

## APPENDIX 3 - MOCK APPLICATION

Unique Reference Number

### Part II of the Regulation of Investigatory

### Powers Act 2000

### Authorisation Directed Surveillance

<b>Public Authority</b> <i>(including full address)</i>	Carmarthenshire County Council County Hall Carmarthen, SA31 1JP		
<b>Name of Applicant</b>	A N Other	<b>Unit/Branch /Division</b>	Fraud Investigation Team
<b>Full Address</b>	County Hall Carmarthen SA31 1JP		
<b>Contact Details</b>	Telephone : 01267 224xxx  Email: ANOther@carmarthenshire.gov.uk		
<b>Investigation/Operation Name (if applicable)</b>	Mr Davies		
<b>Investigating Officer (if a person other than the applicant)</b>			

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<b>DETAILS OF APPLICATION</b>	
<b>1 Give rank or position of authorising officer in accordance with the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 No. 521. <sup>1</sup></b>	
<b>2 Describe the purpose of the specific operation or investigation.</b>	The purpose of the investigation is to gather evidence of alleged offences under section 111 of the Social Security Administration Act 1992 and the Fraud Act which it is believed are being committed by Mr Davies. In particular the purpose of the proposed surveillance operation is to gather evidence to show that Mr Davies is residing with a Mrs Jones at no.82 High Street.
<b>3 Describe in detail the surveillance operation to be authorised and expected duration, including any premises, vehicles or equipment (e.g. camera, binoculars, recorder) that may be used.</b>	The surveillance will take the following form; <ol style="list-style-type: none"><li>1. Direct observation by between 1 and 4 officers located in 1 or 2 unmarked vehicles parked in High Street on week day mornings</li><li>2. Surveillance will take place between 08.00 and 09.00 each day or until Mr Davies is seen leaving the property, upon which surveillance will cease.</li><li>3. The officers engaged in the surveillance will record any observations in written surveillance logs and will not make use of any cameras or other surveillance or recording devices.</li><li>4. Officers will not follow the target after he has left the premises.</li></ol>
<b>4 The identities, where known, of those to be subject of the directed surveillance.</b>	<ul style="list-style-type: none"><li>• Name: Mr A Davies</li><li>• Address:82 High Street</li><li>• DOB:</li><li>• Other information as appropriate:</li></ul>
<b>5 Explain the information that it is desired to obtain as a result of the directed surveillance.</b>	

<sup>1</sup> For local authorities: The exact position of the authorising officer should be given. For example, Head of Trading Standards.

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1. Whether Mr Davies leaves the target property for work each day
2. Whether his vehicle is at the property each weekday morning

**6. Identify on which grounds the directed surveillance is necessary under Section 28(3) of RIPA. *Delete those that are inapplicable. Ensure that you know which of these grounds you are entitled to rely on (SI 2010 No.521).***

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- For the purpose of preventing or detecting crime or of preventing disorder

**7. Explain why this directed surveillance is necessary on the grounds you have identified [Code paragraph 3.3].**

Information has been received from another Council department that Mr Davies is residing at the target address with Mrs Jones. If this information is correct the Mr Davies (and possibly Mrs Jones) is likely to have committed fraud in respect of a variety of applications and claims submitted to the Council, all of which have resulted in substantial sums of money being paid to Mr Davies over a number of years.

To date investigating officers have taken the following steps to obtain the required information;

- (a) Searched council records for information suggesting Mr Davies lives at the target address and that Mr Davies and Mrs Jones are cohabiting
- (b) Searched DVLA records which show a vehicle registered in Mr Davies's name at the target address
- (c) Undertaken a credit search which shows Mr Davies has obtained credit on the basis he lives at the target address
- (d) Checked marriage records, which show that Mr Davies and Mrs Jones married in 2012
- (e) Mr Davies is the father of Mrs Jones daughter, born in 2014.

However this information is insufficient to prove that Mr Davies lives at the target address to the criminal standard of proof. Without further evidence that he is actually living at the property it will not be possible to progress the case further.

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**8. Supply details of any potential collateral intrusion and why the intrusion is unavoidable. [Bear in mind Code paragraphs 3.8 to 3.11.]**

**Describe precautions you will take to minimise collateral intrusion.**

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Officers conducting the surveillance will be instructed not to record anything in the surveillance logs which does not directly relate to the actions of Mr Davies. Any references to Mrs Jones and/or her daughter are to be kept to solely those which relate to their interaction with Mr Davies.

Officers should not record the activities of any other persons unless it is appropriate to do so as evidence of the commission of a crime by that person

**9. Explain why this directed surveillance is proportionate to what it seeks to achieve. How intrusive might it be on the subject of surveillance or on others? And why is this intrusion outweighed by the need for surveillance in operational terms or can the evidence be obtained by any other means [Code paragraphs 3.4 to 3.7]?**

Steps taken to date as outlined in box 7 above do not provide sufficient evidence to progress this investigation to conclusion. Without the additional information it is hoped to obtain by surveillance, the investigation will have to be abandoned.

The degree of intrusion into Mr Davies's family life is minimal. Only activities which can take place in full public view (i.e Mr Davies leaving the target property) will be recorded. No surveillance will take place of activities inside the property.

**10. Confidential information [Code paragraphs 4.1 to 4.31].**

INDICATE THE LIKELIHOOD OF ACQUIRING ANY CONFIDENTIAL INFORMATION:

NONE

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<b>11. Applicant's Details</b>			
<b>Name (print)</b>		<b>Tel No:</b>	
<b>Grade/Rank</b>		<b>Date</b>	
<b>Signature</b>			
<b>12. Authorising Officer's Statement. [Spell out the "5 Ws" – Who; What; Where; When; Why and HOW– in this and the following box. ]</b>			
<p>I hereby authorise directed surveillance defined as follows: [<i>Why is the surveillance necessary, whom is the surveillance directed against, Where and When will it take place, What surveillance activity/equipment is sanctioned, How is it to be achieved?</i>]</p>			
<b>13. <u>Explain why you believe</u> the directed surveillance is necessary [Code paragraph 3.3].</b>			
<b><u>Explain why you</u> believe the directed surveillance to be proportionate to what is sought to be it achieved by carrying out [Code paragraphs 3.4 to 3.7].</b>			

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**14. (Confidential Information Authorisation.) Supply detail demonstrating compliance with Code paragraphs 4.1 to 4.31.**

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<b>Date of first review</b>	
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**Programme for subsequent reviews of this authorisation: [Code paragraph 3.23]. Only complete this box if review dates after first review are known. If not or inappropriate to set additional review dates then leave blank.**

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<b>Name (Print)</b>		<b>Grade / Rank</b>	
<b>Signature</b>		<b>Date and time</b>	



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<b>Expiry date and time [ e.g.: authorisation granted on 1 April 2005 - expires on 30 June 2005, 23.59 ]</b>	
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