

NSW Government Policy Statement and Guidelines
for the Establishment and Implementation of

CLOSED CIRCUIT
TELEVISION (CCTV)
IN PUBLIC PLACES

A NSW Government Initiative



These Guidelines were prepared by an Inter-departmental Committee on Closed Circuit Television (CCTV) established under the auspices of the Premier's Council on Crime Prevention.

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Introduction

In recent years a combination of perceptions and fears of increased street crime and advances in technology has seen an upsurge in the use of closed circuit television (CCTV) as a tool in tackling crime in public places. Many private companies and a number of local government authorities have initiated trials in the use of CCTV, and the technology is also being used in a number of ways in the public transport system.

Because CCTV is relatively new, it is still not clear how effective it is in deterring or reducing crime. Research evidence so far suggests that it can be an effective strategy in situational crime prevention at a local level, but only as one of a range of crime prevention strategies. It appears from the research that CCTV may be effective in addressing property crime and some types of assault and robbery. Evidence also suggests that the benefits of CCTV surveillance fade after a period of time, and that displacement may occur, that is, the crime may simply move to other areas away from the CCTV surveillance, or there may be a shift to different sorts of crime which are less susceptible to CCTV surveillance.

For these reasons, CCTV on its own can do little to address long term crime prevention. CCTV should only be considered as one part of an integrated crime prevention strategy and should be installed on a trial basis subject to rigorous evaluation as to its effectiveness.

These Guidelines have been developed by the NSW Government to provide a policy framework and a set of underlying principles to assist agencies considering CCTV as a possible response to local community safety concerns.

The Guidelines are principally aimed at local councils as the most appropriate owners of CCTV schemes in public places. Local councils are democratically organised, are close and accountable to local communities, and generally have the capacity to co-ordinate local activities in crime prevention and the promotion of community safety. It must be recognised that ownership brings with it accountability, responsibility for securing funding, responsibility to consult with and inform the community as interested parties, and responsibility for design, management, running costs, evaluation and audit activities.

The Guidelines will also be relevant to transport authorities, given that the definition of public places that is adopted includes railway stations, trains, buses, taxis, transport interchanges and transport-related car parks (see page 2). While several parts of the Guidelines which apply to local councils will not be as relevant to transport authorities, the policy and principles underpinning the Guidelines are essential in all settings. For this reason, the Guidelines will also be useful for private organisations which operate, or are considering operating, CCTV schemes in privately-owned spaces with high public usage, such as shopping malls or cinema complexes, and those public spaces which are not included in the definition adopted, such as university and college campuses.

The Guidelines acknowledge that the application of CCTV in different settings may vary according to the particular circumstances applying to that setting. However, agencies introducing CCTV schemes should comply with the basic principles and steps outlined below, or demonstrate clearly and openly their reasons for non-compliance.

The Guidelines specifically emphasise the importance of community consultation and involvement in the planning and implementation of CCTV schemes. The Guidelines suggest that this consultation should take both a structured form, through the establishment and support of a Community Safety Committee with wide representation, and a continuing program of consultations and information to ensure general community support for the scheme.

The Guidelines have been prepared on behalf of the Premier's Council on Crime Prevention. An Inter-Departmental Committee on CCTV was established under the auspices of the Council, with representation from the Departments of Local Government, Transport, Urban Affairs and Planning, the NSW Attorney General's Department, the NSW Police Service and Ministry, and the participation in an observer capacity of the NSW Law Reform Commission and Privacy NSW.

The Guidelines provide:

- a clear statement of the NSW Government's policy on the appropriate establishment and use of CCTV schemes
- a set of nine principles underpinning the policy which sets out the values and conditions which should apply to the operation of CCTV schemes. These principles have been adapted from the paper *The Police and Public Area CCTV: Issues, Principles, Policy and Practice* prepared by the NSW Police Service on behalf of the Police Commissioners' Policy Advisory Group (PCPAG) and endorsed by the National Police Commissioners' Conference in 1999
- the steps which local councils, transport authorities and other organisations should take when considering establishing and implementing a CCTV scheme
- the issues relating to privacy and liability which need to be considered
- a list of other sources of information or assistance which can supplement the Guidelines
- some information on the technical factors which will need to be considered in establishing a CCTV scheme
- some information on Code of Practice, Protocols and Standard Operating Procedures which should apply to operating schemes.

The Guidelines will be reviewed and evaluated twelve months after their release. This will be carried out under a similar arrangement to the Inter-departmental Committee which developed them.

Definitions

The following definitions apply to terms used in these Guidelines:

Public place is defined from the *Local Government Act 1993* and refers to public reserves, public bathing reserves, public baths or swimming pools, public roads, public bridges, public wharfs or public road-ferries with the addition of public transport and car parks.

Closed circuit television is defined as a television system that transmits images on a 'closed loop' basis, where images are only available to those directly connected to the transmission system. The transmission of closed circuit television images may involve the use of coaxial cable, fibre-optic cable, telephone lines, infra-red and radio transmission systems.

A hand held or fixed video cassette recorder is not included in this definition unless it is connected to a transmission system.

Video surveillance is defined as surveillance by a closed circuit television system for direct visual monitoring and/or recording of activities on premises or in a place.

Policy Statement

CCTV can be effective in reducing or preventing crime if it is part of a broader crime prevention and community safety strategy. CCTV should not be implemented as the only means of 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. On the other hand, CCTV may involve a degree of cost to the community, for example in terms of the allocation of resources or in implications for personal privacy.

Accordingly, it is essential that the community be fully consulted in any planning for the introduction of CCTV to ensure that the community is willing to pay the costs in return for the potential benefits.

CCTV schemes should always be operated with respect for people's privacy and their right to conduct or engage in lawful activities. Care should be taken to ensure that schemes are not used to prevent access to the area covered by CCTV of those who have no criminal intent, but whose presence might offend against some 'norm' of behaviour or dress.

Continuing community support for the operation of CCTV schemes will depend upon the confidence people have that the scheme is providing the anticipated benefits. It is therefore essential that:

- the recording and retention of images should be undertaken fairly and lawfully;
- the purpose for which the information is being obtained is known;
- the information not be used for any other purpose than that proclaimed;
- people be aware that they may be subject to CCTV surveillance;
- the CCTV surveillance should only be used to identify crimes occurring within the CCTV area;
- the CCTV surveillance should never be used to monitor or track individuals who have not obviously been involved in a crime;
- the CCTV surveillance should not be used for general intelligence gathering; and
- the owners of the scheme are known and accountable for its operation.

The NSW Government encourages all agencies considering the development of CCTV schemes to use as a basis the *NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Places*.

Guiding Principles

The nine principles outlined below address issues relating to privacy, fairness, public confidence and support, managerial efficiency and effectiveness, and police involvement in public area CCTV. All of the principles are linked to the common elements which should constitute public policy on public area CCTV schemes.

These principles and policy elements should not inhibit the design of schemes to meet local needs and circumstances. Indeed, they actively encourage adaptation to particular neighbourhoods and communities. However, they do suppose that there are certain values that require universal

consideration. Whenever any of these are not complied with, then public justification for such exceptions should be made.

1.1 The Ownership of Schemes and Its Accompanying Responsibilities

Principle: The ownership of public area CCTV schemes must be clear and publicly known and ensure appropriate public accountability.

1.2 Community Consultation

Principle: 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 through an effective community consultation strategy. 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.

1.3 Setting Clear Objectives

Principle: Clear scheme objectives should be set to guide the design, implementation, management and outcomes of public area CCTV. A clear 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.

1.4 Integrated Approaches to Crime Prevention

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

1.5 Police Involvement in Public Area CCTV Schemes

Principle: While the NSW Police Service should not fund or operate public area CCTV schemes, it should be closely involved in the assessment and planning phase, including risk analysis and evaluation. The Standard Operating Procedures for the scheme should incorporate protocols covering communication and liaison between the scheme operators and the police.

1.6 Managing and Operating Schemes

Principle: Schemes should be open and accountable and operate with due regard for the privacy and civil rights of individuals and the community.

1.7 Evaluation

Principle: Effective evaluation of schemes is essential in order to identify whether their formal objectives are being achieved. Evaluation frameworks should be developed at the planning stage of the scheme.

1.8 Complaints

Principle: Publicly accountable, impartial and fair schemes should have procedures for dealing with complaints.

1.9 Monitoring and Auditing

Principle: 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 of recommendations for improved practice.

Steps To Be Followed in Planning and Implementing a CCTV Surveillance Scheme

The Guidelines set out the following steps which should be followed by any authority considering the introduction of CCTV surveillance in a public space. Further information about each step is contained in the body of the Guidelines, or in the Appendices. The following steps are more or less in chronological order, however, it is acknowledged that some steps will be undertaken concurrently.

1. Identify that there is a crime problem which may be addressed by the introduction of CCTV.
2. Establish a Community Safety Committee (note that at a later stage of the process it may be appropriate to establish a sub-committee specifically to deal with the introduction and operation of CCTV).
3. Conduct a Crime Assessment to identify more accurately what crime problems are occurring, where and when.
4. Consult with the community, including local businesses and other specific groups, especially on matters relating to privacy.
5. Develop a Crime Prevention or Community Safety Plan which includes the operation of a CCTV scheme.
6. Set objectives for the CCTV scheme and develop evaluation mechanisms.
7. Determine the roles and responsibilities of the key players, especially the local authority and the police.
8. Develop a Code of Practice to set the standards for and guide the operation of the scheme.
9. Develop and implement Standard Operating Procedures.
10. Develop and implement ongoing monitoring and auditing mechanisms for the scheme.
11. Determine the technical requirements of the scheme.
12. Develop and implement a complaints mechanism.
13. Develop information strategies to inform the public about the operation of the scheme.
14. Install and trial the CCTV scheme.
15. Conduct an evaluation of the trial and its outcomes and disseminate the results to relevant parties.
16. Review the trial and its evaluation to determine the need for the CCTV scheme to be continued.

Guidelines for the Establishment and Implementation of CCTV in Public Places

The following is an outline of the steps which should be taken when considering implementing public area CCTV as part of an integrated crime prevention strategy.

1. Issues to be Considered Before Establishing a CCTV Scheme

1.1 Identifying the problem

In general, the issue of whether or not to consider implementing a CCTV scheme is likely to arise in response to a perception or awareness that there is a crime problem in a particular public place. This may be indicated by media coverage, by complaints to the council or other authorities or through police contact with the council.

Before embarking upon the following steps, a local council should try to establish the extent and nature of the problem. A night of street disturbance following an annual sporting event, for example, is unlikely to signify a continuing community safety problem requiring the expense of installing a CCTV system. Similarly, the perception of a crime or community problem may not be supported by crime statistics. Therefore, the costs of installing a CCTV system where an actual problem is not indicated is likely to outweigh any benefits expected of the system.

1.2 Establishing a Community Safety Committee

Once a local council identifies that there is a problem, it should form a Community Safety Committee. It is the role of the Community Safety Committee to consider a broad range of crime prevention and community safety issues and assess various options for dealing with them, in order to provide advice to the local authority in developing a Local Community Safety or Crime Prevention Plan. A Community Safety Committee should include representatives of the local council, the police, local businesses, community members and particular community groups, such as young people, indigenous or non-English speaking background communities.

Where local Community Safety Committees already exist, these should be used or re-focused to provide the mechanisms for consultation and community participation as specified above. Existing Community Safety Committees have generally been initiated by the NSW Police Service (under the *New South Wales Police Service Safer Communities Action Plan*) or Local Government.

Local councils should convene the committee and appoint the members. Similarly, the committee should ultimately report back to the local council. Local councils should consider whether an existing body (for example, a town centre committee) can take on the functions of a Community Safety Committee, to avoid duplication. More details about how to establish a Community Safety Committee can be found in the *Crime Prevention Resource Manual* listed in the section on useful resources below.

For agencies or organisations other than local councils, the formation of a representative Community Safety Committee may not be appropriate. However, in order to ensure that any

proposed CCTV scheme forms part of an effective overall strategy to address crime and safety, other organisations should ensure that their planning and operational structures can deliver the appropriate range of information and perspectives.

Installing and trialling a CCTV scheme will involve decisions about technical, financial and operational matters which may be beyond the expertise of a Community Safety Committee. The establishment of a specialised CCTV Committee may be the appropriate way of ensuring sound management of the scheme. However, there should be structural links between the two Committees to ensure that the work of each is complementary and directed towards the achievement of the same goals. Alternatively, a program co-ordinator with experience in developing community safety initiatives could be appointed by the local authority or agency to manage the development of the CCTV program and to offer expert advice to the Community Safety Committee.

1.3 Representation on the Community Safety/CCTV Committee

In general, a Community Safety Committee should include:

- Local council representative (Chairperson)
- Program co-ordinator or local council staff responsible for overseeing the CCTV program
- Police Local Area Command representative
- local community members, including representatives of significant or special interest community groups
- local Chamber of Commerce representative and/or representatives of businesses in the area
- other government agency representatives, as appropriate.

The CCTV Committee, if separate from the Community Safety Committee, should also allow for balanced representation from the various community and business elements. The make-up of the Committee should include representation of those groups that are most likely to be directly affected by the presence of CCTV and/or have an interest in the scheme's operation and outcomes. This might include representatives of local youth organisations or a young person, provided this person feels comfortable expressing his or her views as part of such a committee. Alternatively, the views of young people might be sought by other means and conveyed to the Committee.

It may also be appropriate to have a representative of any firm involved in the running of the CCTV scheme on the Community Safety Committee.

It must be clearly noted that final responsibility and accountability for the management and operation of a CCTV program lie with the local council. The program manager appointed by the local council will have day-to-day management responsibility for the operation of the CCTV scheme. A Community Safety or specific CCTV Committee should assist the program manager in this role.

1.4 Crime Assessment

The local council, in conjunction with the Community Safety Committee, must carry out a crime assessment of the area where problems have been identified. The analysis should be conducted in consultation with local police, and as appropriate, representatives of the local community. Other organisations such as the Crime Prevention Division of the NSW Attorney General's Department and the NSW Bureau of Crime Statistics and Research may also be of assistance.

Consideration should be given to:

- the nature, type and volume of criminal activities occurring within the area under consideration
- the legitimate ways in which various members of the community use the area, including differences across weekdays, time of day, and seasons
- the situational and environmental factors which appear to contribute to the criminal activities
- the possibility of displacement (that is, merely shifting the crimes), both in terms of crime type and geographic location.

While undertaking the analysis, consideration should also be given to a range of crime prevention initiatives which could address the identified problems. The possibility should always be borne in mind that CCTV may not be the best response to a place's particular problems, or that the costs of the scheme might outweigh the benefits.

1.5 Develop a local crime prevention plan

Once the crime assessment provides a clear picture of the nature of the criminal activities (including type, frequency, timing, associated causal factors, likely inhibiting factors, and so on), the groundwork has been laid for the development of a Crime Prevention Plan.

The development of Local Crime Prevention Plans is not covered in these Guidelines as this is covered in the *Crime Prevention Resource Manual* already distributed to local councils.

Once the Plan is developed, the Community Safety Committee will submit the draft Local Crime Prevention Plan for endorsement and adoption by the local council. The Committee should present to local councils, community safety options (e.g. crime prevention through environmental design, CCTV, etc) which suit the context of the local environment. After adopting the Plan, the local council should proceed to negotiate its implementation with all relevant organisations. The co-operation and involvement of the police and the community will be crucial to the long-term effectiveness of the Plan.

If the Committee believes that one of the strategies to address the problems identified in the crime assessment is the establishment of a CCTV program, it is essential that the Local Crime Prevention Plan outline how this strategy is integrated with the broad plan objectives and why CCTV is considered an appropriate option.

2. Privacy and Personal Information Protection Act 1998 and Workplace Video Surveillance Act 1998

The *Privacy and Personal Information Protection Act 1998* was passed on 25 November 1998. The Act covers local government authorities as public sector agencies and as such will need to be considered by local councils when considering the establishment and implementation of CCTV.

The Act defines personal information as ‘information or an opinion (including information or an opinion forming part of a database and whether or not recorded in material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion’. This definition would include the video record made by local councils, as people filmed would in many cases be people whose identity is apparent or could be reasonably ascertained, e.g. people who work in the area and are filmed on a regular basis.

The Act spells out twelve information protection principles to be complied with by agencies collecting information which falls under the definition outlined above. These are provided at Appendix I.

In particular, the Act (under section 8) lays out a requirement that a public sector agency must not collect personal information unless the collection of the information is reasonably necessary in relation to a function of that agency. This provides a legislative requirement that a local council make a formal consideration of the necessity for CCTV before installing it. The local council should be able to demonstrate that filming all people in a certain area is reasonably necessary to prevent crime and that prevention of crime is a key function of the local council.

Section 18 of the Act places limits on the disclosure of personal information and requires an agency which holds personal information not to disclose it for a purpose other than that for which it was collected. This would prevent local councils releasing CCTV footage to the media other than where the use is ‘necessary to prevent or lessen a serious and imminent threat to the life or health’ of an individual.

Local councils should be aware that there are a number of exemptions to the privacy principles. These exemptions, together with the principles, are discussed in some detail in a publication available from Privacy NSW titled *A Guide to the Information Protection Principles*. Alternatively, councils may wish to seek legal advice regarding the application of the principles and the exemptions. Local councils need to be particularly mindful of the potential consequences of breaching the *Privacy and Personal Information Protection Act 1998* should an exemption be used incorrectly.

There will also be many cases where local council employees e.g. street cleaners, garbage collectors etc., will be filmed by the CCTV system in a ‘place’ where they work. In such cases, the *Workplace Video Surveillance Act 1998* will apply. That surveillance will be considered ‘covert’ unless the employee has been notified, in writing, 14 days in advance of the intended video surveillance (this notification can also be given via the union, or to the worker before commencing work with the employer, if this is less than 14 days before the commencement of the surveillance). Covert surveillance is illegal, unless an authority is given, but this can only be given for the purpose of establishing whether or not the employee is involved in any unlawful activity in the workplace. Normally, the surveillance will be for other reasons, and therefore no authority can be given under the Act. Councils must therefore ensure that they satisfy the requirements of the *Workplace Video Surveillance Act 1998* in relation to these employees.

3. Setting Objectives for the CCTV Program

Public area CCTV schemes can be used for a range of purposes. The intended purpose of any scheme should be clearly identified prior to establishing the scheme, as this will shape the model of implementation. Schemes should only be used in accordance with their established objectives and not for any other purposes. Clear objectives will also assist authorities by establishing outcome measures which form the basis for monitoring and evaluation.

Setting the objectives of the scheme should be determined from a full analysis of the problems to be addressed, community concerns and available resources. Along with the precise objectives of the scheme, performance indicators and the processes by which it will be evaluated should be built into the planning at the earliest stage possible. It will be important for goals to be set which are reasonable and achievable.

The decision to implement CCTV in a public area should be based on the considered potential of the CCTV program to realise some or all of the following objectives:

- to provide an effective means by which to prevent and reduce crime 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
- to improve the public's general feeling of safety and security in regard to the area being monitored
- to provide accurate identification of offenders and events.

4. Community Consultation

Community consultation will help ensure that schemes are designed to meet local needs. It will also facilitate strong and continuing public support, if and when, a scheme is implemented. Publicity and high quality information provide an opportunity for the community to voice any concerns which may be held about the proposed scheme.

A community consultation strategy will be distinct from a community information strategy, although elements of both will overlap. While consultation should occur for the draft Crime Prevention Plan generally, these Guidelines focus on consultation specifically around proposals for CCTV.

4.1 Stages of consultation

The **first** stage of consultation should occur when the community is informed of the intention to investigate the use of CCTV for a nominated area. All groups likely to be affected by the proposal for CCTV should be consulted. This will include residents, users of the nominated area, businesses in the area and any other specific groups such as young people, relevant ethnic communities and the elderly.

Different consultation techniques may be required to reach different sections of the community, e.g. public meetings, attending existing forums, questionnaires, mail outs, meeting with key representative groups of community members.

While the objective behind installing CCTV is to benefit the community through a reduction in the incidence of crime and/or an increase in the community's perceived safety, the community should be made aware of the possible costs involved, such as paying for the

scheme through additional charges or rates and loss of privacy. Therefore, the community must be consulted as to whether it is willing to bear this cost in order to reap any potential benefit of CCTV.

The **second** stage of the consultation would occur once the investigation of the proposal is completed and the details of the proposal are presented for community endorsement.

As a guide, the community should be consulted about the following:

- the proposed area to be monitored
- the current incidence of crime
- community concerns about the area
- the objectives of the program (it is important that the community be provided with a **realistic** appraisal of what the program might achieve, i.e. what types of offences/behaviours are/are not likely to be deterred. CCTV should not be promoted as a cure for all of an area's crime problems)
- the planned duration of the program, including the period after which it will be evaluated
- the proposed communication method between the scheme operators and police
- the cost and funding arrangements of the program. This includes both the installation and the ongoing costs of operating the system
- any environmental alterations required for the functioning of the program (i.e. removal or alterations to trees, vegetation or structures)
- the avenue by which complaints about the operation of the program may be lodged.

Thirdly, the community should be consulted on any changes to the original CCTV strategy which are implemented during the trial period. They should be informed about evaluation results at the end of the trial period and subsequent evaluations, and provided with the opportunity to comment on these results.

4.2 Monitoring private residences

Section 11 of the *Privacy and Personal Information Protection Act 1998* requires that the collection of information does not intrude to an unreasonable extent on the personal affairs of an individual. For this reason, all efforts should be taken to avoid including private residences within the camera view of the monitored area. However, this may be difficult in all instances, e.g. when residences are located above commercial premises in the areas to be monitored. Weight should be given to the opinion of such residents, and local councils should seek their general consent. In such cases, local councils should write to residents involved, give them the opportunity to voice concerns, and act on those concerns, or provide information to residents about why their concerns cannot be addressed.

Anyone who, without lawful excuse or consent, affects a person's amenity in his or her property is likely to be legally liable in nuisance. In the case of *Raciti v Hughes* (unreported, Supreme Court of NSW Equity Division, No. 3667 of 1995), the Court found that it may be a nuisance at common law to continuously film a property. In this case, the complainant was granted an injunction to have the camera moved. Nuisance attaches to any right in property and would presumably cover a lease.

5. Roles and Responsibilities of Key Agencies

In developing the scheme, a Code of Practice and Protocols must be established which define the nature and level of involvement of each agency in the management and operation of the scheme. The discrete roles and responsibilities of owner/managers and the police must be made explicit. The responsibilities of each would include the following:

5.1 Local council responsibility

Local councils are responsible for the following key functions:

- establishing and chairing a Community Safety Committee (and CCTV Committee, if appropriate)
- developing a Local Crime Prevention Plan which incorporates CCTV strategies
- appointing a program manager to manage the implementation and operation of CCTV
- implementing a comprehensive consultative program with business groups, individuals, government instrumentalities and organisations, and cultural/community groups affected by the program
- implementing a community information program
- financing the implementation and ongoing costs of CCTV. This includes an independent evaluation of its effectiveness
- appointing a security consultant or engineer to assist the local council in the design of an appropriate CCTV monitoring system (if appropriate)
- calling for tenders for the provision of CCTV equipment
- developing, implementing and monitoring the auditing procedures for the implementation of CCTV as a crime prevention strategy
- developing and implementing an effective complaints handling mechanism
- arranging for an outcomes evaluation to be undertaken. An independent evaluation should be conducted by a consultant with program evaluation expertise
- monitoring the effectiveness of CCTV as part of a crime prevention strategy
- developing, in consultation with other key stakeholders and the CCTV Committee, a Code of Practice, Protocols and Standard Operating Procedures with other agencies in relation to their roles in the CCTV program
- selecting appropriately qualified personnel to install and operate CCTV
- providing training to staff involved in operating and working with the CCTV program
- ensuring that all relevant parties comply with the Code of Practice, Protocols and Standard Operating Procedures
- finalising specifications and Standard Operating Procedures in conjunction with personnel selected to install and operate CCTV.

5.2 NSW Police Service responsibilities

The NSW Police Service is not responsible for funding or for the operation of CCTV. NSW Police Service involvement will only be to the level that its resources and priorities allow and will be determined by the Local Area Commander for that area. However, the NSW Police Service should be consulted and involved in all phases of the process leading to the installation and operation of a scheme, including participation on Community Safety Committees and participation on or acting in an advisory capacity to CCTV Committees, conducting a crime assessment and determining evaluation procedures. In many cases the NSW Police Service will be responsible for chairing existing Community Safety Committees under the *NSW Police Service Safer Communities Action Plan*.

The Standard Operating Procedures should set out clearly the guidelines and protocols for communication with the police by scheme owner/managers and the provisions in place for an adequate and appropriate police response to reported incidents. This would include the early identification of emerging incidents to facilitate the timely initiation of police response.

The NSW Police Service will be responsible for:

- providing information for and advice on the crime assessment
- participating in the Community Safety and/or CCTV Committee
- working with the local council to develop Codes of Practice with other agencies in relation to the conduct of the CCTV program
- developing, in consultation with the local council, Protocols and Standard Operating Procedures between police and the local council in relation to their respective roles in the program
- training local police in their responsibilities in relation to the CCTV program as set out in the Code of Practice, Protocols and NSW Police Service Standard Operating Procedures
- ensuring compliance with the Code of Practice, Protocols and NSW Police Service Standard Operating Procedures
- participating in the evaluation and monitoring processes for the CCTV program
- determining the appropriate level and priority of responses required to incidents identified by the CCTV cameras, according to available resources and existing priorities.

6. Options For Police Access to CCTV Monitoring Equipment

One of the premises behind the use of CCTV as a crime prevention strategy is that police can be alerted to incidents as they emerge or occur. This allows for early response by police. CCTV is also used for detection and conviction of offenders. It is noted that for a crime prevention strategy to have any deterrence value, potential offenders must perceive a real threat of detection and apprehension.

The functioning of a CCTV scheme therefore requires a communication method by which police can be alerted to incidents noted on the monitoring screens.

However, there have been instances where police personnel have been co-located at the scheme's Control Centre. In such cases, it is essential that there should not be any inappropriate sharing or

exchange of information (under section 62(1) of the *Privacy and Personal Information Protection Act 1998*, it is an offence to informally exchange personal information collected in an official capacity). Strict procedures should therefore be established to ensure that this is enforced.

The preferred option for the NSW Police Service is for a linked monitor to be installed at the local Police Station. Direct telephone facilities and monitoring equipment can be provided at a nominated location (e.g. local police station) to ensure instant communication and monitoring of identified events. In this option, control of the monitoring equipment resides with the local council's monitor operator, even though police are able to access images as required. Police would not be required to monitor the equipment on an ongoing basis.

The benefit of having police access to a monitor is that police may more easily assess the incident that is being reported and define the appropriate response. This also relieves the pressure on civilian operators to make operational assessments on behalf of the police.

Some systems are designed to allow the Control Centre operator to transfer operational control of the monitor to police. Such transfer of control should only occur in clearly defined and emergency situations. Clear instructions regarding the circumstances under which transfer of control should occur, and procedures for the transfer of control, should be included in Protocols and Standard Operating Procedures.

Another option is for monitor operators to report identified incidents to local police via normal telephone facilities.

The most appropriate option will depend on local circumstances, the parameters of the scheme and negotiations between the scheme owners and police. The option chosen by police will require endorsement by the owner and the relevant NSW Police Service Region Commander.

In each option outlined, when operators identify an incident on screen they report the incident to the arranged police contact. These police officers then assess what level of police response is required to the incident and organise the response accordingly.

7. Consultants'/Private Sector Involvement

There is a role for private sector organisations in the provision of CCTV services in public places, including installation and operation by appropriately qualified personnel and licensed security operators.

Local councils may consider contracting a consultant with appropriate CCTV expertise to assist with developing draft specifications and Standard Operating Procedures. Private sector agencies involved in the provision of CCTV services would, of course, be expected to comply with all Codes of Conduct, Protocols and Standard Operating Procedures developed and applied by the local council.

The tender processes which are available to councils are set out in section 55 of the *Local Government Act 1993* and the *Local Government (Tendering) Regulation 1999*. Councils must follow one of the three processes outlined in the Regulation and comply with all associated procedures.

The preparation of the contract for the provision and operation of the CCTV system, and the management of the contract, are critical to ensuring that the CCTV system is effective. Councils should consider the Department of Local Government's *Competitive Tendering Guidelines (January 1997)*, particularly the following:

- being clear about the objectives of the CCTV system **before** preparing the contract
- the council and the contractor having the same understanding of what is required by a contract
- specification of performance monitoring arrangements in the contract.

Options for monitoring performance include:

- inspections by council officers
 - using performance indicators
 - using client surveys
 - monitoring complaints
 - reports by the contractor
- specification of dispute settlement and termination provisions in the contract.

8. Install and Trial a CCTV System

As well as the above planning and consultation processes, local councils will need to consider a number of technical and operational issues before installing a CCTV scheme. More details about these aspects of a scheme can be found in the Appendices to these Guidelines.

Implementing a CCTV program involves a substantial outlay of resources. In the circumstances, local councils are encouraged to lease CCTV services rather than making a capital investment in their installation.

A trial period for the scheme will allow any problems to be identified early and corrected. It will also allow initial assessment of the effectiveness of the scheme and whether or not it is meeting its objectives, whether objectives are realistic and whether any adjustments to the scheme need to be made, or indeed, whether the scheme should continue at all. For these reasons, it is recommended that the CCTV scheme be trialled for a specified period, preferably no longer than six months. The scheme should be monitored carefully and its implementation reviewed throughout this period. This review process should be undertaken in conjunction with the Community Safety Committee and/or CCTV Committee.

If the scheme is to continue past the trial period, monitoring should continue with set review times built into the ongoing scheme.

9. Location of Cameras

Effective location of cameras will be critical to the success of the program. Camera location should also be guided by the specific objectives of the program and should be done in consultation with the local police. As a guide, consideration should be given to the following:

- identified crime hot spots
- ATMs and banking institutions
- licensed premises
- bus stops, taxi ranks, car parks and railway stations

- community facilities including toilets, telephones
- places frequented by potentially at-risk groups such as the elderly and young people.

An Environmental Assessment and a Commercial Assessment should also be undertaken to inform the strategic location of cameras. These Assessments would require a level of technical expertise that is likely to be found in a CCTV Committee rather than in the Community Safety Committee. The Crime Assessment previously undertaken will also provide valuable information in relation to locating cameras.

9.1 Environmental Assessment

The decision of where to locate the cameras must be made with regard to the following:

- lighting levels including shadowing, minimum lux levels, type and height including varying lighting levels in open areas as opposed to under awnings etc, obstructions to fields of view
- landscaping including type and growth rate of trees and vegetation
- pedestrian and vehicular thoroughfares, including analysis of the amount of pedestrian and vehicular traffic flows throughout each day
- recommended height of equipment above ground to deter potential vandalism and damage caused by vehicular traffic (while noting that position height of cameras needs to allow adequate identification of persons)
- clear field of view from camera height, taking into account building structures and awnings
- direction of sun, including sunrise and sunset "blooming" effect on the cameras
- whether cameras would need to be affixed to private or public utility property, and if in the case of a private property, whether such approval is likely to be granted by owners
- whether private premises would come within the view of the cameras
- possibility of the accompanying lighting intruding upon the surrounding areas and impinging upon the public's enjoyment of that area.

9.2 Commercial Assessment

Once the Crime Assessment and the Environmental Assessment relating to camera locations have been conducted, the final stage of the camera location assessment is the commercial analysis that includes:

- access to power supply
- cabling routes and distances
- availability of existing cables and conduits
- trenching and reinstatement costs
- affixing of equipment onto private property including access for maintenance, supply of electricity, costs, etc.
- investigating funding options for the installation and ongoing operation of the CCTV system.

Once the possible camera locations have been identified in terms of Crime, Environmental and Commercial Assessments, consideration should be given to locating cameras so that each camera can look at another camera. This is particularly important in identifying people attempting to damage cameras.

10. Liability Issues

Local councils should be aware of the potential for increased liability which may be incurred when considering the installation of CCTV. By taking on the responsibility of ensuring public safety within the CCTV area, a local council may be found liable should a person be injured in some way. This is especially so where camera equipment is not working, or if it is not supervised or is pointing in the wrong direction.

It is strongly recommended that local councils seek independent legal advice on this issue prior to installing CCTV equipment.

11. Staffing of the Control Centre

The Control Centre is to be staffed by either contracted security personnel or local council employees and is to meet the requirements of the *Security Industry Act 1997*. Under the terms of the Act, all personnel employed in the Control Centre are required to be licensed security operators. Personnel assigned to the Centre must be trained and qualified in the use of surveillance equipment and the responsibilities required.

A local council, when defining the contractual terms for the party engaged to conduct the CCTV monitoring, should make that party aware of these Guidelines and the requirements of the *Security Industry Act 1997*.

A set of Standard Operating Procedures must be developed for Control Centre monitoring staff. The Standard Operating Procedures must reflect the requirements of these Guidelines. Appendix 2 provides further guidelines on developing a Standard Operating Procedure.

Control Centre staff must be required to sign an undertaking to comply with the Standard Operating Procedures and be subjected to discipline should they breach that undertaking.

11.1 Control Centre staff training

Each prospective Control Centre staff member must be trained or be proficient in:

- use and control of camera management systems
- use and control of video recording systems
- use and control of video photograph systems
- identification and prediction of potential events
- familiarity with the local area
- knowledge of identified potential trouble spots
- police policy and procedures relating to recording of information, exhibit handling and incident reporting

- emergency response and procedures
- accountability and confidentiality
- privacy.

Local police shall advise operators on what type of information they require from monitoring staff when reporting incidents, and on the types of incidents to which a police response is generally appropriate. This should be built into staff training.

12. Control and Operation of Cameras

Monitor operators must act with the utmost probity.

The tracking or zooming in on any member of the public shall not be done in a gratuitous or unreasonable manner. All operators should be made aware, as a matter of course, that their camera operation may be audited and that they may be called upon to satisfy their interest in a member of the public.

Generally, operators shall not allow cameras to view into private residences. Private residences may come into view as part of a wide angle or long shot or as a camera is panning past them.

An operator may allow a private residence to remain in view when there are reasonable grounds for so doing, that is, for the purpose of identifying individuals or actions when there is a reasonable suspicion that a serious offence is in progress or is about to occur.

13. Community Information Strategy

Information strategies will need to be developed to ensure continuing public understanding and support for a CCTV scheme. These strategies should be implemented prior to the installation of the CCTV system. The community should be aware of the objectives of the program and be confident that a CCTV scheme is only used for its stated and correct purposes. It should also be informed of:

- the date on which the trial will commence
- the area(s) being monitored
- the planned duration of the program, including the period after which it will be evaluated
- the means by which the scheme will be evaluated and the expected outcomes
- the broad areas of responsibility of the key players
- the communication method between the Control Centre and the police
- the cost and funding arrangements of the program. This includes both the installation and the ongoing costs of operating the system
- the avenue by which complaints about the operation of the program may be lodged
- the evaluation results at the end of the trial period and subsequent evaluations, and the opportunity to comment on these results.

A community information strategy should include the following:

- a) notice or article in newspapers circulating in the local area e.g. local papers and ethnic press
- b) article in local authority newsletter
- c) information attached to rates notice
- d) notice distributed to community groups
- e) notice on community noticeboards in libraries and shopping centres
- f) radio announcements on community and ethnic radio
- g) notice or information distributed to schools and local youth organisations
- h) written information should be translated into appropriate community languages.

14. Erection of Signs

Signs informing the public of the existence of CCTV cameras must be erected. There is currently no one sign that is universally accepted - different signs have been developed by organisations using CCTV, including local councils.

In deciding the design and location of signs, it is strongly recommended that councils consider Australian Standard – *Development, testing and implementation of information and safety symbols and symbolic signs* – AS 2342 – 1992. This publication is available from Standards Australia, telephone 1300 654646.

It is strongly recommended that councils ensure the following:

- the signs are placed at each main access point to areas which members of the public are reasonably entitled to use, and which are being monitored
- the signs provide members of the public with information about the size of the area being monitored. For example, the signs might include the name of the area or incorporate directional arrows
- if the CCTV system is not monitored or recorded 24 hours a day, this is reflected in the content of the signs
- the signs are easily understood by members of the public, including people who are from non-English speaking backgrounds. For this reason, councils should ensure that signs use a mix of worded text and symbols (it should be noted that worded signs are considered to have a greater deterrent effect than signs which are based on symbols. This is because potential offenders may come from outside the local area and may not have been exposed to the publicity regarding the CCTV program. Further, the meaning and understanding of a graphic may lose currency over time if it is not accompanied by continuing publicity). Councils might also contact other councils using CCTV signs such as Fairfield City Council and Sydney City Council. As well as increasing consistency between the signs used, there may be cost benefits for councils in entering into joint purchasing arrangements with other councils for CCTV signs
- the signs are clearly visible, distinctive, located in areas with good lighting, placed within normal eye range, and large enough so that any text message can be easily read

- members of the public are provided with information about the meaning of the signs. This information should be available in appropriate community languages. As well as residents, councils should consider information strategies for people who are visitors to the area. Councils should also consider providing information on a regular basis for new residents and to remind current residents
- the signs should not be used by a local council to convey a sense of enhanced public safety or security due to the use of CCTV in the area.

Other information to be included on the signs should include:

- the ownership of the scheme
- hours of operation (e.g. when the area is monitored – continuous or random)
- numbers to ring if there is a problem, enquiry or complaint.

The information provided on the signs should comply with section 10 of the *Privacy and Personal Information Protection Act 1998*.

15. Complaints

To ensure their continuous improvement, openness and fairness, all public area CCTV schemes should possess well publicised, straightforward and efficient complaint handling systems. Complaint procedures should also consider the handling of requests from the public for information under Freedom of Information legislation. Local councils and the NSW Police Service will have their own internal complaints handling systems. These should be checked to ensure that they are capable of accommodating complaints about a CCTV scheme, and any information about them amended accordingly. Information about complaint procedures should be included in Protocols and Standard Operating Procedures and in all community information strategies.

The *Privacy and Personal Information Protection Act 1998* authorises the Office of the Privacy Commissioner (Privacy NSW) to receive and investigate complaints about alleged violations of privacy. Any information distributed about the scheme should advise members of the community that they can lodge a complaint to Privacy NSW under section 45 of the *Privacy and Personal Information Protection Act 1998*. Local councils should also co-operate with the investigation of any complaint by Privacy NSW.

Local councils and Privacy NSW should endeavour to establish communication and reach an agreement so that when one receives a complaint, the other is notified directly as appropriate.

16. Complaints Handling by Local Councils

Part 5 of the *Privacy and Personal Information Protection Act 1998* requires that wherever a complaint indicates that an information protection principle has been breached, a local council must conduct an internal review as outlined in that Part of the Act. This process is subsequently reviewable by the Administrative Decisions Tribunal.

Complaints which do not indicate a breach of the *Privacy and Personal Information Protection Act 1998* can be handled in the manner set out below.

Local councils should already have a complaints handling mechanism in place as outlined in the Department of Local Government's *Practice Note No.9 Complaints Management in Councils (August 1994)*.

This mechanism, which provides for the following three levels of review, should also be used to deal with any complaints about the CCTV system:

First level – receiving, registering and resolving complaints. While any staff may be able to receive a complaint about the CCTV system, it is strongly recommended that this be the responsibility of a special officer designated within council. Complaints are likely to be mainly about privacy, and consequently should be handled by staff who are aware of and sensitive to privacy issues in relation to the use of CCTV. This may require staff to undergo specific training.

Second level – where the complainant is still dissatisfied, the complaint is investigated by a more senior, or an identified complaints officer and the results of the investigation reported to the complainant.

Third level – where the complaint cannot be resolved within the council, the complainant is referred to an outside agency to seek resolution. Privacy NSW is authorised under the *Privacy and Personal Information Protection Act 1998* to receive, investigate and resolve through conciliation, complaints about alleged violations of privacy. The Ombudsman investigates complaints about the conduct of public authorities, and will always consider for investigation complaints which cannot be resolved within the public authority, as well as failure by a public authority to deal satisfactorily with a complaint.

Important components of a complaints handling mechanism for effectively dealing with complaints regarding CCTV include the following:

- providing all groups in the community with information about the procedure for making a complaint. It is strongly recommended that this information be provided in appropriate community languages
- there should be a system for keeping the complainant informed of what is happening
- strategies should be put in place to prevent occurrence of the problems identified by complaints.

Councils might also consider the following publications in developing and implementing an effective complaints handling mechanism in relation to CCTV:

- Australian Standard – *Complaints Handling* – AS 4269 – 1995. This publication is available from Standards Australia, telephone 1300 654646
- *Contracting out: the case for consumer rights in the provision of local government services*, Gabby Trifiletti, Consumer Law Centre Vic. Ltd., 1996.

17. Monitoring and Evaluation

A monitoring and evaluation plan is to be developed and implemented to determine the effectiveness of CCTV in achieving its objectives. It is recommended that a formal evaluation occur after a six month trial period, and then at least every twelve months after the end of the trial period if it is decided that CCTV should continue to operate. Any evaluation should also look at whether there has been any displacement of crime from the monitored area to ascertain whether the operation of CCTV has had this effect. The local councils might consider contracting an independent consultant with the appropriate evaluation expertise to assist with this process.

Guidelines concerning monitoring and evaluation are presented below in relation to the broad objective of CCTV of decreasing crime.

Local councils should also refer to the document *Crime Prevention Resource Manual*.

17.1 Collection of data

A method by which to capture or access statistical information should be implemented. Crime statistics for the twelve months previous to the program commencement must be captured to serve as a benchmark. This information should have been collected as part of the crime assessment process prior to the decision to implement CCTV. The NSW Bureau of Crime Statistics and Research and/or the local police should be able to assist in providing this information.

Data collected during the period that CCTV is operating will allow for an assessment of what if any differences the implementation of the CCTV scheme has had on crime in the designated area. To supplement crime statistics, a method of recording all incidents to which a response was initiated should be implemented (see section 18.1). This will serve to record those incidents where intervention was achieved and no official response was required.

It is important to remember, however, that changes in recorded crime data may arise from a number of different factors, and may not be attributable solely to the introduction of CCTV. This will particularly apply in the case of CCTV, which should only be implemented as part of a range of crime prevention measures.

Councils should consider collecting statistics from areas that are not covered by CCTV but which might be sites for a displacement effect. Councils should also consider identifying and collecting crime statistics about a non-CCTV area, which has similar characteristics eg. crime rates to the area covered by CCTV (this might be another local government area), and compare statistics to assist in determining the impact of CCTV on crime.

Research may also be conducted into people's perceptions of crime in the area. While this may be an associated benefit, it should not be a primary objective of the scheme. Recent research commissioned by the then National Campaign Against Violence and Crime shows that there are a number of methodological issues which need to be considered in carrying out research into public perceptions about safety and fear of crime. It is recommended that expert advice be obtained prior to carrying out such research, or that the research be carried out by an appropriately qualified organisation.

An indication of an increase in the public's perception of the safety of a given area is an increase in their actual usage rate of the area. Surveys of the public and businesses in the area could provide valuable supplementary information.

17.2 Publication of evaluation results

Evaluation results should be made public and the community consulted as to whether or not the program should continue.

Evaluation reports should be forwarded to the Crime Prevention Division in the NSW Attorney General's Department (GPO Box 6, Sydney 2001). The Division will review the reports and use them to provide advice to councils about evaluating the effectiveness of CCTV.

17.3 Alterations to the scheme

As a result of the evaluation process, it may be appropriate to continue the program with necessary alterations to the system to enhance its operation. The community should be consulted about these alterations.

18. Auditing

It is essential that the community have confidence in local councils' use of CCTV technology. Local councils must regularly audit compliance with these Guidelines. In addition to audits, all logs of Control Centre activity should be regularly scrutinised by the owners of the scheme.

Local councils should arrange for an independent audit to be carried out.

Privacy NSW may request to undertake spot audits from time to time and local councils should comply with such requests.

Local councils should also inform the public about how they can obtain access to the results of any audits. The results of audits should be included in formal evaluation reports.

Other mechanisms for an independent system of monitoring might be considered, such as establishing an audit committee with representation from independent bodies with no vested interest in the scheme. This body should provide regular reports to the local council and/or Community Safety Committee.

18.1 Incident reporting and analysis system

An incident reporting and analysis system should be included in the CCTV initiative. Ideally the system should be computerised through an appropriate software program, as this would make monitoring and evaluation of the system easier than collecting and analysing information from a manual system. The reporting system should be capable of recording:

- type of incident (according to defined offence categories) monitored and to which a response was made
- date, time and location of the incident
- response taken, including who made the response (i.e. some incidents will require a response from police while others would be the responsibility of local councils' staff or other emergency services)
- result of the response (i.e. arrest, caution, etc.).

It is imperative that any reporting system does not include information in which individuals can be identified.

19. Code of Practice, Protocols and Standard Operating Procedures

A detailed code of practice which covers all aspects of the management of the operations of a public area CCTV scheme should be developed. Such a code would include reference to all the following matters:

- scheme objectives and principles of operation
- parameters of the scheme including geographical boundaries, number and location of cameras, system description, method of operation
- scheme ownership, partners to the scheme including suppliers of equipment and police and their respective responsibilities, management of the scheme, control and operation of cameras, accountability, monitoring and evaluation mechanisms, and avenues for complaints

- signage, publicity and information about schemes
- rules defining access to scheme control rooms and monitors so that only those with a lawful and legitimate reason may operate or view the equipment in a control room
- adequate standards for the recruitment, integrity and training of control room staff
- lawful, fair, safe and secure procedures defining recording and storage practices, tape retention times, tape re-use and tape copying
- information being recorded which is adequate, accurate, and relevant
- rules on how recorded images/tapes are accessed for evidentiary purposes, and in ways which satisfy continuity of evidence
- provision for the implementation of disciplinary and/or other procedures where protocols are breached.

The Code of Practice should underpin the management and operations of the scheme and be supplemented by Protocols or Procedures and appropriate Standard Operating Procedures for participating agency staff to guide the day-to-day operation of the scheme.

Again, section 12 of the *Privacy and Personal Information Protection Act 1998* lays down a number of requirements relating to security of information collected and held. Standard Operating Procedures should comply with these requirements and these should be built into formal agreements, such as Memorandums of Understanding, between local councils and the NSW Police Service.

An example of a Standard Operating Procedure is provided at Appendix 2. The *City of Sydney Street Safety Camera Program Code of Practice*, available from the Sydney City Council, is also a useful example.

20. Technical Specifications – Some Issues for Consideration

(see also Appendix 3)

It is strongly suggested that scheme owners seek expert advice on issues relating to technical requirements and specifications. In seeking this advice, it is important that owners have a clear understanding of exactly what they wish the CCTV system to do. The consultant providing such advice must have a sound understanding of all of the components which will eventually make up the CCTV system. This includes the utilisation of a CCTV system, the way in which it operates (specifications) and their ability to interface within the system, their suitability for operation within the given environment and the level of human intervention required.

As CCTV recordings are used more and more for evidentiary purposes by police, consideration will need to be given to the development of technical standards to be applied to scheme equipment, which safeguard evidentiary standards.

Programs using leased CCTV equipment under a service contract may be more flexible than capital expenditure on CCTV cameras as a permanent fixture. This is particularly relevant in the light of rapidly developing technological advances in the area of video surveillance.

List of Resource Information

- Australian Standard AS 2342 - 1992, *Development, testing, and implementation of information and safety symbols and symbolic signs*
- Australian Standard AS 4269 - 1995, *Complaints Handling*
- CITY OF SYDNEY, *Code of Practice Street Safety Camera Program*, December 1998
- *Local Government Act 1993* (NSW) (No. 30 of 1993)
- *Local Government (Tendering) Regulation* (NSW) (No. 464 of 1999)
- NATIONAL CAMPAIGN AGAINST VIOLENCE AND CRIME (NCAVAC) – Commonwealth Attorney General's Department, *Fear of Crime*, May 1998
- NSW ATTORNEY GENERAL'S DEPARTMENT, *Crime Prevention Resource Manual*, 1998
- NSW DEPARTMENT OF LOCAL GOVERNMENT, *Competitive Tendering Guidelines*, January 1997
- NSW DEPARTMENT OF LOCAL GOVERNMENT, *Practice Note No. 9, Complaints Management in Councils*, August 1994
- NSW POLICE SERVICE, *Evaluation of the Closed Circuit Television System in the City of Sydney Patrol Safety Zone*, 31 January 1996.
- NSW POLICE SERVICE, *Safer Communities Action Plan*, April 1998
- NSW POLICE SERVICE (on behalf of the Police Commissioners' Policy Advisory Group (PCPAG)), *The Police and Public Area CCTV: Issues, Principles, Policy and Practice*, 1999
- *Privacy and Personal Information Protection Act 1998* (NSW) (No. 133 of 1998)
- PRIVACY NSW, *A Guide to the Information Protection Principles*, 2000
- *Raciti v Hughes* (unreported, Supreme Court of NSW Equity Division, No. 3667 of 1995)
- *Security Industry Act 1997* (NSW) (No. 157 of 1997)
- Trifiletti G, *Contracting out: the case for consumer rights in the provision of local government services*, Consumer Law Centre Vic. Limited, 1996
- *Workplace Video Surveillance Act 1998* (NSW) (No. 52 of 1998)

Appendix 1

Privacy and Personal Information Protection Act 1998

Part 2 – Information protection principles

Division 1 – Principles

8. Collection of personal information for lawful purposes

- (1) A public sector agency must not collect personal information unless:
- (a) the information is collected for a lawful purpose which is directly related to a function or activity of the agency, and
 - (b) the collection of the information is reasonably necessary for that purpose.
- (2) A public sector agency must not collect personal information by any unlawful means.

9. Collection of personal information directly from individual

A public sector agency must, in collecting personal information, collect the information directly from the individual to whom the information relates unless:

- (a) the individual has authorised collection of the information from someone else, or
- (b) in the case of information relating to a person who is under the age of 16 years the information has been provided by a parent or guardian of the person.

10. Requirements when collecting personal information

If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances to ensure that, before the information is collected or as soon as practicable after collection, the individual to whom the information relates is made aware of the following:

- (a) the fact that the information is being collected,
- (b) the purposes for which the information is being collected,
- (c) the intended recipients of the information,
- (d) whether the supply of the information by the individual is required by law or is voluntary, and any consequences for the individual if the information (or any part of it) is not provided,
- (e) the existence of any right of access to, and correction of, the information,
- (f) the name and address of the agency which is collecting the information and the agency which is to hold the information.

11. Other requirements relating to collection of personal information

If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances (having regard to the purposes for which the information is collected) to ensure that:

- (a) the information collected is relevant to that purpose, is not excessive, and is accurate, up to date and complete, and
- (b) the collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.

12. Retention and security of personal information

A public sector agency which holds personal information must ensure:

- (a) that the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used, and
- (b) that the information is disposed of securely and in accordance with any requirements for the retention and disposal of personal information, and
- (c) that the information is protected, by taking such security safeguards as are reasonable in the circumstances, against loss, unauthorised access, use, modification or disclosure, and against all other misuse, and
- (d) that, if it is necessary for the information to be given to a person in connection with the provision of a service to the agency, everything reasonably within the power of the agency is done to prevent unauthorised use or disclosure of the information.

13. Information about personal information held by agencies

A public sector agency which holds personal information must take such steps as are, in the circumstances, reasonable to enable any person to ascertain:

- (a) whether the agency holds personal information, and
- (b) whether the agency holds personal information relating to that person, and
- (c) if the agency holds personal information relating to that person:
 - (i) the nature of that information, and
 - (ii) the main purposes for which the information is used, and
 - (iii) that person's entitlement to gain access to the information.

14. Access to personal information held by agencies

A public sector agency which holds personal information must, at the request of the individual to whom the information relates and without excessive delay or expense, provide the individual with access to the information.

15. Alteration of personal information

(1) A public sector agency which holds personal information must, at the request of the individual to whom the information relates, make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the personal information:

- (a) is accurate, and
 - (b) having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading.
- (2) If a public sector agency is not prepared to amend personal information in accordance with a request by the individual to whom the information relates, the agency must, if so requested by the individual concerned, take such steps as are reasonable to attach to the information, in such a manner as is capable of being read with the information, any statement provided by that individual of the amendment sought.

- (3) If personal information is amended in accordance with this section, the individual to whom the information relates is entitled, if it is reasonably practicable, to have recipients of that information notified of the amendments made by the public sector agency.

16. Agency must check accuracy of personal information before use

A public sector agency which holds personal information must not use the information without taking such steps as are reasonable in the circumstances to ensure that, having regard to the purpose for which the information is proposed to be used, the information is relevant, accurate, up to date, complete and not misleading.

17. Limits on use of personal information

A public sector agency which holds personal information must not use the information for a purpose other than that for which it was collected unless:

- (a) the individual to whom the information relates has consented to the use of the information for that other purpose, or
- (b) the other purpose for which the information is used is directly related to the purpose for which the information was collected, or
- (c) the use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual to whom the information relates or of another person.

18. Limits on disclosure of personal information

- (1) A public sector agency which holds personal information must not disclose the information to a person (other than the individual to whom the information relates) or other body, whether or not such other person or body is a public sector agency, unless:
 - (a) the disclosure is directly related to the purpose for which the information was collected, and the agency disclosing the information has no reason to believe that the individual concerned would object to the disclosure, or
 - (b) the individual concerned is reasonably likely to have been aware, or has been made aware in accordance with section 10, that information of that kind is usually disclosed to that other person or body, or
 - (c) the agency believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.
- (2) If personal information is disclosed in accordance with subsection (1) to a person or body which is a public sector agency, that agency must not use or disclose the information for a purpose other than the purpose for which the information was given to it.

19. Special restrictions on disclosure of personal information

- (1) A public sector agency must not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, health or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.
- (2) A public sector agency which holds personal information must not disclose the information to any person or body who is in a jurisdiction outside New South Wales unless:
 - (a) a relevant privacy law which applies to the personal information concerned is in force in that jurisdiction, or
 - (b) the disclosure is permitted under a privacy code of practice.
- (3) For the purposes of subsection (2), a "relevant privacy law" means a law which is determined by the Privacy Commissioner, by notice published in the Gazette, to be a privacy law for the jurisdiction concerned.
- (4) The Privacy Commissioner is, within the year following the commencement of this section, to prepare a code relating to the disclosure of personal information by public sector agencies to persons or bodies outside New South Wales.
- (5) Subsection (2) does not apply:
 - (a) until after the first anniversary of the commencement of this section, or
 - (b) until a code referred to in subsection (4) is made, whichever is the later.

Appendix 2

Example of Standard Operating Procedures

This set of Standard Operating Procedures has been included to serve as a guide and is not to be considered as an exhaustive list of the material which should be included. The Standard Operating Procedures developed for individual CCTV operations would need to reflect individual requirements.

Among the key issues to be covered by the Standard Operating Procedures are:

Access to and security of Control Centre monitoring room

1. Access to the Control Centre monitoring room should be generally restricted to authorised monitor operators and persons involved with the management of the system.
2. Local councils should develop policy and procedures concerning visitors to the monitoring room. These should cover matters like which parties might be granted access, the process for granting access, the circumstances under which access will be granted, what level of access visitors will be granted, and how visitors will be supervised.
3. Monitors must not be located in such a position as would enable public view.
4. A register, which records the employees tasked to monitor and control the equipment each monitoring shift, must be maintained.

5. A register should also be maintained to record the name, organisation and length of visit of any person entering the monitoring room.
6. A tasked operator must always be present during the operation of the monitors. If the monitors are to be left unattended by a tasked officer, the monitoring room is to be secured against unauthorised entry.

The following procedures are to be adhered to by monitor operators rostered for duty at the CCTV Control Centre:

- At the commencement of each shift, monitor operator(s) are to record the following detail in the *Shift Log*:
 - personal details
 - date/time of shift
 - identifying number of tape(s) to be used during shift.
- At the completion of each shift, the off-going operator is to remove the videotape(s) for storage. The tapes are to be placed at the end of the rotation line in the secure tape cabinet.
- The on-coming operator is to immediately install the next tape(s) from the rotation line after completing identification and shift details in the *Shift Log*.
- Tapes are to remain in the CCTV video for duration of an operator's rostered shift.

Initiating response to identified incidents

When an operator identifies an actual or emergency incident to which a response is required, the operator must contact either the police or local council officers (whichever is appropriate), while ensuring that the potential incident is being recorded.

When contacting the police, ensure the reported incident is displayed on the police monitor (if available), and follow police directions regarding camera operation. The police will assess the reported incident and organise the response.

If possible, the incident must continue to be recorded up to and including the completion of the response.

Whenever a response is deemed appropriate to an identified incident, the monitor operator must record the following in the *Incident Log*:

- type of incident (according to defined offence categories), including description (e.g. number of persons involved)
- date and time of incident
- organisation making response (i.e. police or local council).

The incident report must be filled out by monitoring personnel and copies provided to the local council and police. The incident report must record information which will assist police in the recording of the incident. An example of an incident report is illustrated in Appendix 4.

Transferring operating control of monitor to police

Monitor operators must only transfer control of the police monitor to police personnel when so requested by police. In such cases, the monitor operator must record the following in the *Shift Log*:

- the name of the requesting police officer
- the reason given for the request for transfer of operating control
- the date, time and length of transfer control.

Tapes, photographs and other recorded material

The most commonly used medium in CCTV systems is videotapes and still photographs. The term 'recorded material' refers to, but is not limited to, videotape, compact disk, computer disk, film and any other media used for storing images. It is important that the local council recognises that the use of and access to recorded medium is clearly defined and outlined in Standard Operating Procedures developed.

As owners of the recorded material, local councils will need to ensure that:

- CCTV systems will be used only for the purposes defined in the CCTV program approved by local councils
- access to recorded material is strictly defined and monitored
- material will not be sold or used for commercial purposes or the provision of entertainment
- recorded material will only be provided in accordance with the law e.g. in compliance with police requirements in connection with the investigation of a crime.

Retention of and access to recorded material

1. All videotapes must be chronologically marked and stored in a secure, lockable cabinet within the monitoring room of the Control Centre.
2. All videotapes must be marked with a unique security number which cannot be transferred to another tape. The security number should indicate if movement from original tape occurred e.g. change colour, self-destruct, etc.
3. A register must be maintained, outlining the exact date and time of use of each tape. Control Centre personnel should be informed that the tape register will be included in the regular audit.
4. A rotation system must be used for recorded videotapes. Used tapes must be stored in the secure cabinet and rotated in turn. The recorded images of a day's activities must not be held for longer than 31 days from the time of recording, unless there has been a request to hold a tape for investigative or evidentiary purposes. The tape is then to be recorded over.
5. If a request is received to hold a tape, that tape shall be taken out of the rotation group and replaced with an another tape.
6. A copy of the tape must only be released to a police officer on receipt of a signed request from the Local Area Commander. The operator is to retain the original tape and place it in a tamper resistant container. An operator may take a tape out of the rotation group and place

it on hold, following a verbal request from a police officer. However, the tape can only be released to the officer if a signed request for release of the tape is received within 31 days. If the release request is not received within that time, the tape is to be returned to the rotation group.

7. Generally, tapes should be released to the police only.
8. Requests for access to tapes from non-police persons must be referred to the local council's Public Officer. The Public Officer is to take account of the requirements of the *Privacy and Personal Information Protection Act 1998* before making any decision in relation to access.
9. A register must be maintained to record all requests for tapes. The register must record the recording date of the tape and the name of the officer to whom the copy was released.
10. At the completion of every shift, Control Centre personnel must conduct a handover and account for master tapes contained in security sealed bags, still photos taken during the shift and access to the Control Centre.
11. Recorded material should be released to the media only in specific circumstances. Such requests should be co-ordinated via the NSW Police Service. A release should only occur to gain public information in respect to the identity of an offender wanted in connection with an offence which was recorded. In such cases, the recognisable characteristics of other people in the footage shall be obscured.
12. Still photographs should be treated in the same manner as videotapes. A register of photographs taken must be maintained. The register must record the date on which the photograph was taken and, as necessary, the name of the officer to whom the still photograph was released.
13. To maintain a register for still photographs, an identifying tamper resistant number must be printed on the photograph.
14. Images from recorded tapes must not, under any circumstance, be used to publicise the existence or success of the CCTV program.
15. Tapes must be maintained and used no more than the maximum number of times, as recommended in manufacturer's instructions.
16. Tapes must be disposed of in a manner which does not allow the reproduction of any of the recorded material.

Requests for video tapes and/or still photographs

Monitor operators must refer all requests for access to tapes and still photographs from non-police persons to the local council Public Officer.

On receipt of a verbal request from a police officer to hold a tape, monitor operators must take the nominated tape out of the tape rotation line and replace it with another tape. The requested tape 'on hold' must be kept secured in a lockable cabinet.

On receipt of a verbal request from a police officer to provide a still photograph, the monitor must cut the still photograph and place 'on hold' in a secured lockable cabinet. The number of the still photograph must be noted in a register.

A tape and/or still photograph must only be released to a police officer on receipt of a signed request from the Local Area Police Commander (see Appendix 4). In this case, the police officer is to receive a **copy** of the requested tape and/or still photograph. The operator must place the original tape in a tamper resistant container and secure it in the lockable cabinet.

For tapes which are 'on hold', if a signed request for release of the tape is not received within 31 days, the tape is to be returned to the rotation group.

When a verbal request for recorded material is received, monitor operators are to sign and record the following in the *Tape and Photo Request Log*:

- number and recording date of tape
- date of request for tape to be held
- name of requesting police officer.

When a copy of a tape and/or a still photograph is released to a police officer, monitor operators are to sign and record the following in the *Tape and Photo Request Log*:

- number and recording date of tape
- date on which tape was released
- name of the officer to whom the tape copy was released.

The master tape is only to be released to a police officer on the provision of a subpoena and release of master videotape form (see Appendix 4). When the master tape is released, monitor operators are to sign and record the following in the *Tape and Photo Request Log*:

- number and recording date of tape
- date on which tape was released
- name of the officer to whom the tape copy was released.

Appendix 3

Guide to technical aspects – some issues for consideration

This Appendix lists some of the technical aspects involved in establishing and implementing a CCTV scheme, which a local council or other auspicing body will need to consider. It is not intended to be exhaustive, nor intended to make specific recommendations about technical matters. It should be read as a guide only.

It is strongly suggested that scheme owners seek expert advice on issues relating to technical requirements and specifications. The consultant providing such advice must have a sound understanding of all of the components which will eventually make up the CCTV system. This includes the utilisation of a CCTV system, the way in which it operates (specifications) and their ability to interface within the system, their suitability for operation within the given environment and the level of human intervention required. Membership of one of the accredited professional security organisations such as the Australian Security Industry Association Limited (ASIAL) should be a minimum requirement when selecting a consultant.

As CCTV recordings are used more and more for evidentiary purposes by police, consideration will need to be given to the development of technical standards to be applied to scheme equipment which safeguard evidentiary standards. There are a number of industry standards which apply – VHS and VHS-C being the main ‘analog’ one, and DVC and DVC Pro being two of a number of emerging digital formats.

Lease or purchase

Programs using leased CCTV equipment under a service contract may be more flexible than capital expenditure on CCTV cameras as a permanent fixture. This is particularly relevant in the light of rapidly developing technological advances in the area of video surveillance.

Equipment considerations

These can be grouped within the headings of Capture, Transmission, Display, Recording and Playback.

Capture

The first element in implementing a CCTV scheme is the cameras. The scheme owners or their technical expert(s), should understand the significance of such things as:

- pan, tilt, zoom, focus and iris mechanisms
- lenses and associated operations (e.g. auto iris)
- light thresholds, the effect of under and over illumination
- resolution
- optical distortion in domes
- line and distribution amplifiers.

Cameras

The following provides a broad basis for camera specification:

- where possible cameras should be colour. Monochrome cameras may be considered where infra-red applications are of importance
- all cameras to have a low light capability preferably under an illumination level of 2 lux
- each camera to have a minimum resolution of 50 horizontal lines.

Pan, tilt and zoom motor drives

The following provides a broad basis for pan, tilt and zoom motor drive specification:

- where camera re-positioning is required, each camera is to be equipped with pan, tilt and zoom motor drive unit
- pan speed to be no less than 20 degrees per second, including dual speed drives, and to be capable of 360 degrees rotation
- where preset positioning is required, pan, tilt and zoom motor drives to include preset functionality of a minimum of 5 presets per camera

- all camera units should be equipped with an optimum of 14x zoom capability, unless the field of view required at a particular location is of such size that lesser zoom units provide sufficient identification
- all controlling devices for the motorised mechanisms to be located in such a manner as to prevent damage from vandalism, and should include a tamper alarm.

Dome units

The following provides a broad basis for dome unit specification:

- all cameras to be enclosed in environmentally sealed dome housings
- the housings are to include tinting and "clear slot" design so as not to reveal the particular direction in which the camera is facing
- the camera viewing port to be designed so as to minimise any loss in low light capability
- dome unit to be vandal resistant
- housing to be environmentally sealed against dust, heat and moisture
- dome unit to be fitted with a security chain.

It is essential that domes be manufactured to minimise optical distortion when cameras are operated at maximum tilt and zoom. Equally, as cameras are generally situated lower than other security cameras, they should operate silently. This provides greater security for the cameras against vandalism.

Display and Recording

In conjunction with monitors, the technical expert should be able to assess the need for the following equipment:

- screen splitters
- motion detection
- sequencers
- frame storage.

In regard to video recorders, the consultant should be aware of the relative merits of:

- real time recording
- slow scan
- monochrome and colour
- digital onto disk.

Transmission

In regard to system interconnection, the transmission media for the final system will need to be tailored to cope with the particular urban environment in question. The consultant must be able to recommend which of the following, or combination of them, best suit it:

- twisted pair
- coaxial cable
- optical fibre
- microwave
- infra-red.

Or any combination of the above units in a hybrid system.

Note: with regard to microwave and infra-red transmission, local councils should be alerted to the issues of safety and public perception regarding the health impact of these systems.

Display

Monitoring room and monitors

The following provides a basis for monitoring equipment specification:

- a singular colour screen to be used as the main monitoring screen; to be no less than 41cm measured diagonally across the screen
- all required activity on the main monitoring screen to be recorded in 'real time' (*Note:* slow scan should **not** be used as the principal recording system)
- one secondary monitor to be supplied for each bank of four cameras; to be no less than 15cm measured diagonally across the screen
- each secondary monitor to be capable of sequencing through each of the undisplayed cameras at a preset rate and/or displaying all of the four cameras on the screen at the one time
- all monitoring to be conducted in a secure area or room
- lighting within the monitoring room to be in accordance with Occupational Health and Safety regulations
- monitors to be positioned in such a manner as to prevent eye strain.

Appendix 4 - Incident Report

(Note: This document is provided as an example only and agencies are encouraged to develop their own document)

Location: Incident Report

Report No:.....

Incident	Other Emergency	Local Authority	Other
? Assault – serious	? Fire	? Repair/maintenance	1
? Assault – minor	? Water	? Environment	-----
? Brawl	? Medical	? Waste	-----
? Weapon	? Power	? Traffic	-----
? Malicious Damage		? Health	-----
? Motor veh. Accident		? Ordinance/breach	-----
? Drug overdose		? Safety	2
? Drug offence			-----
? Trespass	Community	CCTV Maintenance	-----
? BE&S	? Cash escort	? Cameras	-----
? Stealing	? Demonstrations	? Monitoring equip.	-----
? Robbery	? Special Events	? Recording equip.	-----
? Intoxicated Person	? Parade	? Optic fibre	3
? Information only	? Security	? House keeping	-----
? Operation			-----
? Warrants			-----
? GIC			-----
? Steal MV			-----
? Street offence			-----

Organisations Responding

? Police ? Fire ? Ambulance ? FCC
 Ref. Name..... Time/Date Notified..... Time Responded.....

Entities Involved:

(Enter a brief description of the people involved, circle relevant options only, and refer to them as P1, P2 etc in the narrative. Be factual and concise.)

Person 1	Person 2	Person 3	Vehicle 1
Sex: M/F	Sex: M/F	Sex: M/F	Rg:
Age:.....?	Age:.....?	Age:.....?	State/Terr.: NSW QLD Vic Tas NT WA SA ACT
Height: S M T	Height: S M T	Height: S M T	Type: 4w Se Wg Va Pan
App: As Ca Me Ab Pa	App: As Ca Me Ab Pa	App: As Ca Me Ab Pa	Mk
Bld: T M L F	Bld: T M L F	Bld: T M L F	
HrT: S M L B	HrT: S M L B	HrT: S M L B	Md
HClr: Fa Br Co Re Bl	HClr: Fa Br Co Re Bl	HClr: Fa Br Co Re Bl	
Other:	Other:	Other:	Clr:

Narrative:

Incident Recording Details

Tape No. Date Camera No.
 Officer Name Officer Sig

Sample forms

(Note: This document is provided as an example only and agencies are encouraged to develop their own document)

RELEASE FORM FOR A COPY VIDEOTAPE

The Proper Officer – Local Authority
Address

Dear Sir/Madam

Videotape Requisition

The following incident occurred in the vicinity of the (identified area) and has been recorded on videotape by the CCTV cameras operated by (Local authority).

Alleged Incident

Location of Incident

Date/Time

Master Tape Number

COPS Event Number

Requesting Officer (Print)

Signature*

Rank and Registered Number

Station/Branch

Collecting Officer (Print)

Signature*

Rank and Registered Number

Copy Tape Number

****I acknowledge that I am responsible for ensuring the tape(s) is/are only used for official Police purposes.***

Monitoring Staff (Print)

Date/Time

Supplied is a blank video cassette to record the original tape. This copy will be used for investigation purposes only. Please hold the original until a video exhibit release form and subpoena from the court is forwarded.

Exhibit Reference Number is.....

..... (Please Print)

..... (Signature)

Date

Local Area Commander

Duty Officer

Note: Blue coloured Exhibit Receipt Form is to be attached to this Requisition Form by Police Officer in charge of the matter.

(Note: This document is provided as an example only and agencies are encouraged to develop their own document)

RELEASE FORM FOR A PHOTO EXTRACT

The Proper Officer – Local Authority
Address

Dear Sir/Madam

Photo Extract Requisition

The following incident occurred in the vicinity of the (identified area) and has been recorded on videotape by the CCTV cameras operated by (Local authority).

Alleged Incident

Location of Incident

Date/Time

Tape Number/s

Photo No/s

COPS Event Number

Requesting Officer (Print)

Signature*

Rank and Registered Number

Station/Branch

Collecting Officer (Print)

Signature*

Rank and Registered Number

Copy Tape Number

****I acknowledge that I am responsible for ensuring the tape(s) is/are only used for official Police purposes.***

Monitoring Staff (Print)

Date/Time

Supplied is a blank video cassette to record the original tape. This copy will be used for investigation purposes only. Please hold the original until a photo exhibit release form and subpoena from the court is forwarded.

Exhibit Reference Number is.....

..... (Please Print)

..... (Signature)

Date

Local Area Commander

Duty Officer

(Note: This document is provided as an example only and agencies are encouraged to develop their own document)

RELEASE FORM FOR A MASTER EXTRACT

The Proper Officer – Local Authority
Address

Dear Sir/Madam

Videotape Requisition

The following incident occurred in the vicinity of the (identified area) and has been recorded on videotape by the CCTV cameras operated by (Local authority).

Alleged Incident

Location of Incident

Date/Time

Master Tape Number

COPS Event Number

Requesting Officer (Print)

Signature*

Rank and Registered Number

Station/Branch

Collecting Officer (Print)

Signature*

Rank and Registered Number

Copy Tape Number

****I acknowledge that I am responsible for ensuring the tape(s) is/are only used for official Police purposes.***

Monitoring Staff (Print)

Date/Time

Supplied is a blank video cassette to record the original tape. This copy will be used for investigation purposes only. Please hold the original until a video exhibit release form and subpoena from the court is forwarded.

Exhibit Reference Number is.....

..... (Please Print)

..... (Signature)

Date

Local Area Commander

Duty Officer

Note: Blue coloured Exhibit Receipt Form is to be attached to this Requisition Form by Police Officer in charge of the matter. A subpoena must also accompany this form.