



USE OF CCTV IN CUSTODY STANDARD OPERATING PROCEDURE

Standard Operating Procedure			
REFERENCE	BTP Custody Policy		
PROTECTIVE MARKING			
PORTFOLIO	Crime		
OWNER	ACC Crime		
START DATE	2009		
REVIEW DATE	2009		
THIS POLICY REPLACES:			
VERSION	DATE	REASON FOR AMENDMENT	AMENDED BY
0.14	January 2010	N/A	Inspector Paul Wheeler

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CCTV IN CUSTODY SUITES STANDARD OPERATING PROCEDURE (SOP)

1 INTRODUCTION

These instructions are being introduced in order to provide corporate controls for Closed Circuit Television (CCTV) within British Transport Police Custody Suites - Defined as Designated and Non Designated Police Stations in which detained persons are kept

In order to comply with Section 17 of The Data Protection Act 1998 Police Forces have to inform the Information Commissioner of their policy in relation to CCTV systems used within Custody Suites. It is anticipated that CCTV will have two functions: The protection and welfare of all users of custody, and the prevention and detection of crime

1.1 Data Protection Act

- 1.1.1 The retention periods allocated to all records should be in accordance with Force Policy based upon ACPO guidance and should take into account the Data Protection Act 1998, specifically principle 5, which states "Personal Data processed for any purpose shall not be kept longer than is necessary "
- 1.1.2 Compliance with the relevant legislation will be monitored by the Information Compliance Unit manager, who will be responsible for providing guidance as necessary to all personnel on their individual responsibilities

1.2 Race Equality Scheme

- 1.2.1 The content of this SOP has been considered under the provisions of the Race Equality Scheme, as dictated by the Race Relations Act 1976 (as amended), and deemed to be non-relevant

1.3 Human Rights Act

- 1.3.1 This document has been drafted in consideration of provisions of the Human Rights Act 1998. The retention of personal details, which form part of a Criminal Investigation record, will involve an impact of an individual right to private and family life. Therefore action will only be taken in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights or freedoms of others

- 1 3 2 In addition, the action taken will be proportionate, necessary and justifiable
- 1 3 3 This SOP is suitable for general publication
- 1 3 4 This SOP will be subject to review every year or sooner in the case of changes in policy or legislation
- 1.4 Freedom of Information Act 2000**
- 1 4 1 The retention periods allocated to all records must comply with the Freedom of Information Act 2000, and specifically section 46, the code of practice issued from time to time by the Lord Chancellor which is desirable to follow in connection with the keeping, management and destruction of such records.
- 1 4 2 Compliance with the relevant legislation will be monitored by the Information Compliance Unit manager, who will be responsible for providing guidance as necessary to all personnel on their individual responsibilities. The responsibilities of the Custody Officer and Custody Staff as defined by The Police and Criminal Evidence Act 1984 (PACE) and the PACE Codes of Practice are not altered by this procedure. Physical checks of detainees must continue
- 1 4 3 This procedure enforces and is subject to the conditions of Custody Standard Operating Procedure SOP/040/09 and has been compiled after full consultation and agreement of the Force Custody Manager
- 1 4 4 This procedure applies to England, Wales and Scotland
- 1 4 5 This procedure applies to all BTP officers and staff

2 KNOWLEDGE

2.1 Terms and Conditions

2 1 1	CCTV	Closed Circuit Television
	CPTDA	Central Police Training and Development Authority
	CJS	Criminal Justice System
	CRO	Crime Reduction Officer
	DPA	Data Protection Act 1998
	FIS	Force Intelligence System
	FOIA	Freedom of Information Act 2000
	HOSDB	Home Office Scientific Development Branch
	IPCC	Independent Police Complaints Commission
	MOPI	Management of Police Information
	PACE	Police and Criminal Evidence Act 1984
	RRA	Race Relations Act 1976
	TOC	Train Operating Company

2.2.1 The SOP is aimed at Senior Officers, Custody Suite staff and all personnel who may be affected by it.

2.3 Force Custody and Cell CCTV

2.3.1 Area Commanders will appoint a member of staff to have charge of their local Custody and Cell CCTV systems. It is recommended that the officer is not below the rank of Chief Inspector.

2.4 Operational Command

2.4.1 The Area Commanders nominated member of staff will be accountable for ensuring that the system is in operation. They will be responsible for the monitoring and recording of all applications made for copies of CCTV images recorded by the system. All such requests must be authorised by an officer of the rank of Inspector or above. Full details will be obtained and a CCTV request form completed - APPENDIX A which will be included within the Force management system by the person completing the document.

The form must be completed for every such request including:

- Subject access under the DPA
- Detained persons in custody under the PACE
- The investigation of an offence under the PACE

- Internal complaints

2.5 Equal Opportunities Statement

- 2 5 1 All employees have a responsibility to ensure that no discrimination occurs on the grounds of age, colour, disability, ethnic origin, family commitments, gender, gender dysphoria, marital status – marriage or civil partnership, nationality, national origins, political beliefs, race, religion or belief, sexual orientation, trade union activity or any other unacceptable grounds

3 PROCEDURES

3.1 Introduction

- 3 1 1 It is well accepted that CCTV in police cells can be a useful tool to assist in the monitoring of vulnerable detainees and thereby reducing the likelihood of self-harm. However, the use of cameras in what might normally be regarded as an area where a detainee can expect some privacy raises issues in relation to their human rights. It is important therefore that any invasion of the right to privacy is balanced appropriately and sensitively with the need for police to effectively discharge their duty of care to persons in custody who are at increased risk of harm.

- 3 1 2 The safe and secure detention of persons in custody is a core area of business for British Transport Police. It is imperative that individuals in custody receive a high level of care and that they (and the staff who are responsible for them) can expect to be safe and well during their time in the Custody Suite.

- 3 1 3 The use of CCTV cameras throughout the custody facility is a requirement of the Home Office strategy for the Safer Detention and Handling of Persons in Police Custody and the Home Office Police Building Design Guide - Custody. Any system used by the Force must have a full maintenance contract for the design life of the product.

In particular, the use of CCTV within Custody Suites will:

- Provide a reliable record of the initial reception, booking-in and detention of detainees,
- Record the condition and demeanour of the detainee

- Act as a deterrent against violence or disorderly behaviour by detainees or others in the custody suite
- Discourage malicious complaints and allegations. (It should be noted that CCTV images should be seized as evidence where there have been any complaints or allegation of misconduct)
- To provide, where appropriate, images to support any prosecution, where activity within the custody suite will be of relevance to a court case
- Enhance the security and safety of custody staff, detainees and others
- Provide the visual monitoring of detainees in cells equipped with CCTV

3.2 Purpose

- 3 2 1 The purpose of this policy is to ensure a corporate approach to the employment and use of CCTV cameras throughout custody facilities owned by British Transport Police. It is the intention of this policy to provide for the safety of all persons held in police custody, all British Transport Police employees, whether Police Officers or Police Staff and any other visitors to the custody suite e.g Solicitors, Doctors, Appropriate Adults, Partner Agency staff etc, who may find themselves in areas where CCTV cameras are operating
- 3 2 2 Each Custody Suite CCTV system should monitor common areas within the custody suite and certain external locations, such as the entrance to the Custody Suite and exercise yard. Key locations within the Custody Suite may be subject to more detailed monitoring

3.3 Responsible Officers

- 3 3 1 The Duty Inspector/Custody Inspector is responsible for ensuring the system is in operation and recording their findings in the CCTV System - Quality and Maintenance Form (which will be kept in the custody suite) - APPENDIX B
- 3 3 2 The Custody Officer is responsible for ensuring faults and errors are reported in the CCTV System - Fault Recording Form - APPENDIX C
- 3 3 3 The Area Commander will nominate an officer not below the rank of Chief Inspector who will be responsible for the management of the quality, storage, export and playback of recorded images



3.4 Custody Records

3 4 1 CCTV recordings do not form part of the custody record PACE Code C 2008 Custody Records

3.5 Warning Notices

3 5 1 The presence and purpose of CCTV will be displayed using appropriate signage in all entrances to and in the actual Suite, as defined by the CCTV Code of Practice under the Data Protection Act 1998. It is recommended that corporate Force signage is used which can be ordered through local area finance/procurement managers - APPENDIX D

- For further clarity the signs should also be displayed in others areas where CCTV is fitted i e exercise yard
- Custody officers must ensure that non - English speaking persons, those unable to read or visually impaired individuals are informed of the above.

3 5 2 The signs will be clearly visible to Police Staff, detainees and visitors to the custody areas

3.6 Excluded Areas

3 6 1 For reasons of privacy, the following areas are specifically excluded from both audio and video recording by the CCTV system:

- Police Forensic Medical Examiners examination room
- Rooms set aside for private legal consultation or any other room used temporarily for legal consultation rooms.
- General (non-PACE) interview rooms.

N.B. This is not correct according to the SDH Guidelines both these rooms can be covered by video but not by audio recording.

3 6 2 The Toilet area of cells will be monitored by using cameras designed in such a way that CCTV images displayed will have security masks in order that the genitals cannot be viewed This is in order that the notions of morality, fairness and police and



prisoner sensitivities remain intact whilst still enabling police to fulfil their obligations under 3 10 4 below

- 3 6 3 **Show**er area CCTV will not **ALLOW LIVE VIEWING** but will have the facility to record images. CCTV signage will be adapted to make this clear to detainees. **N.B. This is not correct according to the SDH Guidelines the shower area must not be covered by CCTV.**

3.7 **Cleaning**

- 3 7 1 The Duty Inspector/Custody Inspector is responsible for ensuring that the camera housing units are free from dust and clean A minimum requirement will be a weekly inspection and a wipe of the front of the housing to ensure that the image quality is not reduced by accumulation of dust or dirt A record of the cleaning regime undertaken will be kept in the CCTV System - Quality and Maintenance Form APPENDIX B which is maintained in the Custody Suite

3.8 **Responsibility**

- 3 8 1 At the start of each shift the Custody Officer is responsible for ensuring that the monitoring screen is checked to ensure the cameras are displayed and ensure the system is showing no signs of malfunction
- 3 8 2 The lighting within the Custody Suite forms a key element in the production of quality digital recordings The maintenance of the custody suite lighting remains within the domain of Facilities and in the first instance the Custody Officer, during normal working hours, is to report unserviceable lighting directly to Facilities. If the loss of lighting affects the operational effectiveness of the custody suite, and cannot wait until the next period of normal working hours then Force Control Room must be informed that it is a high priority and a NSPIS log created
- 3 8 3 Consultation will then take place with the Custody Officer and the Duty Inspector/Custody Inspector who will make a risk assessment of the situation and determine if the Custody Suite should be shut The CCTV System - Fault Log APPENDIX C and NSPIS log will be noted accordingly
- 3 8 3 Cameras have been pre-set and are not to be altered
- 3 8 4 The use of the Custody Suite CCTV system for the purpose of reviewing and monitoring is to be managed by the Custody Officer

3.9 Privacy

3 9 1 The custody office where the monitors are situated is a Restricted Access Area

3 9 2 Only Custody Officers and Custody Staff will have access to the monitors displaying images

3 9 3 Non-police personnel or visitors to the Custody Suites should not be given access to the monitors

NB This does not include Force Medical Examiners, Health Care Professionals or the exceptions in paragraphs **3.18** and **3.19** who may need to monitor the detainee's behaviour or assess the equipment/procedures

3.10 Use of In-Cell Cameras

3 10.1 Consideration has been given to the Human Rights Act 1998 and potential infringements of privacy.

3 10 2 Where it can be shown that a detainee is vulnerable, it will be considered in their best interests that they are subject to CCTV to prevent self-harm

NB The use of In-Cell Cameras does not replace the requirement to conduct physical checks of detainees in accordance with PACE

3 10 3 The decision to place a detainee in a cell with a CCTV camera must be made taking into account, the Risk Assessment, prior history, PNC checks and evaluation of any other information known at the time

3 10 4 It would be considered appropriate to place a detainee in a cell with a CCTV camera in the following circumstances:

- Where in all the circumstances the Force Forensic Medical Examiner or other person considers the detainee to be in need of constant supervision or observation.
- Where close supervision of the detainee is required due to illness, injury, the possibility of overdose or other potentially fatal ingestion i.e. alcohol or drugs

- Where the detainee has been subject to the use of Incapacitant spray or taser and recovery is protracted
- Where the detainee has a PNC record showing warning signals for deliberate self-harm and attempted suicide
- Where a person is detained under the Mental Health Act 1986
- Where owing to the circumstances of the arrest or the offence under investigation/charge, the detainee is considered to require additional monitoring
- Where the detainee is showing signs of exceptional violence

NB Cells with cameras will not be used for strip or intimate searches

NB The use of In-Cell cameras will not be used to replace the requirement for physical checks and visits. However in accordance with CPTDA Safer Detention, the level of detainee monitoring and observation will be determined by the Risk Assessment and where necessary constantly monitored CCTV can be used

3 10 5 When a decision is made to place a detainee in a cell with a CCTV Camera the Custody Officer must:

- Inform the detainee of the decision and the reason for it as soon as practicable
- Ensure the appropriate cell visiting regime is instigated (e.g. every 30 minutes or less)
- Document this decision in the custody record and ensure that other staff is aware of this decision

3.11 In-Cell Incident Monitoring

3 11 1 In the event of an incident occurring in a cell where cameras are recording (for example a detainee attempts self-harm) an Adverse Incident Form - See APPENDIX E must be completed (PSD notified) and the procedures followed in BTP Custody SOP 040/09 3 3 93 - 96

3 11 2 If a detainee's behaviour becomes offensive or indecent the Custody Officer should consider any action necessary to address such behaviour. This may include using



other means to monitor the detainee or restricting access to the images on the monitors

3.12 Procedure for Damaged In-Cell CCTV Equipment

3 12 1 If a cell CCTV camera is damaged (for example by the actions of a detainee) the following actions will be taken:

- Record the time at which the camera was damaged or became defective
- Where appropriate remove the detainee from the CCTV equipped cell
- Inspect the cell and camera for damage
- Where necessary remove the cell from operational use and follow the procedure in **3.8 Responsibility** (above)
- Submit a report via Facilities to ensure arrangements are made with CCTV contractor for repairs and complete the CCTV/Fault Log - APPENDIX C.

3.13 Procedure for Fault Reporting/Engineer Call Outs

3 13 1 When a fault is discovered the Custody officer must:

- Make an entry in the CCTV/Fault Log - APPENDIX C held at custody, noting the date, time and brief description of the fault
- Record the time that the fault was reported to the maintenance contractor
- Record the response from the maintenance contractor and any anticipated delay in responding to the call out and brief the next Custody Officer where a fault or call out is still outstanding when shift handover takes place
- Where necessary remove the cell from operational use and follow the procedure in **3.8 Responsibility** (above)

3 13 2 The Duty/Custody Inspector must:

- Ensure faults are resolved and
- Sign off the CCTV/Fault Log - APPENDIX C once the fault is rectified

- A regular audit of the CCTV/Fault Log will be conducted

3.14 Retention of Images

- 3 14 1 Images will be retained for a period of 90 days on the system and handled in accordance with SOP 4 - Storage Handling and Retention of CCTV Images Standard Operating Procedure SOP/184/09
- 3 13 2 The digital images are overwritten after 90 days as per the system specification Images held on paper or on portable electronic media will be destroyed as confidential waste
- 3 13 3 Images required for evidential purposes whether used or not, are subject to MOPI rules in terms of review or retention
- 3 13 4 Where complaints are made by a detainee or his representative the custody officer will contact the Duty/Custody Inspector who will ensure that CCTV is retained as a matter of course
- 3 13 5 No offence may have been committed whilst the detainee was in custody, but the detainee's conduct/demeanour and/or police procedures may become an issue in any subsequent court proceedings In which case the image(s) may need to be considered by CPS and disclosed to the defence as either evidence or unused material
- 3 13 6 The provisions of the Criminal Procedures and Investigations Act 1996, as amended by Part 5 of the Criminal Justice Act 2003 impose a statutory obligation on the Police to record and retain this material in a durable form.
- 3 13 7 Whilst the duty to retain, record, or reveal the custody images as unused material rests firmly with the Disclosure Officer, Custody Officers will be expected to assist an officer in determining that any particular image(s) are required to be retained for longer than 90 days

3.15 Requests to View Images

- 3 15 1 CCTV images can be viewed as an extension of the Custody Record in accordance with **3.10** above as part of the reasons for placing detainees in cells with CCTV. It should be noted that the system images themselves are not individual records to be included within the Custody Record

- 3 15 2 There is therefore clearly a duty to maintain confidentiality and prevent any unauthorised disclosure of information.
- 3 15 3 Viewing of images will be permitted in appropriate circumstances, including:
- Viewing of images for security issues inside and outside the custody suite
 - By the officer in the case for evidence gathering purposes during the course of a criminal investigation.
 - By members of Professional Standards Department and the IPCC during the course of a complaints investigation
 - By the disclosure officer to comply with Criminal Procedures and Investigations Act 1996, as amended by Part 5 of the Criminal Justice Act 2003, CPIA Code of Practice and the Attorney General Guidelines
 - By supervising officers to determine training needs for Custody Staff, either generally or for an individual. Although recordings themselves should not be used for training without the consultation and agreement of the Information Compliance Officer.
 - By any party subject to civil proceedings
 - For Subject Access Disclosure under Section 7 of the Data Protection Act 1998. The Information Compliance Section will coordinate applications
- 3 15 4 A record must be kept of all requests to view images in accordance with **2.4.1** above. If access is denied the reason should be documented.
- 3 15 5 Viewing of images must be properly documented either within the Custody Record or the CCTV/Fault Log
- 3 15 6 Viewing of images by a detainee or their legal representative will not be permitted where the person is not charged or reported for an offence unless authorisation is given by PSD i.e. during the investigation of a complaint
- 3 15 7 Before submitting a request officers are to be as specific as possible detailing what they want to retain, in particular, with regard to time, cameras and what image. Officers must use the review facility to identify specifically what they want. CCTV staff will challenge requests where they are too diverse. It is essential we only retain data which is necessary.

3 15 8 Requests by defence solicitors to view CCTV images must:

- Be made in writing to the Duty/Custody Inspector and be specific, i.e give the time of incident/between times, the location, and a description of clothing worn

3.16 Request for Copies of Images

3 16 1 There will be a limited number of instances where copies of images recorded by CCTV in Custody may be required, including:

- As evidence in criminal proceedings
- As unused material in criminal proceedings
- As evidence in complaints against police proceedings
- As evidence in civil proceedings
- As a requirement of Section 7 of the Data Protection Act 1998

3 16 2 The procedure in **2.4.1** above must be used in every case

3.17 Death in Custody

3 17 1 In the event of a Death in Custody, Professional Standards staff are to be contacted immediately who will in turn arrange the downloading and copying of the occurrence, directly with the Duty/Custody Inspector

3 17 1 The procedure in **2.4.1** above must be used in every case

3.18 Independent Custody Visitors

3 18 1 Section 51 of the Police Reform Act 2002 placed Independent Custody Visiting on a statutory basis from 1st April 2003.

3 18 2 Section 51 (6) requires the Home Secretary to issue a Code of Practice for Custody Visiting and National Standards. The Code prescribes the role and responsibilities of Independent Custody Visitors in relation to CCTV in Custody

3 17 3 Independent Custody Visitors should:



- Check that any CCTV in Custody is operating properly
- Carry out their functions in person and not by viewing either live CCTV or recorded images
- Be able to ask the Custody Officer whether CCTV in Custody is working and to be given a demonstration if necessary
- Interact with detainees and police staff without infringing the privacy of detainees who have not given consent to be observed using CCTV

3.19 Viewing CCTV - Independent Custody Visitors and Community Representatives

3 19 1 The viewing of CCTV in Custody by Independent Custody Visitors or other non-police individuals should be restrictive

3 19 2 An Area Commander can authorise the showing of CCTV images from Custody to Community Representatives (e.g. local councillors, doctors, Members of Parliament, solicitors, Independent Custody Visitors etc) in the following circumstances:

- A death or some other critical incident has occurred involving a person in police custody **and**
- As a result of the death serious public order is likely **and**
- Showing the CCTV Custody images is likely to prevent this disorder from occurring **and**
- The interests of public safety in preventing disorder outweigh the possible privacy issues caused by the showing of the images In accordance with Schedule 3 of the DPA

3 19 3 Where these circumstances apply and CCTV in Custody has been viewed the CCTV/Fault Log - Appendix F must be completed detailing:

- Location of custody suite
- Date and time of the recording
- Date and time viewed



- Reason for the viewing.
- All persons present.
- Authorising officer

3.20 Risk Assessment

3 20 1 The Custody Officer is responsible for ensuring every detained person brought into police custody is Risk Assessed on arrival at the station and during their period of custody

3 21 Levels of Observation and Engagement

3 21 1 The level of observation is dependent on the individual circumstances of the detainee and will be determined by the Risk Assessment undertaken by the Custody Officer. There are four levels of observation 3 and 4 relate to CCTV

3 21 2 Level 3 – Continuous Observation via CCTV Where the risk assessment indicates the likelihood of self-harm Continuous supervision, observation and accessibility at all times 'Within eyesight' is a definition used by the NHS for service users requiring high levels of care and means that the detainee should be kept within eyesight and accessible at all times Positive engagement is an essential aspect of this level of observation, with detainees requiring frequent visits. CCTV, which is constantly monitored, may be used but see below for further advice CCTV complements but does not replace the requirement for a visit or direct observation where Level 3 is in place.

3 21 3 The use of CCTV in accordance with Level 3 Continuous Observation is an acceptable option, and the key issue to consider is that the detainee must be within eyesight and accessible at all times. It is stressed however that CCTV is an additional aid to the supervision of a detainee and regular visits still need to be carried out

3 21 4 Use of CCTV for continuous observation can:

- Enable early intervention in self-harm attempts or sudden collapse
- Ensure the safety of staff by visual monitoring of the detainee without the need to enter other than during visits/rousing etc

- Can assist in defusing disruptive behaviour by detainees that can be exacerbated by an officer's presence
- 3 21 5 Custody Officers should consider the following when deciding on whether to approve the use of CCTV for Continuous Observation (Level 3):
- Staff will need to be relieved on regular basis whilst still maintaining continuous observation (maximum time permitted is 2 hours with a 2 hour break in-between)
 - Staff monitoring detainees cannot leave the monitors to attend to an incident with a detainee, other custody staff will need to attend as necessary or respond to an alarm call
- 3 21 6 Level 4 – Close Proximity Where the risk assessment indicates a high risk of self-harm, harm to others or where a medical condition/issue indicates close proximity supervision is required The Prison Service defines this as 'one to one support'. This level of close proximity supervision and positive engagement with the detainee precludes the use of CCTV as a replacement to one to one support. It can however be used to complement the monitoring
- 3 21 7 The detainee will be informed that they are being monitored, i.e. use of CCTV and will be visited/roused etc by custody staff during their period in police detention

4 MONITORING AND COMPLIANCE

4 1 Monitor

- 4 1 1 This SOP will be monitored for compliance by the Head of CCTV and the Force Custody Manager by use of the Custody and CCTV Project Register and regular communication with BTP representatives
- 4.1 2 All written requests from individuals and record keeping must comply with Force Record Management rules. Policy/156/08 refers - Records Management
- 4 1 3 Failure to follow these procedures will place the Force in an invidious position with outside organisations and the travelling public.

5 APPENDICES

- 5 1 **Forms (must comply with record retention under MOPI)**
- 5 2 Appendix A - CCTV Request Form



- 5 3 Appendix B - CCTV System - Quality and Maintenance Form
- 5 4 Appendix C - CCTV System - Fault Recording Form
- 5 5 Appendix D - CCTV Corporate Force Signage
- 5 6 Appendix E - Adverse Incident Form
- 5 7 Appendix F - Authority to show custody CCTV to prevent disorder
- 5 8 Appendix G - Output Requirements for CCTV in Custody Suites



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