

Covert Surveillance



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Medway
COUNCIL
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Covert Surveillance

- Our Housing Benefit team, Trading Standards and others investigate and prosecute “baddies”
- We obtain most evidence openly
- We sometimes want to get evidence covertly/secretly
- There are legal rules about this to ensure we only invade people’s privacy in a lawful and proportionate way and when this approach is necessary

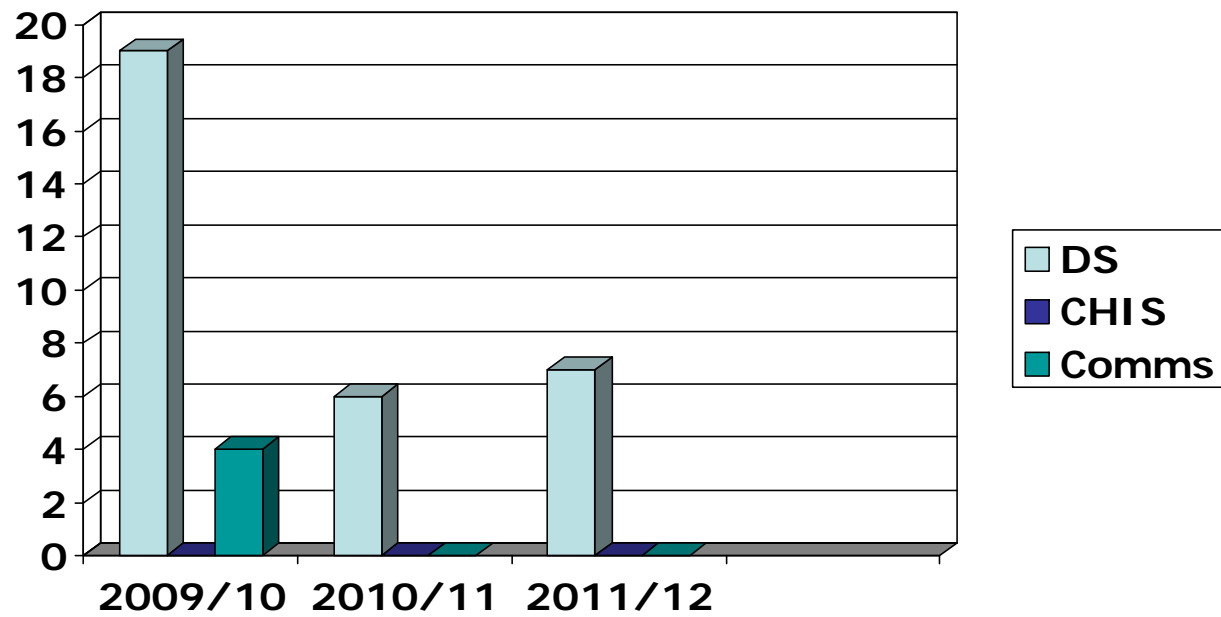


Methods to obtain evidence

- Directed surveillance
 - Deciding to turn our attention on someone
- Covert Human Intelligence Sources
 - People tasked to obtain evidence where there is a risk
- Communications Data
 - Telephone records



Statistics





Recent Developments

- Regulation of Investigatory Powers Act
 - Internal authorisation
 - OSC inspection 2009, 2012
- Protection from Freedom Act
 - Judicial authorisation



Impact of Protection of Freedoms Act 2012

- Limits use of covert surveillance
- Introduces Seriousness Threshold Test
- Requires application to the Magistrates Court
- What previous Medway prosecution cases would pass the threshold?
 - Surveillance of persistent vehicle repairs on public highway NO
 - Surveillance of persistent anti-social behaviour in the public area NO
 - Land being used to incinerate large amounts of waste (illegally) YES
 - Fraud YES
- We can still use RIPA for test purchases of alcohol and tobacco to an under 18, although these do not meet the seriousness threshold test



Our response

- Agreed action plan with Chief Executive to implement OSC recommendations
- Cabinet & Audit Committee oversight and review
- Extended Management Team
- New internal SRO monitoring
- Covert surveillance training seminar with Kent Law School and including Magistrates court staff
- Joint training to Magistrates