

Caught on camera – Using images to identify suspects and witnesses

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Policy Statement

Summary

West Yorkshire Police has a site on its public facing internet pages entitled 'Caught on Camera'. This site contains still images of potential suspects and/or witnesses taken from CCTV, other recording devices and E-Fits of persons unknown to investigating officers.

The purpose of the Caught on Camera website is to:

- Engage our staff and the public at large in the identification of unknown suspects and/or witnesses for offences that we are investigating; and
- Generate intelligence and ultimately identify those suspects and/or witnesses.

This policy procedure covers the use of the Caught on Camera website.

CCTV footage of known offenders or those who have been identified through the usual police channels, i.e. local intelligence, will be dealt with under existing procedures.

The aims of this policy procedure are to explain the roles and responsibilities of the officer in case (OIC), how to submit an image for inclusion on the websites, what happens if a potential suspect is identified and the circumstances when an image can be released to the media.

Scope

This policy applies to all police officers and police staff.

Principles

Declaration

- The following words are displayed on the public facing website:

"Our CCTV gallery of people who have either been caught on camera or who are wanted on warrant – do you recognise anyone?"

The identities of those shown are sought in connection with enquiries into the described alleged offences.

Images may be of both potential suspects and/or witnesses.

Members of the public should not approach anyone who they believe to be displayed in the images but should contact Crimestoppers on 0800 555 111. State the identity of the person shown, quoting the reference number accompanying the picture – alternatively send your information via this online form.”

Principles

- The Caught on Camera website can be viewed by:
 - All West Yorkshire Police personnel via the intranet homepage and Co-ordination and Tasking Office (CATO) sites; and
 - The general public via the West Yorkshire Police website and SNT homepages.
 - Both links show the same images.
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Responsibilities of the Officer in Case (OIC)

Human rights

- The balance between protecting a person's right to privacy and acting legitimately to achieve a policing purpose must be considered before releasing photographs.
 - Article 8 of the Human Rights Act gives everyone the right to respect for their private and family life, home and correspondence. Publication of their photographs could constitute a breach of this, however the Article does allow publication in accordance with the law and as is necessary in a democratic society:
 1. In the interests of national security, public safety or the economic wellbeing of the country;
 2. For the prevention and detection of crime or disorder;
 3. For the protection of public health or morals; or
 4. For the protection of the rights and freedoms of others.
 - The Data Protection Act 2018 (DPA) allows the release of information where the purpose of the release is for the prevention or detection of crime or for the purpose of the apprehension or prosecution of offenders.
 - Images will be displayed to the public in accordance with these principles.
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Necessary and proportionate

- Individuals must be satisfied the image is that of a potential suspect and/or witness to a specific offence and that publication is necessary and proportionate and other reasonable means of tracing the person has been exhausted by the OIC prior to submission for circulation.
- Images must only be forwarded as a last resort in order to justify the necessity clause of section 29 of the DPA 2018.

Prejudicing the case or prosecution	<ul style="list-style-type: none">• Individuals must also consider the risk of prejudicing any investigation or prosecution.• Normally only a head and shoulders image of a picture containing only one person will be displayed.• Individuals must be aware of the risk of evidence being disposed of, e.g. where images display distinctive clothing. Conversely, it may be that individuals want to publicise a distinctive item if this is the only way an identification is likely to be made.
Special requests	<ul style="list-style-type: none">• Individuals must ensure that they make the Imaging Unit aware of particular requests regarding the showing of the image beyond the normal head and shoulders view.
Poor quality images	<ul style="list-style-type: none">• The Imaging Unit may decline to use an image if its quality is so poor that they do not consider it viable enough to display. Images may also be rejected if the subject's face is obscured or hidden in such a manner as to make identification highly unlikely.• It is important that the best quality image is submitted, usually the original digital still image taken from the master CCTV.• Scanned prints will significantly reduce the clarity of the image.

Submitting an Image for the Website

Consultation	<ul style="list-style-type: none">• The OIC, after consultation with supervision or the senior investigating officer, where appropriate, is responsible for authorising the release of an image onto the website.• Images must only be released onto the website as a last resort and the OIC must ensure that:<ul style="list-style-type: none">○ The image is of a good quality;○ No other investigation will be compromised through the publication of the image;○ The image has been displayed at briefings and internally throughout the Force (where appropriate) without success; and○ It can be evidenced that the release of the image is necessary, justified and proportionate.
Publication –	<ul style="list-style-type: none">• In exceptional circumstances it may be desirable to circulate an image internally before it is placed on the Caught on Camera website.

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internal only	<ul style="list-style-type: none">• In these cases, the image may be circulated via either the district briefing page or the intranet home page appeals facility.• Under no circumstances must districts initiate their own internal Caught on Camera websites.• The OIC must obtain the consent of the victim or the provider of the image before it is circulated as publication may enable a suspect to identify them.• This consent must be recorded on the Niche occurrence report. <hr/>
Publication – external	<ul style="list-style-type: none">• Once received, Imaging Unit will place the image on the Caught on Camera website and will be immediately accessible to staff and the general public.• Each image will be accompanied by text detailing:<ul style="list-style-type: none">○ How to pass information to Crimestoppers;○ Relevant details of the offence, namely the date, general location and commonly understood name of the offence, e.g. shoplifting;○ A unique identifying reference number for public use; and○ The Niche occurrence reference number which will only be revealed by holding the cursor over the image. <hr/>
Juvenile images	<ul style="list-style-type: none">• Legal Services advises that the images of potential suspects and/or witnesses who appear to be under the age of 14 years cannot be used.• With the age of the individuals put forward for Caught on Camera not being known, to ensure this legal requirement is upheld the Imaging Unit will not automatically add the image of anyone whose age is not known and who appears to be under 18 years of age unless written direction is given by an officer that the individual appears to be over 14 years of age. <hr/>
Consent	<ul style="list-style-type: none">• The OIC must obtain the consent of the victim or the provider of the image before it is circulated as publication may enable a suspect to identify them.• This consent must be recorded on the Niche occurrence report. <hr/>
Emailing	<ul style="list-style-type: none">• OICs must email images along with a completed Caught on Camera form 11m to the Imaging Unit mailbox for inclusion on the Caught on Camera website, usually via their CATO or from the Imaging Services page.• Note: A request may be rejected if the above request form is not used or it contains insufficient information. <hr/>
Serious offences	<ul style="list-style-type: none">• Where the offence is felt to be sufficiently serious it may also be displayed on the Crimestoppers 'Most Wanted' site under the existing protocols for that site.

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Timescales	<ul style="list-style-type: none">• Images will remain on the site for a period of four weeks after which they will be automatically archived unless it is decided to retain it for some exceptional reason.• Images will be removed from the site as soon as:<ul style="list-style-type: none">○ They are identified; and○ The Imaging Unit informed.• The image will be replaced with an 'identified' label and a blank outline. The crime details will remain on the site for the remainder of the four week period.
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Identification

By a Member of Staff

Initial action	<p>If an individual believes they can identify an individual shown on the site, they must:</p> <ul style="list-style-type: none">• Inform their supervisor of a positive identification; and• Not discuss the potential identity of an offender with other members of staff.
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Supervisor's actions	<p>The supervisor must:</p> <ul style="list-style-type: none">• Create a working sheet on the Niche report detailing the potential identification. The working sheet will detail why the member of staff believes the image to be the named person, e.g.:<ul style="list-style-type: none">○ Length of time known to them;○ Possession of any distinctive clothing; or○ Known to frequent the area of the offence etc.;• If the report is unfiled, send a notification to the team Niche mailbox of the OIC; or If the report is filed, send a notification to the crime evaluators of allocators' Niche mailbox; and• Send a notification to the relevant CATO Niche mailbox.
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Non Niche users	<ul style="list-style-type: none">• Staff who are not Niche users must contact the OIC or CATO by email.
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By a Member of the Public

- Principles**
- Members of the public should ring Crimestoppers with their information.
 - Where Crimestoppers receive a potential identification, they will notify district staff of received intelligence.
 - Statistical information may be periodically supplied to the Imaging Unit.
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Media

Use of Suspect Images

- In external publications**
- Where a news agency uses a suspect image from the Caught on Camera site for an external publication, e.g. newspapers etc., they may need a better description of the events surrounding the incident.
 - Where Crimestoppers is asked to help, the article will be authorised by the Crimestoppers Regional Coordinator.
 - Any other publication beyond the Caught on Camera website will need the express permission of West Yorkshire Police Corporate Communications Department.
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Releasing Images of Known Suspects

- Considerations**
- Where a **known** suspect is wanted in connection with an offence, a 'wanted' photograph must only be released in exceptional circumstances.
 - The major consideration is whether the need to warn the public of a dangerous person outweighs the risks of jeopardising any subsequent court hearing, particularly in relation to identification evidence. This decision must be justifiable.
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- Potential threat**
- When justified, e.g. it is felt that the public may be at risk from the person, then the image may be circulated before all lines of enquiry have been exhausted.
 - Each case must be considered individually in those instances.
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- Not a potential threat**
- In cases where the wanted person does not pose a potential risk to the public, there will be a presumption against the publication of images unless it can be shown that:
 - It is necessary and proportionate to the risk;
 - All reasonable enquiries have been made to trace the offender; and
 - There is strong evidence to connect that person to the offence.

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- Consultation with the CPS is particularly appropriate in cases involving identification issues.

Authority

- In all cases the consent of the senior investigating officer is required.
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Additional Information

Compliance	This policy complies with the following legislation, policy and guidance: Human Rights Act 1998 Data Protection Act 2018 Codes of Practice (CCTV)
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