



INFORMATION SHARING

Taking Images, Sharing Information & Excluding Suspects and Offenders

A Guide to Empowering Victims



Historically Crime Reduction Partnerships have relied heavily on the police to provide them

with images of offenders and excluded persons. This has led to exclusion order schemes and partnership protocols being drawn up around what the police will and will not allow in relation to the use of 'their' images.

Normally the police will only circulate images of convicted persons. Over the years this has restricted information sharing, empowered the offender and caused confusion over what can and cannot be legally shared between members.

At Empowering-Communities we encourage communities to use their own images and to be responsible for running their schemes. This will avoid some of the Human Rights Act obligations that would be applicable to their activities if the police, local authority or other statutory bodies were held to be operating the scheme.

This doesn't mean that Partnerships can't work with the support of the police and local authority, but they should ensure they are treated as ordinary members of the scheme.

Some partnerships where the police are involved in the running of the scheme have found themselves subject to the first stages of Judicial Review in the High Court

in relation to exclusion orders. By the police distancing themselves from the scheme, the body that administer and effectively ban people are not a 'public body' but a community group. It is worth noting that a Judicial Review can only be taken against a decision of a public body like a local authority or police force.

The advancement of digital technology and affordable, secure and accessible crime management systems such as SIRCS (Secure Incident Reporting & Community Engagement System) now means partnerships can now move away from the traditional exclusion order schemes and banning committees allowing their members to ban a person on the spot and as such empower the victim.

This document looks to explain and dispel some of the myths surrounding the sharing of images and information on suspects and offenders.

Gary Pettengell,
Founder Empowering-Communities.org

Note: It is important that the involvement of the Police, Local Authority or other Statutory Body does not include participation in the decision making of the Crime Reduction Partnership. They can however provide information, advice and make witness appeals etc just like any other members. Partnerships should put in place an independent review panel and notify banned persons of their right to make representations if they feel aggrieved by the decision to exclude them.

Human Rights Act



Human Rights legislation only applies to public bodies and these are normally accepted as national or local government bodies or controlling organisations setup under statutory regulation. As a Crime Reduction Partnership is no more than a local community group they are not required to take account of this legislation. The Human Rights Act was created to safeguard populations in Europe from oppression by their Governments. It was not, and is not intended to affect a community organisation such as Crime Reduction Partnership from taking action to protect themselves, their staff and customers by excluding persons from their premises.

All premises/businesses have the right to refuse entry to anyone they choose provided they do not do so as an act of discrimination on the grounds set out in the relevant legislation.

Note: The official advice to any person who believes that their human rights are being violated, is to see if the problem can be resolved without going to court by using mediation or an internal complaints body. This course of action will only be open to them if it can be shown a public body such as the police are involved in the running, administration and or decision making process of the scheme.

Taking & Sharing Images



"There is no legal restriction on photography in public places, and there is no presumption of privacy for individuals in a public place..."

Tony McNulty MP,
Home Office Minister

"There is no law against anyone taking pictures of people in the street as long as the person using the camera is not harassing people,"

David Evans, Information Commissioners Office (ICO).

To many people, photography law in the UK seems complicated. The fact is there are no laws in the UK against taking a persons photograph. The law comes into play when you publish photos and even then, the law very rarely sides with the photographed unless the photographer/publisher has gone far beyond reasonable means to get the photograph. The same applies to motion pictures from cameras.

The Data Protection Act requires companies/premises to notify people when collecting their personal data. In most cases, consent is not required, just notification. Taking one person's portrait for a

commercial use would require consent and notification of who is taking the photo and why. This is completely different to obtaining a persons photograph to reduce crime and disorder.

Note: All SIRCS administrators are strongly advised to blur the faces of any persons not directly involved in an incident or the main subject of photograph.

Crime reduction Partnerships using SIRCS are provided with posters which contain the following statement:



To Make our community safer we share information and images with other SIRCS members locally and nationally in order to reduce crime, disorder and anti-social behaviour

A further warning appears below this statement isaying:

Recorded images may be shared with other members and the police.

These statements have been legally verified as being satisfactory notification that a persons image may be taken from CCTV, a camera or mobile phone and shared with other crime reduction members.

Sharing information and images of people who have not been convicted of an offence

It is a common misconception that information based solely on a suspicion can not be shared or published. The same people who hold this belief are quite often the very same people who watch CrimeWatch-UK or visit the Crimestoppers website. On these websites and television programmes millions of people can view images of un-convicted suspects and offenders. To view examples of this, visit www.bbc.co.uk/crimewatch and click on 'The Most Wanted' link. Crime reduction partnerships using SIRCS can report on un-convicted suspects and offenders in the same way, safe in the knowledge that they are at least restricting access to the information and images to their members and not public at large.

Note: The key point to remember is that the incident report should be based on an honestly held belief. This can be further evidenced or backed up by reporting incidents to the police. Partnerships should consider making the reporting of incidents to the police part of their terms and conditions and include the fact in any information sharing protocols.

The most important point to remember is limit your report text to facts and not opinion.

For example the following statements are acceptable:

'The male in the attached photograph is wanted by the police in relation to crime number 1234/09'

'At 09.50 hours on Monday 3rd March 2009 the male in the attached photograph entered xyz stores and is alleged to have threatened a member of staff. If seen please call the police quoting incident number 1234/09'

It would not be advisable to say

'The male shoplifter in the attached photograph stole a pair of jeans from...'

This is because calling him a shoplifter is someone's opinion and at this early stage it hasn't been proven that he actually stole the item.

Liabel clams

Two of the most important defences to a libel claim are justification and fair comment.

The defence of "justification" arises where the defendant in a libel action claims that the statements are true. The defence of "fair comment" is available to a defendant who can show that the alleged statement amounted to an opinion which was honestly held and based upon facts which were true.

The Data Protection Act

The Data Protection Act provides a framework to ensure that personal information is handled properly. Partnerships are legally allowed to share information with one another to prevent crime and disorder.

The Act works in two ways. Firstly, it states that anyone who processes personal information must comply with eight principles, which make sure that personal information is:

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate, relevant and not excessive
- Accurate and up to date

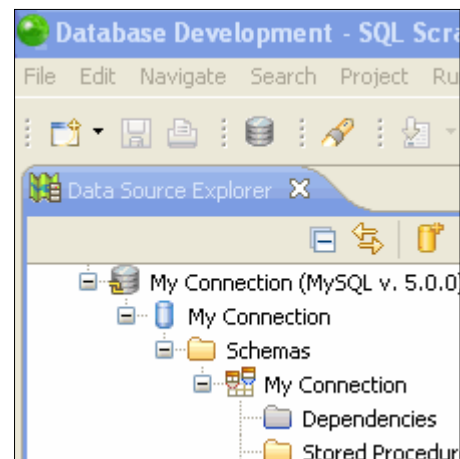
- Not kept for longer than is necessary
- Processed in line with your rights
- Secure (note information held on SIRCS is encrypted, password protected and each user has their own history log providing a complete audit trail)
- Not transferred to other countries without adequate protection

The second area covered by the Act provides individuals with important rights, including the right to find out what personal information is held on computer and most paper records.

Any individual or organisation that feels they're being denied access to personal information they're entitled to, or who feel

their information has not been handled according to the eight principles, can contact the Information Commissioner's Office for help. It is important to note that complaints are usually dealt with informally.

Note: Compensation for distress alone can only be claimed in limited circumstances. Source: www.dataprotection.gov.uk



Frequently Asked Questions

Q. What if a subject claims harassment?

A. Taking a subject's photograph against their will is not in itself harassment. Unless you pursue a subject with camera and take many photos on at least two separate occasions there can be no valid claim of harassment.

Q. What if a subject accuses me of invading their privacy?

A. There are no privacy laws that cover people in the UK. There are places where it is reasonable to expect an image not to be taken such as in toilets and bedrooms.

Q. What if a subject objects to an image being taken and requests that it is destroyed or deleted?

A. You are not obliged to delete any image or wipe your memory card for anyone. Any attempt to take it from you could be classed as assault under the law.

Q. What if a subject says that they are entitled to the original image?

A. A subject is not entitled to the original image.

Q. What if there are under 16's or under 18's in the photo?

A. There is nothing that prevents publication of the photo of a child as long as it is reasonable and within the law. Indecency laws cover what can and cannot be published. That said, any person captured incidentally on a photograph of a subject that is to be held on a SIRCS database should be cropped from the image or rendered unrecognisable by blurring or pixelation.

Note: Where young people are banned under an exclusion order scheme and their image shared amongst the members ensure the action is a proportionate & necessary action and that the criteria in the constitution is followed. You must not however, share those photographs/names with the media without seeking legal advice first as there is specific legislation protecting the identities of children/young people.

Empowering-Communities

Empowering-Communities are a Lowestoft based not for profit social enterprise set up to help and empower victims, local communities, vulnerable people and their families. They achieve this via 6 key areas all focused on providing innovative solutions to help victims and vulnerable persons. These are:

- **Count Me Out National Gambling Self Exclusion Scheme**
- **Count Me Out Alcohol Self Exclusion Scheme**
- **SIRCS (Secure Incident Reporting and Community Engagement System)**
- **NightSafe-SIRCS**
- **Rural-SIRCS National Crime Reduction Scheme**
- **Neighbourhood-SIRCS**

About SIRCS

The Secure Incident Reporting and Community Engagement System (SIRCS) is a dynamic, powerful yet easy to use, secure network based crime management database designed to help communities effectively tackle problems from crime and anti-social behaviour to reporting on graffiti and other environmental issues. It is a proven crime reduction tool, which enables the fast and easy identification of suspects and offenders. It provides for increased reporting of incidents and better communication between the police, public, Partnerships, their members, Crime and Disorder Reduction Partnerships and statutory organisations. It allows for the quick and easy recording and sharing of information on a range of issues including theft, criminal damage, truancy, fly-tipping as well as many other applications.

Rural-SIRCS

The Empowering-Communities Secure Incident Reporting and Community Engagement System (SIRCS) is to be used to operate a National Crime Reduction Scheme to tackle Rural crime. The scheme has been specifically designed to work with existing membership organisations but will also be available to individuals, companies and statutory bodies. It can be promoted as a member's benefit, enhancing and complementing an organisation's work and even serving as a membership recruitment tool.

Partnerships will have the advantage of using an accessible crime management system for free. Empowering-Communities will have the responsibility of managing police access and signing up individual members that are not part of larger groups. All partnerships will be able to view information from around the country giving them a complete overview of rural crime in the UK. The Empowering-Communities Team will act as over all 'super administrators' and will have the responsibility of issuing national crime alerts and bulletins.

To help keep administrative time to a minimum users will be able to upload their own stolen property and environmental (fly tipping etc) information. Suspect/offender profiles and incident reports need to be moderated by administrators before being uploaded on the system. The Rural-SIRCS Scheme will help tackle cross border crime, reduce the fear of crime and increase community intelligence.

UK based and international statutory bodies will be invited to access the system. The Rural-SIRCS database can be accessed



securely via a computer or mobile telephone.

Features and benefits of the Rural-SIRCS system:

- **National crime and environmental SIRCS database**
- **Stolen property database and image section**
- **Suspects and offenders image and profile gallery**
- **Incident reports**
- **Powerful search facility**
- **Partnership download section**
- **Buy, sell and trade section**
- **Messaging system for administrators of each individual partnership/organisation so they can Communicate with their members**
- **Separate Admin areas for each partnership/organisation**
- **National crime alerts and bulletins**
- **Public reporting facility**
- **Option to select between viewing national or county images and reports**
- **Admin and user notification if a person hasn't logged in for more than 20 days**
- **Police monitored scheme**

Individual and company memberships are available along with advertising and sponsorship opportunities to help with hosting and overall administration costs. For more information please call 01502 576888 Or visit www.empowering-communities.org

More Information

For additional information visit our website at www.empowering-communities.org Alternatively telephone **01502 576888** or email info@empowering-communities.org