

WEDNESDAY 16 JANUARY 2008

Present

Bledisloe V
Goodlad L (Chairman)
Lyell of Markyate L
Morris of Aberavon L
Norton of Louth L
O’Cathain B
Peston L
Rodgers of Quarry Bank L
Rowlands L

**Memoranda submitted by Association of Chief Police Officers (ACPO) and
National Policing Improvement Agency (NPIA)**

Examination of Witnesses

Witnesses: **Chief Constable Peter Neyroud**, Chief Executive of the National Policing Improvement Agency (NPIA); **Assistant Chief Constable Nick Gargan**, Chair, Covert Investigation (Legislation and Guidance) Peer Review Group, Association of Chief Police Officers (ACPO); and **Deputy Chief Constable Graeme Gerrard**, ACPO lead on CCTV, examined.

Q89 Chairman: Could I, on behalf of the Committee, express a very warm welcome to Chief Constable Neyroud, Assistant Chief Constable Gargan and Deputy Chief Constable Gerrard. We are not being televised but we are being broadcast. May I ask you to state your names for the record and then, if you would like to do so, make a short opening statement before the questions and answers begin.

Chief Constable Neyroud: I am Peter Neyroud. I am a Chief Constable but I am also the Chief Executive of the National Policing Improvement Agency.

Deputy Chief Constable Gerrard: I am Graeme Gerrard. I am Deputy Chief Constable of the Cheshire Constabulary and I chair the Association of Chief Police Officers' CCTV Working Group.

Assistant Chief Constable Gargan: My name is Nick Gargan. I am an Assistant Chief Constable with Thames Valley Police and until recently I have been Chair of the ACPO Peer Review Group looking at legislation and guidance in relation to covert investigation.

Q90 Chairman: Thank you. Would any or all of you like to make a short opening statement?

Chief Constable Neyroud: It might be particularly helpful in respect of the National Policing Improvement Agency because I guess for many of their Lordships this will be the first opportunity actually to have an engagement with NPIA. We are a relatively new organisation. It might be worth a couple of sentences on what our role is in respect of this area that we are dealing with today. NPIA was set up on 1 April. It is an NDPB of the Home Office but designed to be Police Service led and owned, and very obviously Police Service led and owned in terms of its Chief Executive. The areas that are particularly relevant in respect of today's discussion are: custodianship of major national operational databases and critical infrastructure, particularly the Police National Computer, the DNA database, the IDENT1 system and a range of other databases that support those; development and responsibility for developing programmes like the IMPACT programme and the Schengen Information System; doctrine — i.e. things like the Management of Police Information standard (we are responsible for developing that working to the Service's requirements); assisted implementation, which includes assisting the implementation of the Management of Police Information standards; and then research and evaluation. I think that gives the role and at least a start in terms of understanding where I may be coming from in terms of answering questions.

Deputy Chief Constable Gerrard: I do not have an opening statement.

Assistant Chief Constable Gargan: As the author of the submissions, may I highlight just one or two points that are made in there? The first point to make is that the use of covert surveillance is indispensable to the Police Service and to our colleagues involved in the fight against all forms of criminality. I would seek at regular intervals I would imagine this morning to emphasise the value of these techniques. In the submission, we have made the point on behalf of ACPO and on behalf of the Service that the often reported descent into some kind of Orwellian 'Big Brother' society is more myth than reality, that the development of a widespread CCTV coverage across England and Wales is the result of a positive partnership between the citizen and the state rather than as the result of a degradation in the relationship between the two. We have conducted surveys and the data from those surveys indicate that citizens are very happy to support the development of surveillance and of data acquisition mechanisms that achieve a balance between privacy and safety. We have looked in great detail at the Regulation of Investigatory Powers Act 2000 and found that this has been an effective piece of legislation. The implementation of that piece of legislation has been difficult and it has created an excessive burden of unnecessary bureaucracy, which is the source of regular complaint from operational colleagues and commanders up and down the country. We have worked very hard as ACPO and within the Service to do something about that excessive bureaucratic burden. Ultimately, our efforts have been partially successful in producing guidance for the Service. We are in the process of referring some of the things we have been unable to resolve back to the Police Minister in the hope that a fresh look at the legislation can now be taken. We think that is very timely, given the development of other technologies that blurred the line between data acquisition and conventional surveillance. We think that it is a fresh time to re-visit the legislation in its entirety.

Q91 Chairman: Could you please describe the main elements of the IMPACT programme for sharing data and the current state of its development?

Chief Constable Neyroud: There is a series of staged processes. The first one, which is already in active service, is the IMPACT Nominal Index. Basically, it is like the index in a large library that gives those that are accessing it access to the index level data from a whole range of operational systems that are held in local forces, enabling you to see data. For example, if you search for John Smith, you will find that there may be a record for John Smith in a number of different forces. What you cannot access is the record level data behind that; you have to go and seek that from a single point of contact in the individual force. Essentially, it allows you to go and find the data. It does not allow you actually to see it on the screen. That is supported by the Management of Police Information (MoPI) Code of Practice and the standards that fall beneath that which set out the ways in which information and intelligence that we are holding on those systems are reviewed and kept, and the way in which they are distributed as well. We have done two audits on that so far. The Service is making good progress towards achieving that standard, which is aimed to be at the point of full compliance in 2010 when the Police National Database goes live. The point to make is that it is extremely important that the MoPI standard is in place for when the Police National Database goes live in 2010/11. Then we have the PND, the Police National Database. Instead of simply linking the Index, you are linking the data behind that; it is the access to the record level data in a range of operational systems across forces. The final element of that is how we then link the PND to the existing operational data systems and in particular the PNC, which is a not uncomplex operation because they are two very different types of database. In essence, that is IMPACT.

Q92 Chairman: Can I ask what obstacles there are to the success of all this, whether cultural or organisational or data protection or human rights connected?

Chief Constable Neyroud: That is a bit of an essay question. First, you are right: there are cultural requirements because this is quite a significant shift. Firstly, you are not, as an investigator, simply going to be looking at the data held within your individual force. You are able to interrogate data, so your investigative parameters go wider and you need to think differently about how you use the data. There also goes with that the Management of Police Information standard, which is a much tougher standard on how you use the data and how we process and deal with the data and review it, et cetera. That also means that the data that you put in needs to be tightly controlled to that which is relevant and likely to be usable. In operational terms, the sheer quantity of data that the system will provide means that you need really to be focused about what you are asking and investigating. In human rights terms with MoPI, for example on Monday we launched the Equalities Diversity and Privacy Consultation around IMPACT. I believe we are the first organisation to launch a public consultation on privacy impact on a major national government system. I think I am right about that. I believe that if that is the case then the Police Service is leading the way. We are very serious about embedding those human rights and privacy implications into the running of the system.

Q93 Lord Peston: I was a little worried about the way you describe how this thing works in terms of possible waste of police resources. I take it what you do is input “John Smith”, you said, and you get 20 hits, say. Now you have to ring up the 20 different police forces, is that right, and say, “My John Smith is a middle-aged, white man with a limp; is that possibly your one?” and he will then say “no”, and you will do that 20 times. That is a hell of a lot of police time for what may be a very important investigation. Have you not thought that there might be some other route into this that saves a lot of time?

Chief Constable Neyroud: The first point is that at the moment, because at the moment we only have the access to the index level data, we have only deployed the system for public

protection, and particularly child protection. We are only dealing with child protection units and researching that. We have restricted it. If we were doing that on the basis, for example, of investigating burglary across border, then I think your point would be well made but on public protection and given the way the system works, there are a number of different search fields on the system that would allow you to narrow it beyond that. It also works a little bit like Google on the basis of a probabilistic search, and so you are starting with a high level of probability that a match is there and therefore you are able to reduce the level of, as it were, speculative search quite quickly.

Q94 Chairman: In the light of the recent loss of data by the Revenue and Customs, are you confident that the Police National Database will be secure because presumably a very large number of people have access to it?

Chief Constable Neyroud: A very large number of people will have access to it but they will be people who are tightly controlled as working for the Police Service, having been vetted. Also, alongside the programme, which I did not mention in the introduction, we are also introducing a national system of identity and access management that will be tightly controlled in respect of the PND in particular, in much the same way as the PNC is currently tightly controlled as well in terms of individual access to the PNC. The way in which the database is constructed is that we are not drawing into the centre all of the individual databases into a single database in the centre. This database allows you, as it were, to top search the databases that are there and by creating a copy to be able to access it, rather than drawing all the data into the centre. It means that individual forces are actually controlling their data and continue to control their data, which I believe reduces the liability for very large quantities of data to be (a) moving around or (b) accessible in the way that has been suggested in other cases.

Q95 Lord Lyell of Markyate: Are there ways in which this might go seriously wrong? Could you give us an example of one of the nightmares you hope will not happen?

Chief Constable Neyroud: What are the nightmares I hope will not happen? There are not too many of them. Let us go down them. Creating a very substantial relational database is not without its complexities in technology terms. This is not an uncomplicated technology operation. The way I have de-risked that is by doing it in two phases. We are not going to envelope the Police National Computer; i.e. we are not going to imperil that key operational system whilst we are developing the PND. That is one nightmare that I hope we have mitigated. The second one I suppose is the issue that has already been touched on, which is those who should not be accessing the database, accessing it. We have put in the Identity and Access Management Programme in order to mitigate that risk. I suppose the third one is that it is such an important part of day-to-day policing that it will need to have substantial disaster recovery. We have had problems in the last 24 months with the PNC and a fire in Hemel Hempstead which took out a disaster recovery site on the PNC, so we are very familiar with the need for those major systems to have proper disaster recovery capability. That is inbuilt into the contract as we negotiate it. I would have thought those were the three. The other ones would be individual cases where the wrong information has been inputted into it. Given that the system will not result in a conviction – it is an intelligence database that will guide an investigation – I believe there are then further protections in terms of the Crown Prosecution Service and the court system that should mitigate those effects.

Q96 Lord Morris of Aberavon: Given, for example, the masses of knowledge which you refer to and couple that with the development of technology, and we are not dealing with a simple murder which has happened (preventable crime), does that not cry out for more time for investigation?

Chief Constable Neyroud: I am not sure I understand your question.

Q97 Lord Morris of Aberavon: In a simple case, which has happened, one can usually investigate within the normal parameters. Here you are in a new world with a mass of technology, hundreds of SIM cards and one possible conspirator. Is not the presence of the allowance that you have for time to complete the investigation made much more difficult by the mass of new knowledge and new sources and therefore you are up against it in doing it in time?

Chief Constable Neyroud: I think the short answer to that is yes. Having been a senior investigating officer in, as it were, the last era when we were just introducing DNA, it was tight in that era; it has certainly become tighter. It depends, and it depends whether you are dealing with a case where you have had to arrest the suspect early in the event, largely in those cases because of the public protection issues; i.e. not being able to let the suspect remain at large. In those circumstances, it is unquestionably the case that, even in the area of major crime, it is pretty tight to be able to get sufficient evidence together during the existing time limits. I think that is a fair point. Obviously there is a wider debate about counter-terrorism where the sheer quantities of information are immense and that same issue applies.

Q98 Baroness O’Cathain: This is just a very simple question. In view of the problems about hackers and security and your disaster recovery, I take it your information is encrypted?

Chief Constable Neyroud: It has a whole variety of different means of preventing that precise process happening.

Q99 Baroness O’Cathain: You did not actually answer the question. Is it or is it not encrypted? We all have firewalls; we all have virus checks; we all have all of that belt and braces stuff. The big issue of course with the later stuff from HM Revenue and Customs was that none of it was encrypted.

Chief Constable Neyroud: That was about data that actually left the data centre. That is a slightly different thing. We are not going to be moving and we do not move data out of our data centres on soft media unless it is actually handed from person to person. There are very few occasions when we do it from the PNC and we only do it on the basis of a person-to-person transaction with the person who is using it is doing so against signed instructions for the use and destruction of the material. In respect of the data in the Police National Database, what we have done is extremely careful work with the Government's CESC on the full information assurance of the system. I can only say, without going into the full details of that, that we have put a lot of effort into ensuring that this system is as secure as it can be. I appreciate that no database is completely secure because of course if you are giving people access into the system, your weak link is always going to be the people.

Q100 Baroness O'Cathain: Sure, but you think you are hacker-free?

Chief Constable Neyroud: We are doing our best to ensure that we are. No-one can promise that. The simplest element is, as it is with the PNC, the individual officer or member of staff who is acting corruptly. That is the simplest way, far simpler than seeking technologically to hack into the system.

Q101 Chairman: Could you say to what extent the data-sharing developments, which we have been discussing, in your view promote a preventative law enforcement strategy that is precautionary and intelligence-led, rather than one focused primarily on detecting the crime?

Chief Constable Neyroud: This was a very interesting question. One of the things I did in thinking and reflecting on this was to go back to the work that we had been doing on defining the business priorities in the system. It is just worth going through the five areas that we have in priority order: first, safeguarding children and vulnerable adults (that is fundamentally a preventive activity); second, counter-terrorism (and the bulk of the way in which we would

use the data in that is preventive); third, proactive crime prevention and disruption; fourth, public, officer and staff safety; and it is only when we get to number five that we get into reactive criminal investigation. That is precisely the order of implementing the various elements of the PND. The focus is very much on supporting the National Intelligence Model, which is the discipline that investigators operate to, and that is very much focused on identifying problems and applying a range of solutions to them in a tasked and focused way, which I believe is very much in the area of preventive approaches. The only qualification is this. The question implies that there is a dichotomy between prevention and detection. In certain crimes, for example in dealing with serious sexual assault, early arrest is an extremely important part of prevention as well. One of the pieces of work we have been doing is careful research on what will be the impact on Index for example and therefore potentially what will the PND actually deliver us in terms of added value in respect of major crime investigation. The early result of that – and we still have some work to make sure that these figures are hard and to develop the work further – is that in one in five rape cases there would have been additional information, that could have led to a detection. So that is a 20 per cent increase in the potential availability of information in serious sexual assault. One or two of your Lordships might point out that that is an area where we have a substantial amount of work to do to raise the bar in terms of effective investigation. I think it is a very important indication of the importance of this system for prevention and for public safety. After all, if you are looking at rights, the most important right, it seems to me, in terms of privacy is actually to be living free of crime because you cannot really have much privacy if you are not.

Q102 Chairman: Is there any evidence on the effectiveness of these technologies and databases?

Chief Constable Neyroud: There is a limited amount. There has been very little international research on the way in which the Police use technology. There have been really very few

studies. That is one of the things the NPIA has been trying to do, to start doing some studies on the effectiveness of the databases as we roll them out, both in terms of what they can offer and also the best ways of using them, because there has been a shortfall in that territory.

Q103 Lord Rowlands: On international comparisons, are there equivalent systems elsewhere and how do ours compare?

Chief Constable Neyroud: This is a very interesting question because the other countries that we have regular contact with are moving very fast in similar directions. Obviously there are different national policing structures, different approaches between federal and local government, but in the last six to eight weeks I have been in discussion with the Australians, Canadians, Americans, Swedes and Dutch for example around the development of similar systems and the linkages between databases in those countries. There are very similar developments taking place. Canada, for example, is a country with a very strong record in human rights. We are working very closely together on developing the systems. They are supporting us with some ideas and we are supporting them.

Q104 Lord Rowlands: Are we ahead of the game or where do we stand?

Chief Constable Neyroud: In terms of the level of investment and the level of development in the last 10 years, I believe we are quite significantly ahead of most other countries.

Q105 Lord Norton of Louth: For any detail of the obvious benefits that may derive from the initiative, of course that has to be balanced against, for example, any potential threats to civil liberties, and this may touch on something you were saying a little earlier. What thought have you given to that dimension and to what extent do you think the existing safeguards are adequate? Do we need to enhance them – and it may come back to the comparative point – in drawing on experience elsewhere?

Chief Constable Neyroud: First, do we spend a lot of time thinking about this? Yes. We have not lightly gone out to do a public consultation on privacy, equality and diversity. There are two or three dimensions to human rights in these databases, one of which is who is on it and, secondly, does it disproportionately represent certain communities, for example. That is why it is extremely important to consult the public around that. The existing protections and the Data Protection Act and the Human Rights Act I think are a pretty good regime. In developing the database, we have taken a great deal of advice and worked very closely with the Office of the Information Commissioner. I would say that has been extremely helpful to us in shaping and dealing with some of the issues that would be regarded as issues in terms of proportionality and necessity. In terms of developing for the future, I think, as my colleague Nick Gargan said in the opening, that the bit to watch is whether the frame that we have is capable of coping with the way in which the technologies are overlapping. The Data Protection Act is more flexible but RIPA is one example in the legislation, which I think you are going to come on to, where it is very much the case that it has been designed on the fact that we have these pillared systems. One of the very obvious benefits, both to law enforcement and to public safety, is to stop the pillaring of systems and think about the connections. If I only took the issue of responding to the parliamentary questions of your Lordships and others on the DNA database, it would be awfully nice if things joined up so that I could answer the questions. At the moment we have systems that have been devised in pillars. I think in many respects that is to the deficit of protecting human rights because it does not allow you to look across the whole piece. At the moment, my sense is that we have a pretty good framework.

Q106 Lord Norton of Louth: It will be a case of coming back to it, for the reason that you have just identified.

Chief Constable Neyroud: I think it is important that inquiries like this and other debates in public genuinely debate not just the ideas but actually look at exactly what it is that we are doing and the protections that we have. It seems to me that databases will work well and the public will have confidence if there is transparency and openness of the system, its operation and what they do, if there is integrity in the system and we can demonstrate that, and if there is a redress system under the Data Protection Act that allows the public to feel that if something is going wrong, they can put it right.

Q107 Lord Norton of Louth: I am not sure if you mentioned earlier on the consultation that you are undertaking what sort of timescale?

Chief Constable Neyroud: It runs till April. It is a full and public consultation.

Q108 Lord Morris of Aberavon: A major problem I have had is in assessing the balance in work I have recently done between the safety of the public and in sum total the state and individual liberty, whether they are vulnerable or not, embracing the whole of the public. How do you assess the balance and proportionality? Who is the best and most competent person to assess proportionality?

Chief Constable Neyroud: There are two or three things. Parliament sets the overall framework of operations. First of all, I operate within that framework. That is my starting point, the framework that I have been given. In a sense, it is extremely important that this type of inquiry and the one that the Home Affairs Select Committee is publishing explore whether Parliament's rules are sufficient to be able to describe the framework that is needed for that which we are doing. The second one is then that we look very carefully at the results that we are getting out of the systems. For example, with the DNA database, we look very carefully at the number of arrests that we are getting, the number of arrests it is contributing against the number of people on the database. We monitor very carefully the relationship

between seeing samples and detections. I know that colleagues could tell you quite clearly within each of their forces what the level of success is in those terms, the types of crimes where it is being successful. I think it is important, particularly as we move towards a regime where Government is raising the bar on dealing with serious offences and particularly serious violent offences. In those cases, these databases are incredibly important in the investigation. Therefore, that is a key aspect of proportionality. It is not just about volume and quantity; it is also about seriousness.

Q109 Lord Morris of Aberavon: Obviously Parliament should be eternally vigilant and in particular keep up with all modern developments. Is the framework that you refer to sufficient for you to operate or should it be strengthened in any way?

Chief Constable Neyroud: I believe it is sufficient. Certainly, in running the databases, it is sufficient. It is supplemented by a range of published guidance like, for example, the Management of Police Information and the code, which is openly available, and then a range of guidance, some of which is confidential, for good reasons, which is again interpreting the overall framework. I believe that framework is pretty comprehensive and does provide some strong protections, plus you have the Information Commissioner and his ability to have a look at the systems. We are very open to the Information Commissioner coming in to look at our systems.

Q110 Viscount Bledisloe: I want to ask you about the retention of DNA information, bioinformation, beyond the period of the immediate investigation for which it was collected. Am I right in thinking that there are four categories of people for whom you may hold bioinformation: those who have been convicted; those who have been charged but not convicted; those who were arrested but never charged; and those who gave it voluntarily

because they were on the scene or local enough to be useful. Are those the four categories of people whose data you will be holding?

Chief Constable Neyroud: There is one more, strictly speaking, which is law enforcement officials who may be on the scene: i.e. all of us have our DNA on the system as well, so there is one more.

Q111 Viscount Bledisloe: But you are all above suspicion.

Chief Constable Neyroud: May I say, my Lord, that if that were to be the case, that would be great.

Q112 Viscount Bledisloe: In your written evidence you say that inclusion on a database does not signify a criminal record and there is no personal cost or material disadvantage to an individual simply by being on it. As a bare fact, I can see that, but that does not alter the fact, does it, that a lot of people who are on it would not want to be? Your colleague is nodding.

Chief Constable Neyroud: I think that is fair. The DNA database only triggers if your DNA is found at a scene. It has no relationship to vetting and no relationship to other databases. Indeed, on access, the Police cannot access the DNA database; the only people who can access the DNA database are my custodian team and the FSS team that operates alongside that who do the work on putting data into the database and working on matches that have been requested. It is a tightly controlled system that is quite separate, for example, from CRB vetting. It is only there for the purposes of intelligence matches between individuals whose marks have come up for you to see. I think that is quite distinct from, for example, being within one of the intelligence groups or the PNC in those terms because there you are potentially triggering a CRB check, for example. I think that takes you into slightly different territory.

Q113 Viscount Bledisloe: I can see the logic in having the DNA of everybody who has been convicted. I can see a logic in having the DNA of the whole world or the whole population, but what is the possible justification in logic for the Police holding the DNA records of somebody who happened to be an innocent witness on the scene at a crime and not holding that of someone who was not there?

Chief Constable Neyroud: The innocent witness to a crime is asked to give his DNA voluntarily and can choose to have their DNA sample destroyed as part of that process or consent to the DNA profile being loaded on to the DNA database. There are some issues there around making sure people are properly informed at the time the sample is taken. There is a slightly different question. For example, Mr Huntley who was involved in the Soham case was arrested a considerable number of times before the events of Soham for offences that ranged between relatively minor potential sexual transgressions to quite significant ones. Mr Huntley would have, under the Criminal Justice Act 2003, appeared on the database. Prior to that he did not. That would have been a significant benefit to the investigation, and indeed the number of very serious cases that have been detected by the relatively small number of people in terms of the proportion of the database who are on there who had not subsequently been convicted is a very significant part of the overall package of investigation.

Q114 Viscount Bledisloe: I am asking about people who have never been suspected of any crime but because it happened in their house or in their community have given their data without much thought but without really realising it would still be there in 20 years' time.

Chief Constable Neyroud: That comes down to making sure that people are properly informed when they are asked to provide the sample what the implications are and what the process would be if they seek to have that sample taken back off the system.

Q115 Viscount Bledisloe: What is the process?

Chief Constable Neyroud: The general process is that they should be properly informed and they should be told that they can apply to have their data removed. In respect of volunteers, the process is that they can choose to have their DNA sample destroyed or consent to the profile being loaded on to the DNA database. There was a question provided to us in advance around the Ethics Committee. One of the issues that the Independent Ethics Committee is looking at is the issue of volunteers because it is an important component of the database. We are anxious to have high levels of public confidence in the mechanisms, particularly for volunteers in those circumstances.

Q116 Viscount Bledisloe: Do you at the very least not retain it unless they have positively consented rather than the other way round?

Chief Constable Neyroud: They should have positively consented in the sense they have been asked whether they would be prepared to give. It is difficult to take without consent.

Q117 Viscount Bledisloe: I am perfectly happy to give my DNA supposing my girlfriend is murdered in my house or something, but I am not particularly happy that it should remain there for the next 20 years after the person who murdered her has been convicted and the whole file is closed.

Chief Constable Neyroud: That is understandable.

Q118 Viscount Bledisloe: Should it be removed unless I have said, “Yes, you may keep it”?

Chief Constable Neyroud: That goes back to what the original informed consent is about, making sure that is tied down and people understand what the implications of that are.

Q119 Lord Peston: There are some of us who believe there should be a national DNA database and that this should never arise. I take it that the innocent people’s DNA is taken so that if you find a suspect, you know that that is different from what you have taken. It may be

20 years until you find a suspect for an unsolved crime and suddenly to discover that you have given away the DNA of the innocent person makes your life more difficult. I am really not in agreement with Lord Bledisloe but I am clearly much more of a reactionary than he is. I think we should have a national DNA database that you can just check everything off.

Chief Constable Neyroud: Yes, and I do not mean yes, I agree with that. I think I would be the poor soul who would be asked to implement it. I would comment on that. It is an interesting debate but that would be a very substantial investment and would pose a whole range of other issues. I do understand the point. Where the line is drawn – and incidentally that is not a matter for me, it is a matter for Parliament where that line is drawn – is, it seems to me, a very proper matter of debate. I think it is up to me to demonstrate what it is that we are doing with the DNA samples of those who are on the database. I do think that probably the most popular parliamentary question is around the various categories and what the results are. The level of results in terms of serious crime detection on those who are on the database who have not subsequently been charged or convicted is very considerable indeed.

Q120 Lord Lyell of Markyate: With the direction we are going, I think some members of the public (and that might include me) tend to think that the Police, for reasons which have some justification, would like the database to be as big as possible. The whole idea of not returning or not disposing of people's DNA unless they actually come and ask for it seems to be slightly curious. If you have somebody who you are satisfied is an innocent bystander or a volunteer, why is it not just cleared from the database straight away? It would make the database more manageable and it might be comforting to citizens.

Chief Constable Neyroud: I think the point made by Lord Peston is an extremely important component in that. Just to make the point, it is not our ambition to have the largest database. The Police Service is not in a competition about who has the largest database. It is a very important point. The Police Service's case to Government when the last changes to the

database were made was about the strong likelihood of serious crime detections that were there as a result of expanding the envelope beyond those who were convicted of a recordable offence or cautioned. That has indeed proved to be the case. In terms of wishing to expand it by just sort of accidentally keeping a load of records, no, that is not our ambition. Our ambition is to have a database that secures wide public confidence and is an effective investigative tool.

Q121 Chairman: Chief Constable, before Lady O’Cathain comes in, can I ask if there is a difference between the practice in Scotland from that in England and Wales?

Chief Constable Neyroud: There is a separate DNA database in Scotland whose samples are submitted to the DNA Database in England and Wales. There are some small differences, and they relate to the rules for keeping the records of those who were not subsequently convicted. It is not a blanket process of retaining all of those who are arrested for a recordable offence. There is a step down in relation to those who are not subsequently convicted, for example, of a serious sexual assault. There is some provision for retaining those records, but not more widely.

Q122 Baroness O’Cathain: Chief Constable, you said it was not your ambition to have the largest database and I am sure it is not because there must be a lot of problems. You also said that the cost of having a national, totally statutory database that every one of us would have to be on would be very large indeed. Do you think that the national DNA Database Ethics Advisory Group would be looking at the option of having a national database with everyone on it versus an identity card and the cost there involved or can you tell me what else the National DNA Database Ethics Advisory Group is supposed to do?

Chief Constable Neyroud: I do not think initially they would be looking at those particular questions. The first set of things that they are looking at are many of the issues that have been

raised here this morning around confidence that the balance between the proportionality or the necessity of holding data for arrest and detection has been properly balanced with a sense that the public would have confidence in that approach. That is very much their first look. They are looking at two particular sets of issues, one of which we have done as an agency: an equality and diversity impact assessment of the database. One of the other issues that was raised, in fact it has been raised in both Houses, is that of proportionality in terms of the ethnicity of those on the database. That is one issue that they have been looking at and we have been looking at very seriously. The second issue is around the rules and the redress issues on the database, which are, as a number of their Lordships have said this morning, important. Where do they go beyond that? When it says “independent”, they are a very independent group of people. Their role is to advise ministers but also to provide advice to the National DNA Database Board - that is a Board that reflects Police Service and Home Office involvement in the DNA Database - to add a level of open public transparency to the questions that are being asked. I anticipate they will be an extremely influential group in helping the database and ministers to manage and meet that balance between prevention and detection of crime and public confidence.

Q123 Baroness O’Cathain: Surely, part of the problem with the national DNA Database at the moment is that it is selective, as has been pointed out by several of their Lordships today, whereas if it were comprehensive for everybody, like birth certificates, there would not be that problem. Actually, civil rights would probably be better protected by having a national database for everybody compulsorily rather than having a selective approach, which whether it appears that way to you or not, appears that way to a lot of people.

Chief Constable Neyroud: I think there are good cases. In a sense, it is important that it is not me that is arguing that point.

Q124 Baroness O’Cathain: I understand that.

Chief Constable Neyroud: It seems to me that it is my role to make sure that the one we have is being run effectively rather than to move into that wider sphere.

Q125 Baroness O’Cathain: Going back to my original question, do you think that this is an area that the National DNA Database Ethics and Advisory Group should take on in order to relieve you of that problem?

Chief Constable Neyroud: It is not just the bioinformation on the DNA database. Of course we also hold fingerprint and other data as well. I think it is an area that they are bound to explore. There is also an area raised in the Nuffield Report on bioinformation used for crime, and it is also an issue that the Human Genetics Commissioner will be exploring over the next period of time. It is bound to be explored. It should be explored. Clearly, it is an issue that Parliament should be doing, not me.

Q126 Viscount Bledisloe: I just wanted to clear up, going back to the previous question, that I was only advocating the removal of the data after the file was closed, not after the file remained opened but is yet unsolved.

Chief Constable Neyroud: I understood that.

Q127 Lord Peston: You have largely touched on my question which I think is probably for Assistant Chief Constable Gargan. It is on the influence the NPIA have on these kinds of matters: the use of bioinformation and so on. Have you been influential? Have you been involved?

Chief Constable Neyroud: That is probably a question for me actually. How influential are we? I do hold overall policy responsibility in a number of these areas. Together with ACPO, not the colleague to my right but together with ACPO, we have been seeking to develop a

new, forward-looking national forensic strategy. In fact, one or two colleagues behind are responsible for the Police Science and Forensics Unit which is the core of providing advice to Government, answering your questions and making sure that a great deal of information is entered into the public sphere, including things like the DNA Database report, so that the public are able to debate these issues on the basis of that information.

Lord Peston: I apologise. There is a limit to how many acronyms I can take in at one time!

Q128 Lord Norton of Louth: I suspect this is a question for Mr Gargan because we now come on to RIPA, which you mentioned at the beginning. Various criticisms have been made of the legislation and the way it was drafted, and of course in written evidence there was reference to a position of the bureaucracy on public authorities, which I think you have referred to in opening. Indeed, if I heard you correctly in opening, you said that there is a case perhaps for re-visiting the legislation in its entirety. Would you like to expand on that, both the rationale for it and what you think might come as a result of that?

Assistant Chief Constable Gargan: My assessment and the assessment of the group that I have been working with for quite some time is that the primary fault with RIPA is not so much that it is poorly drafted or structured but rather that it is inadequately explained. Behind the Act came along the explanatory notes but unfortunately they were really no more than a summary of the Act. Then, behind the notes came the codes of practice but, sadly, they were no more than a summary of the notes. There are quite clearly some defects in the legislation from the point of view of ACPO and the Service. For example, there is the insistence that in case of covert surveillance the authorising officer and the applicant should be from the same organisation, the same police force. We are trying to work increasingly on a cross-border basis and that makes it difficult. There is an insistence, for example, that the authorising officer will be a police officer, and we are trying to work increasingly in a world where police officers and police staff work in a more integrated way and that causes us some difficulty.

There are difficulties about the rigidity of timeframes and authorisation periods, and there are difficulties around one or two of the specifics of the legislation itself. The most often quoted is the example of the elderly victim of repeated distraction burglaries in their own home and the enterprising local officers want to do the right thing and install a camera. There is a paradox in the Act that states that because it is inside a dwelling, then it must be intrusive surveillance, but because the crime, in many people's interpretation, is unlikely to amount to serious crime, you cannot authorise intrusive surveillance. In previous years, we have had to agree with the Chief Surveillance Commissioner, the predecessor to Sir Christopher, that we are just going to go ahead and do it because it is the lesser of several evils. There are technical problems around participation which is not placed on a legislative footing. There are technical problems associated with the concept of the Covert Human Intelligence Source – an informant in “old money”. The legislation provision covers everything from an undercover police officer dealing with six-month long infiltration deep under cover right the way through to some very cursory contact on behalf of somebody who is doing a bit of work for the Police. The boundary there is difficult. Sir Ronnie Flanagan in his report draws attention to risk aversion on the part of the Police. Unfortunately, one of the consequences of our own cultural risk aversion is that we tend to over-authorise. We have tried to look for sources of advice that would give colleagues the confidence not to over-authorise activity. I have been responsible for that for quite some time. My route into this was a real horror and disappointment when I was a Chief Superintendent in Leicestershire Constabulary. Colleagues were coming to me wanting a 17 page authorisation signed because they wanted to turn round a public CCTV camera on to a parade of shops to watch a few “ne'er do wells” who were breaking the odd window. It was our sense that RIPA was not ever intended for that and that the bureaucracy was senseless. We believe in the highest possible standards for covert policing but let us not dress patrolling activity using overt cameras up as covert

policing. Let us apply a little common sense, for example to the case where we send someone into an off-licence and ask him to try to buy four cans of lager so that we can prosecute the shop-keeper if he is selling inappropriately. Let us not dress that up as covert policing. Let us just send them in and not authorise them as covert human intelligence sources. It is applying a sensible level to that. We endeavoured across a range of scenarios – automated number plate reading systems, CCTV, coverage of an intelligence source – to supply a set of principles to the Service that said: here is a starting point and a set of scenarios where we really do not think you should be having an authorisation. Unfortunately, our efforts at the Service to explain RIPA and offer this narrative have been unsuccessful in that whilst we have had the support of the Crown Prosecution Service, HM Revenue and Customs, Prosecutions Office, DPP and ACPO Cabinet, there have been others who have said that that goes too far. The Chief Surveillance Commissioners said that some of the assertions that we were trying to make go too far. We have now reached the point where that has to be handed back to Government because, whilst we maintain this desire for the highest standards, we cannot agree on what is an appropriate level of bureaucracy.

Q129 Lord Norton of Louth: So the legislation itself then you are arguing imposes certain limits which can limit you in doing your job and I think, from what you are saying, might impose a certain risk-averse culture as well, which gets in the way of a common sense application?

Assistant Chief Constable Gargan: Indeed, and I think the way it has been interpreted is the problem. The solution to this could well come from a re-drafted code of practice. It certainly does, because of the interpretation of the legislation, which is inconsistent because some people will not authorise the sorts of activities that I am describing and will just get on with them. There has never been a case lost in court but others do authorise it. We seek that clarity and chief constables are crying out for that clarity. This week or next week, Trevor

Pearce from the Serious Organised Crime Agency and I will be writing to Mr McNulty effectively to conclude the review of RIPA, which we have been doing over several years, and we will hand those issues back to the Home Office with a plea for help.

Q130 Lord Norton of Louth: I take it from your point that quite clearly, from the evidence you have given, it is not only a problem but an immediate problem; in other words, it is a case not just for change but for fairly quick change. You have said the route through that might be through the code, which would be a quicker way of doing it than primary legislation.

Assistant Chief Constable Gargan: Indeed and cash and time (cash in the form of police officer time) are being wasted on a daily basis at the moment.

Q131 Chairman: ACPO's evidence mentions proportionality and necessity. I wondered if you could kindly expand on whose responsibility it is to determine proportionality and necessity within the system and what criteria are used to do so.

Assistant Chief Constable Gargan: I think it is a shared responsibility for all of us. At the time of the Human Rights Act being enacted, ACPO urged every police force and every portfolio of area to conduct audits and reviews of every policy to assess their compliance with the Human Rights Act. We continue to audit new policies against Human Rights Act criteria. That shared responsibility is reflected in training, ranging from the initial Police Learning and Development Programme through which every recruit constable passes right the way through to the command course training for future chief officers. It is a feature of specialist training, for example, for firearms commanders for whom this is obviously a very relevant and important set of considerations. And also, as well as training, it forms part of our operational planning. Planners in police forces up and down the country use a mnemonic which is IIMARCH which relates to Information leading to the operation and the Intention of the operation, the Method by which the operation will be carried out, Administrative

considerations, Race and diversity considerations and finally Human rights considerations. So it is risk assessment too. There is this comprehensive process through which each operation passes and part and parcel of that set of considerations is human rights. Of course, it is actually about the people we recruit, the ethos of the Service and the culture of the Service. That is where the human rights considerations really will stand or fall. We are very proud of that culture and that tradition. It is, of course, subject to inspection. Our inspection regime is a very intrusive process. The inspection of the Office of Surveillance Commissioners is not a cosy, fireside chat with a former judge. It is a serious and intrusive exploration of our activity. Obviously the human rights considerations are central to that inspection process.

Q132 Lord Lyell of Markyate: Going straight on from that, ACPO's written evidence does state that the current supervisory arrangements from these various Commissioners – from Richard Thomas, the Information Commissioner, from the very senior judge who does interception of communications, and likewise the Office of the Surveillance Commissioners – and from what you are saying that they are “inefficient, cause duplication and are anachronistic”. Could you just give us some specific examples of the adverse effects that these supervisory arrangements have had on you as law enforcement agencies?

Assistant Chief Constable Gargan: Yes. I should begin by saying that largely there are good relationships with our Commissioners. I received a letter yesterday from the ACPO lead on communications data, Mr Jim Gamble, and he reminded me of the great work that is done between the ACPO Commons Data Group and the Interception Commissioner and what a collaborative approach there has been over the years working with the Surveillance Commissioners. There has been much good work done on a collaborative basis, but the fact of having separate bodies investigating largely the same field of activity creates a bureaucratic cost. It creates cost around the time to prepare. A force in the south-west of England

contacted me to tell me how they had literally waved goodbye to the Interception Commissioner on the Friday and the following week on the Monday morning up popped the Surveillance Commissioners for their inspection, and these visits do not just happen overnight. It takes time to prepare them and to assemble the evidence. That was an unnecessary duplication. We find that in the way the Commissioners are set up, you regularly encounter conflicting advice from within the same office, which is unhelpful and confusing to staff, with different Commissioners reaching different conclusions in respect of the legislation, which we acknowledge is of course very complex and cannot be entirely consistent. Worse still, we find conflicting advice between Commissioners. When the ICO is telling a police force one thing and the Office of Surveillance Commissioners is telling it another, and these are relatively junior members of staff receiving that conflicting advice, it can be difficult. An example of that was a force that was visited by the Communications Commissioners and advised to alter their form which was unnecessarily bureaucratic. There was a particular application form and there were too many boxes in it. So they very obligingly combined three boxes into one and that was very much to the liking of the Interception and Communications Commissioners. Sadly, when the Office of Surveillance Commissioners next saw the Part 3 Property Interference Application from that force, they complained that these rather helpfully spaced out three boxes had disappeared and had been replaced with one, and they urged the force to right that wrong as quickly as they possibly could. It is an irritation rather than a substantial problem but the opportunity of having a combined inspectorate that looked across the question of privacy and covert investigation would be an opportunity both for lessening the burden on police forces but also for improving the quality of regulation. We would continue to welcome the fact of inspection, the fact of Commissioners, the fact that they are there, and the fact that they provide us with an

opportunity to show that we are serious about being transparent, demonstrating the integrity of our systems and being open to scrutiny.

Q133 Lord Lyell of Markyate: One can understand the point you make and sympathise with it, but to throw out these bodies which have a very significant task themselves and to try and combine them, is that necessarily the way or could they perhaps co-ordinate between themselves in building up the kinds of questions they are going to ask you? I imagine they give you notice of most of the questions. It would be a major task, would it not, to have one Commissioner to do all this?

Assistant Chief Constable Gargan: The outcome that would be most welcomed by the Police Service is better coherence in our inspection, a reduced bureaucratic burden, a reduced administrative burden and consistency in the advice we receive from our Commissioners. If that could be achieved through better co-ordination, then that is not really a matter for us. We articulate the problem and offer this as a possible solution.

Q134 Lord Lyell of Markyate: If you have one leaving on the Friday and the next one coming on the Monday and they knew this was happening, they probably could have co-ordinated?

Assistant Chief Constable Gargan: Indeed, and we would very much welcome it had they done so.

Q135 Lord Rowlands: Have any of these Commissioners produced a seriously critical report of any of the forces?

Assistant Chief Constable Gargan: Oh, yes, the Office of Surveillance Commissioners has been particularly critical of several forces.

Q136 Lord Rowlands: What has been the nature of the criticism?

Assistant Chief Constable Gargan: There are two types. At the outset, the nature of the criticism was about the way that the application process was managed. A lot of forces were criticised about the absence of effective training in the period following the enactment of RIPA. Then subsequently there has been some criticism around the way that it is being interpreted and the work of the ACPO group. This relationship with the Chief Surveillance Commissioner and the Office of Surveillance Commissioners has not always been one of entire agreement and forces that have followed the advice of the ACPO group that I chair have, on occasions, risked criticism from the OSC. I have had two or three local authorities who reported having been visited by one inspector from the Office of Surveillance Commissioners in one year and faced criticism about their way of operating; they then changed it and when the inspector comes around the next year, they face criticism for not being more like they were previously.

Q137 Lord Rowlands: Most criticisms have been procedural rather than fundamental in terms of the issue of liberty and the individual?

Assistant Chief Constable Gargan: Yes.

Q138 Lord Rowlands: They have not made any criticisms regarding issues of liberty?

Assistant Chief Constable Gargan: No, because most issues of liberty are considered at the time of application. Because of property interference and intrusive surveillance, the Commissioners play a very important role on an application-by-application basis. That is where that side of it is looked at. It is more the administrative set-up, training, record-keeping, security processes and the accreditation that is looked at during inspection.

Q139 Baroness O’Cathain: On this issue where you have three individual organisations and you are subjected to these types of investigation by these three groups of people, first, do you

have the scheduled responsibilities of each of the three organisations? Secondly, have you analysed it to see if there is any duplication like comments on training, and, if so, is it comments on training on certain issues which are covered by all three? It might help this Committee if you could, and I am sure you have done something because you have obviously got this information at your fingertips and right up there in your head, give us some sort of a résumé of where the real problems lie or even a statement of what the responsibilities of each of the three are so that we could look at it and see. It is in every area; it is not just in the Police Force. In every area of business in this country we have the same sort of problem. Usually it is little empires, and it is so much better to have a big empire and have departments looking at the specifics. I wonder if we could get that sort of information.

Assistant Chief Constable Gargan: There has been some work done. It is incomplete but I am happy to take that away and to offer a paper to the Committee. Of course I should emphasise two points. The first is that the Information Commissioner's powers and inspection powers are very limited. There is a debate about whether there should be more. Were there to be more, then that would add to the issue that I am describing to you. The second point that I would make is that of course it does not stop with the OSC Interception of Communications Commissioner. We also have Her Majesty's Inspectorate of Constabulary that recently completed an inspection about covert technical capability, and others are interested too from time to time. I would be happy tell you.

Q140 Baroness O'Cathain: Can you chuck them all into the box?

Assistant Chief Constable Gargan: Yes.

Q141 Lord Morris of Aberavon: Are there inherent dangers in combining these various bodies? We would all be in favour of reducing bureaucracy and saving money or whatever. Is not the advantage of having different persons making the reports that one or other might be

more radical in their suggestions? I am currently reading *The Life of Sir Robert Peel*, which may encourage you. There always has been an argument against a national police force. That is a simple argument I suppose for combining each of these three independent bodies.

Assistant Chief Constable Gargan: They may be more radical the one and the other. They certainly, as I have tried to get across this morning, do approach these issues from different perspectives already.

Q142 Lord Lyell of Markyate: ACPO suggests that citizens could benefit if the Investigatory Powers Tribunal were better marketed and understood. I suspect most citizens have never heard of the Investigatory Powers Tribunal. Can you explain a little bit how citizens might benefit and what happens?

Assistant Chief Constable Gargan: It is important to repeat the point – and I apologise for doing so – that these techniques are vital to the Police. Covert techniques are fundamental to what we do. We know that in order for us to be able to continue to use these techniques, we need to prove ourselves trustworthy. Therefore, we seek opportunities to show that we apply the highest professional standards and that we deserve the trust that the community places in us to carry out covert investigative techniques. Anything that is out there that will assist in demonstrating our transparency, that will assist in demonstrating our integrity, the integrity of our systems, and that will offer a redress to those who feel that they have been wrongly treated by what we do or may have been wrongly treated, anything that addresses those three themes along with the theme of compliance with human rights and with the legislation, is very welcome. If you have something that is expressly designed to do that and provide that reassurance and yet very few people know about it, it seems to represent a missed opportunity. Several Police forces contributed to this submission which I have edited on behalf of ACPO, and more than one made the point that we would be very happy to encourage that greater scrutiny.

Q143 Lord Lyell of Markyate: How many cases a year come before the Investigatory Powers Tribunal?

Assistant Chief Constable Gargan: I do not know. I was speaking to the Serious and Organised Crime Agency the other day and apparently what happens is that when somebody writes in to the tribunal that they suspect they may be the subject of surveillance, the tribunal will send out to organisations to ask who may or may not be active against a particular individual. There are two particular categories of people of whom we are quite wary. One is the criminal who might want to know whether they are being surveilled by the police, and there is a potential usefulness to them in knowing that. The second is some people who are potentially mentally disordered and they feel that they perceive things that the rest of us would perhaps not perceive, and that is not limited to police surveillance but alien surveillance and other categories too. In terms of the work out of the tribunal, I am not aware but I believe that there has only ever been one publication of a tribunal finding since its inception, and I cannot even give you a memorable name, I think it is the case of *C*.

Q144 Lord Lyell of Markyate: Why do you say it should be better marketed? It sounds as though there is nothing to market?

Assistant Chief Constable Gargan: Perhaps the issue is that the tribunal ought to be encouraged to be a more publicly visible facility both in terms of encouraging people to use it and, where meaningful claims have been made, to actually publicise those findings so as to reassure the community that they are being protected and we are using our powers responsibly.

Q145 Lord Rowlands: If we can turn to CCTV. Before I ask a question about the National CCTV Strategy, could you perhaps clarify exactly where we are on the effectiveness of CCTV? I ask that because I do not know if you have had a chance to read any of the previous

evidence given to us, this is Professor Norris and co., who in a series of exchanges said that the Gill study said in 2004 that CCTV had very limited impact in reducing fear of crime and quotes another one, the Ditton team in Glasgow, who found crime increased when CCTV was introduced, and then Farrington and Walsh said it would be better spent on more street lighting. Where do you stand on the assessment of the effectiveness of CCTV?

Deputy Chief Constable Gerrard: It depends how you define the word “effective”. Certainly a lot of the academic research would tend to suggest that in relation to reducing crime then it has mixed results. It certainly has mixed results in terms of town centres where a lot of the crime is alcohol related. Before CCTV can effectively deter people (a) they need to know that the cameras are there, (b) they have got to be thinking rationally and about the consequences of their behaviour, and (c), the CCTV needs to be able to summon an appropriate response because if it does not then it is a little bit like somebody stood on a street corner watching you but doing nothing about it and in the long-term it might not deter behaviour. The evidence and academic research that I have seen says it is very effective in places like car parks where offenders are going out specifically to break into cars and are thinking rationally and about the way they are going to do it, but in terms of our town centres, where a lot of the behaviour is violent or disorderly behaviour, often fuelled by alcohol, people are not thinking rationally, they get angry and the CCTV camera is the last thing they think about and even the presence of police officers does not deter them from fighting and being disorderly in the streets, so cameras are not likely to. In terms of reducing crime there are mixed results and I fully accept that. The research in terms of reducing the fear of crime, if you look at Professor Martin Gill’s research study from the Home Office, he said there was some quite good indication that it reduces the public’s fear of crime. If you look at where most of the pressure is for CCTV in the community, the vast majority of it comes from the public who actually want it within their local communities. It is certainly not being driven by the Police Service, it is actually being

driven by the local communities. I think some of them then get disappointed when the CCTV goes in, and Martin Gill's research tends to suggest that, because they have high hopes for it and because it does not deter as much crime as they thought it was going to do ---

Q146 Lord Rowlands: Do you think the public can sometimes get misled on the benefits of CCTV?

Deputy Chief Constable Gerrard: I think the public may have a different expectation in terms of the amount of crime that CCTV might prevent.¹ The principal measure of effectiveness as far as the Police Service is concerned is in relation to the support of the investigative process. When a crime has occurred CCTV is a vital element of the investigative process. It is not an understatement to say now that the first piece of evidence that an investigating officer will go looking for is the CCTV evidence. The first investigative action very often is secure all available CCTV evidence. Interestingly, there is very little academic research on the effectiveness and usefulness of CCTV in the investigation of crime, most of it is focused on does it reduce crime, not what is the impact of it in terms of investigating crime. You only need to watch the television on a daily basis and to read the media on a daily basis to see how many crimes are detected, or certainly the investigation greatly assisted, as a result of CCTV evidence.

Q147 Lord Rowlands: I was interested because it was implied in part of your evidence that you do not collect evidence of how CCTV is being used in the investigation of crime in a thorough and comprehensive way whereas I noticed the Chief Constable on DNA said that you measure success rates by the use of data. If that is the basis of the case for putting so much investment into CCTV, why are you not collecting what would be obvious evidence?

¹ *Note by witness:* The witness wished the record to reflect that he meant that "the public may have a different expectation in terms of the amount of crime that CCTV might prevent".

Deputy Chief Constable Gerrard: We are in the process of doing that. We were required through Her Majesty's Inspector of Constabulary and the Police Standards Unit to justify the expenditure around DNA fingerprints and in order to do that we are required to record the amount of crimes that are detected, both primary detections and secondary detections, offences taken into consideration, that come from both fingerprint and DNA. There has been no requirement on the Police Service to do that in relation to CCTV.

Q148 Lord Rowlands: There has been large investment.

Deputy Chief Constable Gerrard: The investment, interestingly, has not been made by the Police Service. If it had been made by the Police Service I suspect Her Majesty's Inspector of Constabulary would be asking what we had done with the money. The vast majority of public space CCTV is owned, monitored and run by local authorities. They are, understandably so, crying out for some information that supports the effectiveness of it and I would dearly like to provide that to them, and one of the recommendations within the National Strategy is that the Police Service do exactly that. My view is that we are unlikely to persuade government to invest further in CCTV if we cannot show the effectiveness of CCTV. The Martin Gill research study that the Home Office sponsored was an attempt to do that but it did not ask the right questions. All it did ask was ask "how much crime does CCTV reduce or prevent" rather than "how effective is CCTV in the investigation of crime". It is very difficult to put a cost on it but several years ago London was suffering from a nail bombing campaign by an individual by the name of Copeland and his avowed intention was to start a race war. He was targeting specific parts of London with his nail bombs and there were extremist groups claiming responsibility for the actions. That event was entirely supported by CCTV evidence in terms of actually detecting that crime. What value do you put on the price of that detection? How do you start to value those sorts of things?

Q149 Lord Rowlands: You are doing it in the case of DNA so presumably there is a methodology you can apply.

Deputy Chief Constable Gerrard: There is a methodology in terms of counting the detections. We had the same issue with the recent situation in terms of the bombings of London, what value does society put on those detections, and that is an issue right across the board in terms of detecting crime. We are in the process of developing our system of counting the number of detections where CCTV assists. I am of the view, and from limited research we have done in my own force area, we get more detections from CCTV or CCTV assisting in the detection of crime than we do from fingerprints and DNA combined.

Q150 Lord Rowlands: You did mention the National CCTV Strategy and there are 44 recommendations in that Strategy. Can you give us some order of priority and how are you going to carry it forward?

Deputy Chief Constable Gerrard: As a co-author I think all 44 are very important, but I would say that, wouldn't I? The Strategy was written as a result of a concern that I had, that I expressed through ACPO that then went on to the Home Office, that we have probably the most extensive public CCTV surveillance network in the world, we are the envy of many governments and certainly the envy of most police forces in the world. Most of them cannot understand how it has happened and why the British public and the British Government have allowed it to happen, and they cannot understand how we have managed to get it in place. But, despite having a very extensive CCTV network, it has been developed in a piecemeal way, it has been developed in a relatively un-coordinated way, and we are not making maximum use of its effectiveness. As the technology changes it is a significant issue for everybody involved right the way through the criminal justice system to play catch-up. My colleagues in the courts, for example, are still just getting over the development of VHS recorders where the rest of us are looking at the next development past digital and DVDs,

Blu-ray and all sorts of stuff like that. There is real potential for a massive waste of money if we do not co-ordinate this together. My number one priority would therefore be some sort of national body, and it is a recommendation, around managing this whole approach and co-ordinating the whole approach of public CCTV in this country because without it we have every local authority doing their own thing, every police force trying to catch up with every local authority doing their own thing, every CPS Service, every Probation Service, every magistrates' court, crown court and defence solicitors all trying to get behind somebody else's bit of technology. At the moment I am taking perfectly good digitally recorded CCTV evidence and putting it on to an old-fashioned VHS cassette to allow it to be played in some parts of the criminal justice system at significant cost and degradation of the quality of the image. It cannot go on like that. I think we need some form of national co-ordination board. Secondly, if I am allowed three, it is around driving out some standards. At the moment we are faced with hundreds and hundreds of digital imaging formats. It is a bit like the current argument they are having about Blu-ray and HD DVD, but if I turn it back a bit it is like VHS and Betamax. If you can imagine instead of having VHS and Betamax, add another 400 different formats. My police officers can go out and recover CCTV and find it in any one of those 400 formats without the necessary playback software available. What used to be a very simple and straightforward task for us to recover CCTV evidence, which was to go and get the VHS cassette and put it in the police station, is now becoming quite a technical process and the Police Service is having to move towards employing people with technical expertise just to get the evidence and that is because there are so many different formats out there. If this is CCTV that public money is being spent on I would like some form of standard so it is compatible right the way through the process. Finally, there is no point having standards if they are not enforceable so that requires some form of mechanism. We talk about appropriate legislation but it might be just tightening up some of the existing codes of practice and some

inspection regime that says to people, “This is what we require of you”. Every time you see a poor quality CCTV image it is not fit for purpose and if it is not fit for purpose it does not comply with the legislation which covers it, which is the Data Protection Act, and that is not being effectively policed. The Police Service and the criminal justice system is wasting a huge amount of time on trying to manage and recover CCTV that is inappropriate, we are missing detection opportunities and that needs to be dragged together.

Q151 Lord Rowlands: You say somewhere in your evidence that the vast majority of cameras are in the private sector anyway, is that right?

Deputy Chief Constable Gerrard: Yes.

Q152 Lord Rowlands: If so, have you got any recommendations on how you relate the public sector CCTV systems with the private sector?

Deputy Chief Constable Gerrard: That is the difficulty. In fairness to my colleagues in the public sector, in the main their systems are pretty good because they work fairly closely with us, but we are duty bound to gather evidence from wherever we can, so we are duty bound to gather evidence if it is available, and very often the evidence that we gather does not relate to the premises that we gather it from. It might be an assault in the street and the CCTV system from a shop has captured that assault in the street, so we are asking them to provide us with the CCTV evidence to help prove an investigation or support an investigation that is nothing to do with them. We are in a bit of a dilemma. On the one hand, we do not want to dissuade them from providing us with the CCTV evidence but, on the other hand, we would dearly like them to improve the quality. There is a dilemma around how we drive up the quality of CCTV in the private sector. Bear in mind that could also comply with the Data Protection Act in most cases and if that was properly enforced we perhaps could do it that way.

Q153 Lord Peston: In my judgment, I think Deputy Chief Constable Gerrard has answered my two questions when he was talking to Lord Rowlands, but could I just make sure I understand his answer to the last of the questions. You seemed to say that you do favour a national body to regulate all this, number one, and, secondly, you seemed to say you think it ought to have real powers to make sure it gets its own way. Did I rightly interpret what you were saying as that?

Deputy Chief Constable Gerrard: Certainly a national body to co-ordinate the development of CCTV in the UK and to make the most of the significant public investment we have already put in. When the money originally went out, it went out to lots of local authorities and at that stage none of the local authorities had any expertise around the development of CCTV, although they have it now. We do need to better co-ordinate. Certainly a national body to co-ordinate and then some form of legislative support or increased powers perhaps for the Information Commissioner's office to drive up the standards of CCTV, not just in the public sector but the private sector so that the CCTV that we are taking is appropriate. At the end of the day if the public think the camera is there they should expect the camera to do the job at least. If we are going to the trouble of taking pictures of people they should be fit for purpose otherwise it is a double-whammy against the public, is it not, you have conned them into thinking that they are being covered by CCTV but the images are not any good. We need some way of driving up the quality of the images.

Chairman: Gentlemen, on behalf of the Committee can I thank you very much indeed for your attendance and the evidence you have given. Thank you very much.