



# ***County Tipperary Joint Policing Committee***

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## ***A Policy Paper on CCTV Provision in Public Places***

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FEBRUARY 2017

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Version	Date	Comment
Final	February 2017	First Draft
V2	October 2016	Following receipt of further relevant documentation from AGS
V3	November 2016	Following meeting of TCC Management Team, 25 November 2016 Considered and approved at meeting of JPC, 16 December 2016
V4	January 2017	Following meeting with representatives of AGS, 17 January 2017 Considered and approved at meeting of Housing & Community SPC, 27 January 2017
V5/Final	February 2017	Following meeting of Housing & Community SPC, 27 January 2017 Considered and approved at meeting of Tipperary County Council, 13 February 2017

## 1. Introduction

In recent years, there have been significant developments in the use of closed circuit television (CCTV) systems. Most people are familiar with the use of such systems in locations such as shops, financial institutions, hotels, schools, hospitals, sports stadia, etc.

However, there are also a large number of public CCTV systems that have been erected and operate in public space areas such as town centres, playgrounds, residential housing estates, etc. Some of these CCTV systems have been erected by An Garda Síochána or a local authority or by a community-based organisation.

There is generally strong public support for these systems as they engender greater feelings of safety and they can provide a valuable resource in preventing or reducing crime.

This Policy Paper does not deal with privately owned/operated CCTV systems in private or semi-private spaces. It is concerned only with systems installed and operated by a community, local authority or state agency in areas/spaces to which the general public have routine access.

This Policy Paper, and its policy framework, underlying principles and priorities represent a “living” document and will be kept under review by the Joint Policing Committee.

## 2. County Tipperary Joint Policing Committee

Section 35 of Garda Síochána Act, 2005 provides for the establishment of Joint Policing Committees (JPC). County Tipperary Joint Policing Committee was established in 2014 following the merger of North and South Tipperary County Councils and the abolishment of the respective North Tipperary and South Tipperary JPCs.

County Tipperary JPC comprises 31 members representing Tipperary County Council (elected members and officials), members of the Oireachtas in the county, An Garda Síochána and the Farming/Community/Business Pillar.

The JPC's function is to serve as a forum for consultations, discussions and recommendations on matters affecting the policing of Tipperary County Council's administrative area, including to:

- Keep under review, a) the levels and patterns of crime, disorder and anti social behaviour (including the patterns and levels of misuse of alcohol and drugs) and b) the underlying factors that contributes to these issues;
- Advise the County Council and An Garda Síochána on how they might best perform their functions and do everything feasibly possible to improve the safety and quality of life, to prevent crime, disorder and anti social behaviour.

County Tipperary JPC has a Strategic Plan for the period 2015-2021 which contains seven high-priority objectives contributing to the improved safety and quality of life in the community.

### 3. Aims of the Policy Paper

The JPC Strategic Plan’s High Priority No. 2 is to “*reduce the opportunity for crime and support victims of crime*”. Within this priority, a number of Strategic Objectives are set, of which 2.2 is “*review CCTV provision county-wide and explore possibility of installing a CCTV system in key areas identified*”.

This Policy Paper has been developed by the JPC to provide a consistent policy framework and a set of underlying principles to assist the Tipperary Division of An Garda Síochána, Tipperary County Council and community organisations in the county the provision of public-space CCTV in County Tipperary to increase public safety and reduce the risk of anti-social and criminal activity.

CCTV can be effective in reducing crime if it is part of a broader crime prevention and community safety strategy. CCTV is not recommended as an isolated response to addressing crime in public places. CCTV can bring benefits to the community through a reduction in crime, which can lead to enhanced perceptions of safety in a particular area. CCTV programmes that have the greatest impact on crime in a local area are those implemented as one part of a suite of crime prevention measures as opposed to as a stand-alone crime prevention intervention.

It is important to also recognise that CCTV systems do, though, come with certain negative connotations, principal amongst them concerns that they result in unnecessary levels of surveillance and intrusion on the privacy of individuals and society, a so-called “big brother” effect.

### 4. Relevant Legislative pertaining to CCTV

#### 4.1 Garda Síochána Act, 2005

Section 38 of the Garda Síochána Act, 2005<sup>1</sup> requires the Garda Commissioner to authorise the installation and operation of CCTV in public places for security and public safety reasons. Section 38(3) describes three categories of persons who may be authorised by the Garda Commissioner to install and operate CCTV systems in public places – (a) members of An Garda Síochána; (b) persons retained under contract by An Garda Síochána; and (c) “*persons who meet established criteria and whose application for authorisation in respect of a specified area within the administrative area of a local authority has been approved by the local authority after consulting with the joint policing committee for that administrative area*”. This is the fundamental legal basis for CCTV in the community<sup>2</sup>.

#### 4.2 Garda Síochána (CCTV) Order, 2006

Section 38(5) of the Garda Síochána Act, 2005 states that “*the Government shall, by order, establish criteria for the purposes of subsection (3) (c) and may establish different criteria for*

<sup>1</sup> <http://www.irishstatutebook.ie/eli/2005/act/20/section/38/enacted/en/html#sec38>

<sup>2</sup> It is now also considered good practice to get CCTV systems, installed prior to the 2005 Act, authorised under the Act.

*different classess of applicants for authorisation*". This Order<sup>3</sup> establishes the criteria for the purposes of section 38 (3)(c).

#### 4.3 Data Protection Acts, 1988 and 2003

The Data Protection Acts, 1988 & 2003, afford protections with regard to privacy issues. Recognisable images captured by CCTV systems are personal data. They are therefore subject to the provisions of the Acts which place significant responsibilities on the designated data controller. In this regard, Section 2 of the Acts is particularly relevant with regard to the collection, processing, keeping, use (including restrictions) and disclosure of personal data. Further information regarding data protection and CCTV can be found on the website of the Office of the Data Protection Commissioner<sup>4</sup>.

#### 4.4 European Convention on Human Rights

The European Convention on Human Rights which is directly enforceable under Irish law is relevant in regard to public area CCTV systems and their use. Article 8 of the Convention concerns the right to family and private life. This includes the right to respect for an individual's home and correspondence. The right contained in Article 8 is known as a qualified right which means that there may be circumstances in which some interference with it is justifiable. This right means that an individual has the right to the level of personal privacy which is compatible with a democratic society, taking into account the equivalent rights and freedoms of others. Any interference with this right by a public authority may be subject to a test of acceptability. Public authorities, including police and local councils, must balance the benefits of using CCTV against an individual's right to privacy.

### 5. Public-space CCTV in County Tipperary

On the basis of information obtained from the Council's Municipal District offices and An Garda Síochána, public space CCTV is currently provided at the following locations:

Public-space CCTV Systems in County Tipperary	
Location	Operator/Manager of System
Carrick-on-Suir Town Centre	Tipperary County Council
Castle Field, Nenagh	Office of Public Works
Ciamaltha Meadows, Nenagh	Community
Civic Offices, Cashel	Tipperary County Council
Clerihan Community Playground	Community
Clonmel Town Centre	An Garda Síochána
Elm Park, Clonmel	Tipperary County Council
Nenagh Town Centre	Tipperary County Council
Rock Car Park, Cashel	Tipperary County Council
St. Ruadhan's Park, Lorrha	Community
Thurles Town Centre	Tipperary County Council

Table 1: Location of Public-space CCTV Systems in County Tipperary

<sup>3</sup> <http://www.irishstatutebook.ie/eli/2006/si/289/made/en/print>

<sup>4</sup> <https://www.dataprotection.ie/docs/Data-Protection-CCTV/m/242.htm>

In addition to the systems currently in place, the Garda Divisional Headquarters (in Thurles) is also presently co-ordinating the planned provision of pilot rural CCTV initiatives at strategic positions in rural locations in Birdhill, Burgess and Littleton with funding provided by the Department for the Environment, Community and Local Government<sup>5</sup>. Also, the JPC<sup>6</sup> was advised by An Garda Síochána of a proposed CCTV system for Fethard Town.

As illustrated by Table 1, there is a myriad of CCTV systems currently in the county. Some were installed by the former Town Councils/County Councils, some by An Garda Síochána and some by local community groups. These have been installed for a variety of reasons at various times since the early 2000s. Not all of the systems are linked back to a garda station.

Data protection/management policies are not in place for all and there doesn't appear to be a robust procedure to ensure that all the systems are operating, and verified as operating, satisfactorily.

This multitude of systems presents difficulties in relation to their management, operation and effectiveness. Sections 6-8 which follow will set out a series of principles, priorities and issues addressing these, so as to provide a consistent policy framework for the provision of public-space CCTV in County Tipperary.

## 6. Guiding Principles in the provision of CCTV systems

The principles outlined below address issues relating to privacy, fairness, public confidence and support, managerial efficiency and effectiveness, and police involvement in public area CCTV schemes.

These principles should not inhibit the design of schemes to meet local needs and circumstances. Indeed, they actively encourage adaptation to particular circumstances in areas and communities. However, they do suppose that there are certain values that require universal consideration. Whenever any of these are not complied with, then justification for such exceptions will need to be made.

### 6.1 *Integrated approaches to crime prevention*

The implementation of CCTV should be part of an integrated, multi-agency approach to crime control and community safety.

### 6.2 *The Ownership of Schemes and its Accompanying Responsibilities*

The ownership of public-area CCTV schemes must be clear and publicly known so as to ensure appropriate public accountability. This Policy Paper deals with development of publicly-funded CCTV systems, the primary purpose for which is public safety and order and crime prevention.

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<sup>5</sup> The allocation of this funding was a Government response in early 2016 to the use of the motorway network (M7 and M8) by criminal gangs to perpetrate crimes in County Tipperary

<sup>6</sup> At the JPC meeting held on 23<sup>rd</sup> September 2016

In order to ensure clarity of roles, a clear Memorandum of Understanding (MoU) should be drawn up between all parties to a proposed CCTV system.

Essentially the MOU will capture the responsibilities and undertakings of each of the organisations involved and the salient points will include:

- That the non-Garda organisation(s) will provide funding for all installation costs including the cameras, mountings, planning permission, signage, monitoring equipment in the station, etc.
- That the non-Garda organisation(s) will also provide ongoing funding for maintenance including insurance (see S8.5 for further detail).

Garda management for their part will undertake to monitor, record and operate the system in accordance with Garda Policy and Code of Practice. Reference in the MoU would also include the fact that the system may not be monitored on a 24 hour basis (subject to the exigencies of the service, etc).

An undertaking will also be included regarding the Garda District Officer acting as Data Controller (see S8.4).

### *6.3 Community Consultation*

When considering setting up or significantly expanding a public area CCTV scheme, the relevant concerns of all parties potentially affected by the scheme should be taken into account from the outset through a local community consultation process. Consultation will help to ensure that schemes meet local needs and circumstances, and that the operation of the scheme has the support of those affected by it.

### *6.4 Setting Clear Objectives*

Clear objectives should be set by the proposer to guide the design, implementation, management and outcomes of the public-area CCTV scheme. An articulated statement of objectives will provide a basis for effective monitoring and evaluation of the scheme, and help to ensure that the use of CCTV is consistent with overall crime prevention objectives.

The decision to implement CCTV in a public space/area will, generally, be based on the considered potential of the CCTV system to realise some or all of the following objectives:

- provide an effective means by which to deter, prevent and reduce crime and anti-social behaviour in the monitored area, (particularly street crime, e.g. vandalism and graffiti) via an increased fear of detection and apprehension on the part of offenders;
- improve the public's general feeling of safety and security in regard to the area being monitored;
- assist emergency services when attending/investigating an incident;
- provide accurate identification of events and gather evidence for detection and prosecution of persons who may have been involved in a crime;
- support the management of public areas which are essential to the social and economic well-being of a town/village.

### *6.5 An Garda Síochána Involvement in Public Area CCTV Schemes*

An Garda Síochána must be closely involved in all aspects of any proposed CCTV system, and critically from the initial assessment and planning phase, including risk analysis and evaluation. The Memorandum of Understanding (see S6.2) will set out the role of An Garda Síochána.

### *6.6 Managing and Operating Schemes*

Schemes should be open and accountable and operate with due regard for the privacy and data protection rights of individuals and the community.

### *6.7 Evaluation*

Effective evaluation of schemes is essential in order to identify whether their formal objectives are being achieved.

### *6.8 Complaints*

Schemes should have procedures for dealing with complaints which are publicly accountable, impartial and fair.

### *6.9 Monitoring and Auditing*

Audit is needed to provide an account of the operation of a scheme, by testing its compliance against relevant policy, legislation and procedures, and to be used as the basis for recommendations for improved practice.

## **7. CCTV Provision Priorities for the County**

Funding and resources for the development of public-space CCTV systems is currently extremely limited. Potential opportunities for funding, for example through specified Departmental funding lines, may present themselves in the coming years<sup>7</sup>. As such, any future development of such systems for security and public safety reasons in the county should be strategically focused on identified priorities.

Three (3) priority lines for future development of public-space CCTV systems in the county are proposed by this Policy Paper.

1. Provision of ANPR (Automatic Number Plate Recognition) cameras at road access points into and out of the county.
  - There are circa 154 access points by road into and out of the county, broken down as follows:
    - Motorway – 13 (includes all junctions in county)
    - National Primary – 2
    - National Secondary – 6
    - Regional – 37
    - Local – 96 (Primary 54; Secondary 38; Tertiary 4)

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<sup>7</sup> The Government in their Budget 2017 included a provision of €1m for new CCTV schemes



2. Provision of new and/or upgrade of existing system in the centres of the main towns in the county (Clonmel, Nenagh, Thurles, Carrick-on-Suir, Roscrea, Tipperary, Cashel, Cahir and Templemore).
3. Rolling out appropriate scaled CCTV systems in other Service Centres and Settlements across the county. Order of preference to be based on the Council's Settlement Hierarchy and prevailing crime statistics.
  - The model/technical specification for the pilot rural CCTV initiatives in Birdhill, Burgess and Littleton can be used as a template for any future development of systems. This would ensure a consistency of approach across the county leading to improved efficiency and effectiveness in the installation and operation of systems.

Further sub-prioritisation within these priority lines may need to be done and can be informed by additional research, needs analysis, strategies and plans as are, or will become available.

The above priorities does not prohibit other schemes, which are brought forward for justifiable and documented crime/public order prevention reasons, from being proposed and developed.

## 8. Issues to be taken into consideration in the provision of CCTV

### 8.1 CCTV Project Team

A Project Team must be set up locally to assess the need for a CCTV system in the locality in question. A draft written submission making the case for authorisation of the system must be made by the Project Team to the National CCTV Advisory Committee through the Assistant Commissioner for Organisation Development & Strategic Planning.

The Project Team should include:

- Representatives of all stakeholders in the project, e.g. business associations, residents, community organisations, local authorities, etc;
- Divisional Officer (Chief Superintendent) or Superintendent appointed by him/her;
- Divisional Crime Prevention Officer;
- The Regional Technical Sergeant.

Should the CCTV system proceed and be constructed, a Project Team should ideally remain in place and provide a support role in the operation and management of the system.

### 8.2 Technical Specification

Any CCTV system being proposed for deployment in a public space must meet minimum equipment specifications as published by An Garda Síochána<sup>8</sup>. Formal sign-off, at development stage locally, that a CCTV system is in compliance with the required technical specifications will have to be made by the Chief Superintendent of the Tipperary Garda Division<sup>9</sup>.

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<sup>8</sup> Or Department of Justice and Equality or The Policing Authority

<sup>9</sup> Or an officer nominated by the Chief Superintendent

The technical specification used for the pilot rural CCTV initiatives in Birdhill, Burgess and Littleton could be used as the template for development of future systems (subject to it being suitable for the particular site location).

Lighting is a key element in the effective operation of CCTV. It is important that the lighting system supports the cameras and that there is an even dispersal of light from each lamp thereby eliminating shadows. The existing lighting within the field of view of the cameras should be assessed as part of the development of the technical specification.

### *8.3 Planning Permission/Public Consultation/Garda Authorisation*

The installation of cameras, camera poles, ancillary equipment and cabling in any public area and on buildings or structures is subject to the Planning Acts and Regulations. A planning application procedure is normally required; however, engaging in a public consultation process may also be an option as it would provide an opportunity to elicit public support for the proposed system.

All applications for CCTV in public places require approval/authorisation by the Garda Commissioner, not just systems based in Garda Stations. Applications for CCTV systems based at garda stations are made by the local Garda Superintendent and are submitted to the Garda National CCTV Advisory Committee established by the Garda Commissioner to advise on matters relating to CCTV. Applications are assessed by this committee on the basis of Garda operational needs. Approval has to be given by the Garda Commissioner before the system can be installed in the garda station.

### *8.4 Data Control*

This Policy Paper addresses development of publicly-funded CCTV systems for purposes including:

- assistance in the maintenance of public order and safety;
- assistance in the prevention, detection and investigation of offences;
- assistance in the prosecution of offenders.

Consequently, such systems should, if technically feasible, be linked back to and based at a garda station (this may not always be possible due to transmission restrictions). Members of An Garda Síochána should have access to the CCTV infrastructure for the purposes of supervising and controlling its operation and retrieving information or data recorded by it.

For the purposes the Data Protection Acts, 1988 & 2003, An Garda Síochána should undertake to act as the Data Controller for these CCTV systems. The use of a public CCTV system must be governed by a strict Code of Practice designed to protect the public's interest and ensure that images and information collected is used properly and in accordance with the Data Protection Act.

Given that the system will be based in a garda station, it will be the responsibility of An Garda Síochána to ensure that it has the required Code of Practice in place.

### *8.5 Operation and Maintenance*

CCTV systems should be operated in accordance with any code of practice for such systems which may be issued by An Garda Síochána<sup>10</sup>.

Cameras and recording equipment should be properly maintained and serviced, by a suitable qualified practitioner, to ensure that they continue in good working order and that clear images are recorded. A maintenance log should be maintained.

The Memorandum of Understanding (see S6.2) will outline the responsibility for managing/co-ordinating the maintenance and upkeep of the CCTV infrastructure. Scheme proposers will be responsible for providing funding to cover operation/maintenance costs.

Therefore, where the proposer of a CCTV scheme is a community-based organisation and in order to ensure continued support and engagement from the community to the system post-installation, it will be that community-based organisation's responsibility to secure the necessary finances (e.g. through fund-raising) to cover the maintenance and operation costs. As such costs will vary from scheme to scheme it is difficult to indicate an exact amount, but a sum of €2,000-€3,000 per annum would be a guide for a standard maintenance agreement in this regard. In addition, financial provision also needs to be made by the community-based organisation to cover capital replacement costs, should such a requirement arise.

Service providers should be requested to set out their proposed service & maintenance costs for a 3-5 year period at tender stage so that these costs are known from the outset and can be factored into annual budgets.

### *8.6 Insurance of Cameras/Equipment*

Insuring cameras and related CCTV equipment is required in order to provide safeguards around the usage of public funds in meeting the capital cost of providing the systems. However, cameras forming part of a public system may be installed on private property and this may raise difficulties for public bodies to include them on their insurance policies. Every effort should be made to put the system on publicly owned property, with placement on private property a last resort.

### *8.7 Erection of signs*

Signs informing the public of the existence of CCTV cameras must be erected. Signage will be required to comply with the Data Protection Acts and Official Languages Act. The information provided on the signs should include at a minimum:

- the identify and contact details for the ownership/responsibility of the scheme;
- the purpose of the scheme.

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<sup>10</sup> Ibid. 4

## 9. Administrative Procedure for Proposals for new public-area CCTV

### 9.1 Administrative Procedure

Proposed new public-area CCTV schemes may be put forward, in the first instance and at any time, by An Garda Síochána, Tipperary County Council and/or community organisations. In reality, any proposal for a new system will be a collaborative venture by these and other interested parties, for example business Chambers.

The following diagram illustrates a process to provide a structure by which the Joint Policing Committee can examine and determine that a CCTV Scheme proposal is in accordance with this Policy Paper.

Step in Process	Relevant Section(s) of Policy Paper	Responsibility for progressing step
Establish Project Team	8.1	Proposer of CCTV Scheme
Set Objectives for proposed CCTV Scheme	6.4	Proposer and Project Team
Develop/Prepare Coverage Map & Technical Specification	8.2	Proposer and Project Team
Complete Memorandum of Understanding between all parties	6, 8	Proposer and Project Team
Obtain confirmation from County Tipperary JPC that proposed Scheme is in accordance with policy aims and priorities of Policy Paper (see S9.2 for criteria to be used)	9.2	Proposer, An Garda Síochána and Joint Policing Committee
Obtain authorisation from An Garda Síochána for proposed Scheme	4.1	An Garda Síochána
Procure, Install and Commission Scheme	8.3, 8.7	Proposer
Develop Data Protection Policy for Scheme	8.4	An Garda Síochána
Operate and Maintain Scheme	6.2, 6.6, 8.5	As per Memorandum of Understanding
Evaluation to determine that Scheme fulfilling objectives	6.9	Project Team

### 9.2 Criteria for use by the Joint Policing Committee

Criteria which the JPC will use to examine and determine that a CCTV Scheme proposal, in particular those coming forward from community-based proposers, is in accordance with this Policy Paper, will include:

- If proposer is a community organisation, is it registered with the Public Participation Network?
- What are the objectives of the Scheme? What are the purposes for which the CCTV will be used? Are they consistent with Section 6.4 of the Policy Paper?
- Who will ownership of the Scheme be vested in?

- Has a Community CCTV Committee been established? What consultation has been undertaken with relevant stakeholders?
- What involvement/interaction has there been with An Garda Síochána?
- Which of the priority lines in Section 7 of the Policy Paper does the Scheme address?
- Demonstration of need, including prevailing crime statistics for the area/community;
- Tipperary County Council's Settlement Hierarchy;
- Has An Garda Síochána signed off on the technical specification/model proposed for the Scheme?
- Status of planning permissions and/or consents, if required;
- Current or potential capacity to supply the financial funds required to install the Scheme;
- Is funding secured for the operation and maintenance costs?
- How will the requirements of the Data Protection Acts be satisfied?

## 10. Conclusion

This Policy Paper has been developed by the JPC to provide a consistent policy framework and a set of underlying principles to assist the Tipperary Division of An Garda Síochána, Tipperary County Council and community organisations in the county in the provision of public-space CCTV in County Tipperary installed for the purposes of increasing public safety and reducing the risk of anti-social and criminal activity.

The policy framework, underlying principles and priorities set out in this Policy Paper will be kept under review by the Joint Policing Committee, particularly in the context of any update by An Garda Síochána of the Garda Policy and Code of Practice for CCTV Systems in Public Places.