

policy and protocol on the use of covert surveillance

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| Responsible Officer: | Director of Legal and Governance |
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| Regulatory Standard | Neighbourhoods |
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Policy and Protocol on the Use of Covert Surveillance

1.0 Introduction

- 1.1 Incommunities Group has stated in its Anti-Social Behaviour and Hate Crime Policy that it will use the full range of tools available to tackle ASB including using technology and professional witnesses where it is necessary to gather evidence.
- 1.2 This means that in serious ASB cases where we deem it appropriate we will consider using covert surveillance techniques in order to obtain evidence.
- 1.3 Incommunities Group is aware that the gathering of information by covert surveillance is regulated by the Regulations of Investigatory Powers Act 2000 (as amended) (RIPA) RIPA applies to named public authorities; it does not apply to Incommunities Group. The purpose behind RIPA is to ensure that covert surveillance is used only when it is necessary, reasonable and proportionate. Incommunities Group has determined that it will follow RIPA as closely as possible when using covert surveillance techniques.

2.0 Policy Statement

- 2.1 Incommunities Group will use covert surveillance techniques in appropriate cases in order to gather evidence to combat ASB.
- 2.2 Incommunities Group will only use “directed surveillance” This is surveillance which meets the following conditions:-
 - It is covert, but not intrusive (i.e. it does not intrude into anything taking place in any residential premises or any private vehicle).
 - It is conducted for the purpose of a specific investigation.
 - It is likely to result in the obtaining of private information about a person.
 - It is conducted other than by way of an immediate response to events or circumstances.
- 2.3 Incommunities Group will use covert surveillance where it is necessary, reasonable and proportionate to tackle ASB and/or to corroborate complaints of ASB.
- 2.4 Any decision to use covert surveillance will be taken in accordance with the protocol set out below.

3.0 Protocol

3.1 General Principles

Any decision to use covert surveillance will be fully documented and will set out how the decision to use this technique was reached and by whom.

Only certain nominated officers will have authority to approve the use of covert surveillance. These are: Group Chief Executive or Assistant Chief Executive Resources; or in their absence any other Assistant Chief Executive (ACE's) or the Director of Legal and Governance.

Covert surveillance will only be used where technical considerations permit the operation to be undertaken safely, effectively and with no unacceptable collateral intrusion. Any request for approval will include confirmation via email by the Specialist Electrical Team that a site visit has been undertaken..

3.2 Application

An application form for authorisation to carry out covert surveillance shall be prepared by the Tenancy Enforcement Officer (TEO) dealing with the case, The application form shall be in the form attached at Appendix 1. and shall be signed by the officer submitting the request. It shall be accompanied by an email confirmation from the Specialist Electrical Team that the proposed deployment is technically feasible.

The application will be considered by the authorising officer and only authorised if the provisions of the Policy are met.

The authority will be made for a specific duration which will be stated on the application form. If the durations extends beyond that specified in the programme provision will be made for the initial review and a subsequent programme of reviews by the Tenancy Enforcement Manager (TEM).

The TEM and relevant TEO will at each review, consider whether the requirements of the policy continue to be met and determine whether the deployment needs to continue and if so, state the reasons for it's continuation. The outcome of each review will be recorded on a Covert Deployment Spreadsheet alongside the original authorisation.

3.3 Implementation

Once the authorisation has been approved it will be returned to the TEO who will liaise with the Specialist Electrical Team to arrange the installation.

The installation shall be for the period of the authority. If a longer deployment is required the TEO may ask the authorising authority for an extension following a review with the TEM.

On the expiry of the authority, unless an extension has been obtained it is the responsibility of the TEO to arrange the removal of the surveillance device.

3.4 Record Keeping

The original application and authorisation shall be retained on a Central File of Authorisations, maintained in the Tenancy enforcement team

The central record will be retained for at least three years.

3.5 Handling material and use as evidence

Material obtained through covert surveillance which contains material evidence will be downloaded by the Specialist Electrical Team in a permanent format and provided to the Tenancy enforcement officer. Whilst the case is live the TEO will store the material in an evidence folder inside a locked cupboard. Upon completion of the case the material is confidentially destroyed.

Material obtained through covert surveillance which does not contain material evidence shall be retained until the conclusion of the case to which it relates and then deleted.

4.0 Monitoring and Review

The operation of the policy will be monitored by the Tenancy Enforcement Team (TET) and the Director of Legal and Governance who will conduct an annual review of the authorisations granted in the preceding year.

This policy will be reviewed every three years.

4.0 Associated Documents

- Incommunities Group Anti-Social Behaviour & Hate Crime Policy
- Incommunities Data Protection Policy
- CCTV procedure. Overt camera protocol