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Title	Overt Filming Standard Operating Procedure
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Summary	Establishes procedures relating to the use of overt filming by police.
Branch / OCU	TP Crime Strategic Committee
Author	TP Emerald
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Review date	

INTRODUCTION

This Standing Operating Procedure (SOP) supports the MPS Overt Filming Policy. Overt Filming is an effective police tactic used for the prevention and detection of crime, the gathering of intelligence and the prevention of public disorder. Overt filming is a highly visible police tactic and is conducted, where possible, with full public awareness and consultation. It should not be confused with surveillance or covert photography and does not involve the use of public space fixed CCTV systems. Overt filming reassures the public that police are engaged in dealing with local policing problems. Compliance with this SOP ensures that overt filming is appropriately carried out by trained staff, properly authorised and that film footage is processed, stored and retained in accordance with the Data Protection Act 1998 (DPA).

APPLICATION

All police officers and police staff, including the extended police family and those working voluntarily or under contract to the Metropolitan Police Authority(MPA) must be aware of, and are required to comply with, all relevant MPS policy and associated procedures. However, this SOP applies in particular to officers and staff in the following roles:

- All operational officers, both uniform and detective, and their supervisors
- Staff employed in Borough Intelligence Units
- Staff employed at CO11 Public Branch
- Forward Intelligence Teams

Note: This list is not intended to be exhaustive.

NB. This SOP does not apply to covert or surveillance filming/photography and therefore the provisions of the Regulation of Investigatory Powers Act 2000 (RIPA) does not apply.

This SOP applies with immediate effect

SOP DETAILS

Public Awareness of Overt Filming

It must be emphasised that overt filming is in no way similar to, or connected with, filming or photography for covert or surveillance purposes. By definition, 'overt' filming should be carried out with the full knowledge of the public and reasonable steps must be taken to ensure that the public generally, and individuals who are filmed, are made aware of the fact. Despite being a useful police tactic, overt filming can, if not used in an appropriate and proportionate way, be viewed as intrusive and may increase tension between the police and the community. Authorising officers and those engaged in overt filming must, therefore, consider the following:-

- Local press/media campaigns informing the public that filming is taking place and the reason(s).
- The use of officers in uniform who are highly visible and who are clearly shown to be using filming equipment.
- The use of marked police vehicles that clearly indicate that they are equipped with and/or are using filming equipment.
- Signs in prominent locations informing the public that overt filming is taking place and the reason(s)

Human Rights Act 1998 (HRA)

Article 8 of the European Convention on Human Rights (ECHR) deals with a persons right for private and family life. Although overt filming does not in itself contravene the HRA, the spirit of Article 8 should be followed ensuring that the use of such police tactics are **appropriate** for the desired purpose and **proportionate** in their use.

Use of Overt Filming

Overt filming can be used for the following purposes

- The prevention of crime and detection of offenders
- The prevention of public disorder.
- The gathering of intelligence

Authority to Carry Out Overt Filming

Form X1 must be used to record the authorisation to carry out overt filming

All incidents of overt filming must be authorised by an officer of at least the rank of Inspector. In urgent cases, where the necessary authority cannot be obtained, the matter must be brought to the attention of an inspector as soon as practicable and Form X1 completed and signed. The authorising officer **MUST** consider what level of public consultation is appropriate. Options include the use of the local Community Police Consultative Group (CPCG), Borough Ward Panels or other local community groups. Where filming is to centre around specific venues, eg schools, colleges, clubs contact should be made with the venues unless it is impractical to do so. Where the likely subjects of overt filming are to be juveniles or young people, special consideration should be given to the impact of the tactic on the person and families concerned. This should be discussed, where necessary, when granting authority.

NB. Separate arrangements may exist for public consultation relating to filming by CO11 at public order events or for body worn video deployments.

Authorising officers **must** be satisfied that the use of overt filming in the proposed circumstances is

- Appropriate
 - Proportionate
 - For the correct purpose
- AND
- That reasonable efforts have been made to inform the public where practicable.

Authorising officers **must** ensure that police officers/staff engaged in overt filming

- Have received 'camera competency' training. Further information regarding this training is available from SCD4(3).
- Fully understand their responsibilities under the DPA regarding the provision of information whilst filming and the retention and storage of footage (see below).

Accountability and Management

Each borough must have a system to ensure that details of all authorisations for overt filming are made available to the daily Senior Management Team meeting. This allows the opportunity for the authorisation to be discussed and amended if necessary and provides local management with an opportunity to oversee and manage the overt filming process. The Borough Liaison Officer should be consulted where further information is required regarding the community impact of filming in a particular location.

Compliance with the DPA

It is a requirement of Principle 1 of the DPA (fair processing) that the following information is given to individuals at the time their image is captured:-

- Identity of the data controller
- The purposes for which images are captured ('processed')
- Any information which is necessary, having regard to the specific circumstances in which the images are captured, to enable processing in respect of the individual to be fair.

Where filming is carried out by police officers/staff who are clearly identifiable as such there is no need to provide additional specific information relating to the identity of the data controller.

Reasonable steps must be taken to provide information as to 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 (i.e 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 or by way of written notice. Form X2 has been designed for this purpose and should be used where practicable. Where specific individuals are filmed an original note or audio record should be made as soon as possible.

Recording of Notes/Details During Filming Process

An Overt Filming Proforma (Form X3) has been designed to facilitate the recording of original notes throughout the filming process. Completion of this form will ensure that sufficient details are recorded for a subsequent CRIMINT + entry to be created. Where Form X3 is not available the following details should be recorded in an EAB

- Details of camera operator.
- Equipment used.
- Date and time.
- Location
- Where possible, full details of individuals filmed including descriptions.

Retention and Storage of Footage

The DPA regulates the processing of 'personal data' or 'sensitive personal data' whether processed on computer, CCTV, video camera or any other media. A recorded image that is aimed, therefore, at identifying a particular person or gathering intelligence about their activities would fall within the realms of 'personal data' and would be covered by the requirements of the DPA. Due to the variation of equipment used across the MPS to carry out overt filming it is not possible for this SOP to provide specific procedures for the retention and storage of footage. In order, however, to comply with the provisions of the DPA the following minimum standards **MUST** be adhered to regardless of the type of camera, processing or storage equipment used.

- Storage media containing film footage (tapes, discs, memory cards etc) must be securely stored and must only be available to staff having an 'operational need' to access the material.
- Footage must be viewed as soon as practicable after filming. It is important that during this first review, any recordings that are clearly of no evidential or intelligence value are deleted.
- 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 this is justifiable, in accordance with the [MPS Management of Intelligence Policy](#)

CRIMINT + Entry

Where a decision has been made to retain footage a CRIMINT + entry must be completed using the information recorded on Form X2. The entry must include the following information

- Date, time and location where camera was used
- Names and specific roles of officers deployed (eg camera operator, spotter etc).
- Details of any subjects, including names, dates of birth, address, PNC ID number, IC Code and full description.

The purpose of this is to enable

- The retrieval of images by name, PNC ID, IC Code, description, time or location.
- The ongoing review of images for relevance, to determine whether or not they should be retained.
- Monitoring for any disproportionate use.
- An audit trail to be maintained.
- DPA subject access requirements to be met.

RESPONSIBILITIES

Ownership - Territorial Policing Criminal Justice Strategic Committee

Implementing - Borough Commanders and Heads of Support OCUs

Reviewing - Territorial Policing Emerald Policy Team

ASSOCIATED DOCUMENTS AND POLICIES

MPS Visual Evidence Policy