in conjunction with the Force Information Security Policy – specifically sections relating to the management of removable media.

2. Background

2.1 Overt filming by Evidence Gathering Teams (EGT's) is an effective police tactic used for the prevention and detection of crime, the maintenance of public order and the gathering of intelligence in support of such policing aims.

2.2 Overt filming includes the deployment of staff utilising equipment for the purpose of capturing video images. It should not be confused with surveillance or covert photography.

2.3 Overt filming does not involve the use of public space fixed CCTV systems, where those systems are placed and maintained by bodies other than the Police.

2.4 Overt filming has the potential to make a significant contribution to policing purposes, and serves to reassure the public that police are engaged in dealing with local policing issues.

2.5 Objectives associated with the use of overt filming include :

- Securing photographic, video and digital imagery and audio evidence in order to support the investigation and prosecution of offenders.
- Supporting the use of specialist resources
- Recording the delivery of warning messages

3. Human Rights Act 1998(HRA)

3.1 Article 8 of the European Convention on Human Rights (ECHR) confers a right to respect for private and family life. It is a qualified right and not an absolute right :

- Everyone has the right to respect for his private and family life, his home and his correspondence.

There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of National security, public safety or the economic well-being of the country, for the protection of health or morals, or for the protection of the rights and freedoms of others.

3.2 Wood v Commissioner of the Police of the Metropolitan

This was a Judicial Review of the taking of overt photographs by an Evidence Gathering Team at a public order event in April 2005 and the police retention of those photographs .

Mr Wood claimed that his right to respect for privacy under Article 8 of the European Convention on Human Rights had been violated by the taking and retention of photographs.

In May 2009, the Court of Appeal in a majority decision, found that taking and retention of photographs in this case was done in pursuance of a legitimate aim (i.e. the prevention of crime and disorder etc), but that it was not proportionate to retain the photographs once it had become clear that the person photographed, Mr. Wood, had not committed any offence at the event in question (which on the facts of this particular case was within days). The fact the Mr Wood had been seen briefly associating with someone with a record of public order offences was found to be insufficient to justify the lengthier retention of the photographs for potential and unknown future use.

Once it became clear that the purpose for which the photographs were taken are no longer valid or no longer exists the mere possibility that the photographs could be of some legitimate use in the future will generally be insufficient to justify continuing retention.

4. Application of this SOP

4.1 Officers and staff in the following roles

- Evidence gathering teams (EGT's)
- Gold, Silver and bronze commanders
- Media liaison/media gold/silver and bronze

5. General requirements of this SOP

5.1 The Force wherein a deployment is made shall be the 'owning' force in relation to material gathered

5.2 The data controller for the material shall be the relevant Chief Officer from the Force wherein the deployment is made

5.3 In the case of deployment in support of a policing operation controlled by the British Transport Police, British Transport Police shall become the owning force regardless of the location in which the material was gathered.

5.4 Staff deployed as Evidence Gathering teams will have attained the national accredited standard as laid out by the College of Policing National Evidence Gathering course and are trained in Modules A1, B1 and B2.

5.5 An EGT will consist of two individuals – a camera operator and a minder (who is also trained to the same standard of evidence gatherers by the College of Policing).

5.6 All EGT camera operators will be trained to PSU level 2 standard

5.7 EGT's will only deploy to gather evidence and information through video; they will not be deployed to carry out roles associated with forward intelligence teams (FIT's)

5.8 An EGT maybe deployed alongside a FIT to provide evidence gathering capability.

6. Authorisation

6.1 The authorising officer for the deployment of EGT's is the Silver Commander.

6.2 Where an EGT is deployed, the deployment must be made for a policing purpose. A record will be made of the decision to deploy, and the policing purpose that the deployment relates to.

6.3 A policing purpose is :

- The Protection of life and property;
- The Preservation of order;
- The Preventing of the commission of offences;
- Bringing offenders to justice

6.4 Authorising officers will record the reasons why it is necessary to deploy EGT's and detail in what way deployment is proportional to the threat posed to the public by the individual or group subject of the activity. This authority **MUST** be recorded in either the Commanders policy book, or on Appendix B to this SOP.

6.5 Authorising officers will take reasonable steps to ensure that the general public and those made subject to filming are made aware of the filming and the policing purpose(s) being pursued. Authorising officers will consider the use of local media, deployment of signs and the mode of dress of staff deployed. Decisions made **WILL** be documented

6.6 Authorising officers are to be mindful that deployment of EGT's has the potential to an increase in community tensions. Authorising officers will ensure that liaison takes place with local community leaders, key individuals and persons of influence in order to detail the reasons for the deployment, and to provide reassurance.

- 6.7 Unless it is inappropriate or impossible to do so, where filming is to take place in close proximity of schools, places of religious worship or sensitive locations such as health services or secure establishments, authorising officers are to ensure that liaison takes place with staff at those venues prior to the deployment.
- 6.8 Authorising officers are to ensure that the staff deployed are trained for the role and aware of this SOP. Authorising officers will also ensure that the staff are briefed regarding any sensitivity that may be present at the location in which filming is to take place, or for those who are subject to the filming or those who are subject to the filming or those who maybe in the area legitimately.
- 6.9 Given the potential sensitivity and importance of the material that can be gathered both for evidential and intelligence purposes, authorising officers will ensure that staff deployed are adequately supported to ensure both their safety and the safety of the material collected.

7. Deployment

- 7.1 Reasonable steps will be taken to ensure that the general public and those made subject to filming are made aware of the filming and the policing purposes(s) being pursued. For this reason, personnel deployed will ensure filming is carried out in a highly visible and overt manner through the use of appropriate uniform, signage and where appropriate broadcast of the fact in the local media.
- 7.2 Only staff trained as EGT will be deployed for this purpose. Staff will only deploy once briefed regarding the nature and purpose of the deployment, information they may have to provide regarding their deployment (see section 8, post) and any particular sensitivities that exist either as a result of the location they are to deploy to, the subjects deployed against or those persons who may be legitimately in the area subject to the deployment.
- 7.3 Staff will deploy using equipment that they are familiar with and trained to use. They may be deployed with equipment from their own force or that is the force within which they are deployed, but such equipment must comply with the current Nationally agreed specification.
- 7.4 Staff will wear uniform as specified by the authorising officer, and will ensure that signage is placed in accordance with the authority given.

8. Provision of Information

- 8.1 It is a requirement of the first DPA principle (fair processing) that the following information is, so far as reasonably practicable, given or made available to individuals at the time their image is captured :

- Identity of the data controller (The relevant officer from the force within which the deployment is made)
- The policing purposes for which images are captured ('processed');
- Any further information which is necessary, having regard to the specific circumstances in which the data (photographs or images) are to be processed, to enable processing in respect of the data subject to be transparent and fair.

8.2 Reasonable steps must always be taken to provide information concerning the purpose of the filming. Where signs have been displayed, or a local media campaign has taken place, this may be sufficient where the filming is of a general nature (e.g. outside a pub or in a shopping precinct). Where, however, the filming is focused on an individual or group of individuals, it will be necessary to provide the individual(s) concerned with the information personally. This information may be provided verbally and/or by way of written notice. Appendix B to this SOP has been designed for this purpose. It is recognised that the nature of the policed event itself may preclude the use of written notices, however where practicable written notices should be available to ensure that the best quality of information concerning the police deployment is being provided to those attending the policed event.

9. Handling of material

9.1 The Data Protection Act and GDPR regulate the processing of 'personal data' or 'sensitive personal data' whether processed on computer, CCTV, video camera or any other media. Accordingly a recorded image that is aimed at identifying a particular person or designed to gather intelligence about their activities amounts to 'personal data' and is subject to the requirements of the DPA and GDPR.

9.2 Removable media relates to assets in electronic form (both magnetic and optical), e.g. USB pen drives, CDR, DVDR, removable hard drives. Information stored on removable media is subject to greater risk due to the media's size, portability and varied physical environment, therefore, care must be taken to ensure you safeguard against loss or theft.

9.3 Due to the variation of equipment used across forces to carry out overt filming it is not possible for this SOP to provide specific procedures for the review, retention, storage and disposal of footage. Accordingly, material will be handled in such a way that it complies with the policy of the force wherein the deployment is made (the owning force). The data controller for the force wherein the material is gathered shall be the data controller for the data gathered, regardless of the originating force for the personnel engaged as EGT's. In the case of deployments made on behalf of BTP, BTP shall become the owning force.

- 9.4 All Users are to follow the procedures below to ensure information stored on removable media is protected at all times:

When not in use, all removable media is to be protected in a manner commensurate with the protective marking of the data held on it. Where data of differing protective marking is stored on removable media then it shall be protected at the highest level of the data residing on it. As a guide:

- OFFICIAL / OFFICIAL-SENSITIVE- Removable media is to be stored in a lockable container (access limited to the authorised person only), in a locked building. The user MUST ensure that handling of the material is in line with the requirements of the Government Security Classification Scheme (GSCS). Full details are contained with the Information Security Policy regarding the handling of removable media and handling conditions specified by the GSCS.

-

Only the minimum amount of information necessary should be transferred to removable media to achieve the aim. If secure email facility is available then this method is to be used.

An auditable record should be made of all instances where data is transferred to removable media.

Only officially procured removable media is to be used.

Users are to demonstrate a clear need to remove and retain prior to transferring information to removable media.

Removable media is to be destroyed/cleared/purged using only approved software/hardware methods commensurate with its protective marking. Advice is to be sought from the Information Security Officer.

- 9.5 There are specific situations in which areas holding removable media cannot encrypt for legal or technical reasons. In these situations, additional controls, including both physical and procedural security, must be considered in order to provide an appropriate protection to the media
- 9.6 Transfer of removable media outside of the Force area must attract a further risk assessment with appropriate mitigations being put in place to reduce potential loss with advice being sought if necessary. The decision process must be recorded.
- 9.7 All allocated SD cards are recorded against the receiving officer's names. Only trained evidence gatherers are to receive the SD cards.

- 9.8 Due to SD cards (removable media) not being encrypted and due to their technical means, if an SD card is used and is in the investigative chain, it is to be locked off and entered into other than found property. Contact is to be made with the SD card issuing officer (PC Hurrell @ Melton) and two new SD cards will be allocated from the numerical list.
- 9.9 SD cards which are not entered into the investigative chain are to be reviewed within 7 days by a relevant officer (a relevant officer is not defined).
- 9.10 Should the footage be of no evidential value, the cards are to be initialised within the camera's rendering them blank. Initialisation of the cards will leave no ghost footage on them. They can then be used again and no contact is to be made with the issuing officer.
- 9.11 For any lost SD cards, the matter must be brought to the attention of the issuing officer, who will update the SD card deployment forms and also the losing officer's, respective supervisor. The supervisor should bring the matter to the attention of the Information Compliance Unit using the ICU1 Report Form (available on Intranet) with the details of what footage was contained on the card. This MUST be done asap as the Force has a legal duty to report to the Information Commissioner's Office within 72 hours. The supervisor is to include a full description of the incident along with the appropriate contact details of all those involved.
- The supervising officer must assess the implications of the loss and take necessary steps to safeguard the data subject if applicable. This action is detailed on the ICU1 Form.
- 9.12 A failure to comply with this policy could expose Humberside Police to accidental or deliberate misuse of information systems, breaches of confidentiality, malicious or accidental corruption of data, theft of intellectual property and a breach of our legislative, regulatory and/or contractual requirements, including the Data Protection Act 2018 and the potential of financial penalties.
- 9.13 Any violation of this policy will be investigated and if the cause is found due to wilful disregard or negligence then:
- Third Party access will be denied.
 - Third Party personnel may be subject to criminal proceedings.
 - Humberside Police personnel may be subject to disciplinary/criminal proceedings.

10. Release to the media

- 10.1 The media values the use of material gathered by police. Release to the media of material gathered during the course of the policed event will only be made in accordance with policy set by the owning force.

11. Review and ownership

- 11.1 This document should be subject to annual review or in line with any significant relevant case law. The ownership of the guidance rests with the National public Order Working Group. Once adopted or amended by a Force the review of the guidance then remains with the respective Force

APPENDIX A

**USER ACKNOWLEDGEMENT OF
SECURITY OPERATING PROCEDURES**

NOTE

Before completing this form, the user should read and understand Standard Operating Procedure (SOP) Deployment of Evidence Gathering Teams (EGT) within Humberside. By signing this, the user also confirms that they have read and understood the Information Security Policy.

First Name

Surname

FIN

Position/Title

- I hereby confirm that I have read a copy of these Security Operating Procedures and I agree to follow the instructions outlined in the document.
- I acknowledge misuse of the system could lead to my account being suspended and, in certain circumstances, disciplinary action and /or criminal proceedings.
- I understand that this signed acknowledgement will be retained and used for audit purposes. Signed acknowledgement will be required on an annual basis.

Signed

Date

Authority to Carry Out Overt Filming

This form must be completed by an officer of at least the rank of Inspector to authorise the use of Overt Filming in accordance with Force Policy. In urgent cases, where it has not been possible to seek prior authority, this form should be completed as soon as practicable.

Authorising officers must be satisfied that:

Overt Filming is proposed for any of the following policing purposes

- Protecting life and property;
- Preserving order;
- Preventing the commission of offences;
- Bringing offenders to justice; and
- Any duty or responsibility arising from common or statute law.

The use of overt filming in the proposed circumstances is

- For a legitimate policing purpose(s) and that the purpose is recorded;
- Necessary and proportionate to the threat posed by the individual or group to the public;
- Overt ie all reasonable and practicable efforts have been made to inform the public of the filming and policing purpose.

The police officers / staff proposing to carry out Overt Filming are

- Fully trained;
- Aware of their responsibilities under local instructions, the Data Protection Act and Human Rights Act;
- Aware of impact filming may have on local community particularly where subjects are likely to be young persons

Authorisation:

☐ Granted

☐ Refused

Purpose of Overt Filming:

- ☐ Protecting life and property;
- ☐ Preserving order;
- ☐ Preventing the commission of offences;
- ☐ Bringing offenders to justice; and
- ☐ Any duty or responsibility arising from common or statute law.

Filming Authorised from:

Date:

Time:

Filming Authorised until:

Date:

Time:

Location of Filming

Rationale for Decision

Please give details, where practicable, of steps taken to inform / consult with local community where filming is to take place ie local media campaign, local ward panel etc.

Signature

Name

Date:

Time:

OFFICIAL

Seen / Noted:

(SMT)

OFFICIAL