



A045 Digital Custody CCTV Procedure

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1. PROCEDURE AIM

- 1.1.1 This Procedure provides guidance to officers and staff in the use and procedures to be followed relating to the digital CCTV and audio monitoring equipment installed in Bedfordshire Police custody suites and cells.
- 1.1.2 The policy of Bedfordshire Police is to use CCTV equipment to monitor and record activity within custody areas and cells in accordance with the Police and Criminal Evidence Act 1984 – Codes of Practice, the Human Rights Act 1998, the Regulation of Investigatory Powers Act 2000 and guidance contained within the Bedfordshire Police Custody Suites are therefore equipped with Digital Closed Circuit Television systems (Custody CCTV.) to assist in the management of prisoner detention in police stations.
- 1.1.3 This Procedure has been aligned and gives due regard to [Authorised Professional Practice \(APP\)](#) for [Detention and Custody](#)
- 1.1.4 A [full index](#) of the content of Detention and Custody APP is available.

2. APPLICABILITY

2.1 Inclusions

- 2.1.1 This Procedure applies to all staff whether employed full-time or part-time, fixed term, permanent, seconded or on a temporary basis who are employed by Bedfordshire Police.
- 2.1.2 This Procedure is also relevant to persons detained within Bedfordshire Police Custody Suites and all visitors to the Custody Suites e.g. Independent Custody Visitors (ICVs), legal representatives, medical staff etc.

2.2 Exclusions

- 2.2.1 This Procedure does not apply to anyone who is not employed by Bedfordshire Police or detained by Bedfordshire Police.

3. PROCEDURE DETAIL

- 3.1.1 The primary purpose for the installation of CCTV and audio coverage within custody suites and designated cells is to assist in the management of prisoner detention. It is recognised that recordings, both visual and audio will occasionally be required for evidential purposes. It will also provide valuable assistance to investigators in cases of deaths or adverse incidents.
- 3.1.2 The system will help provide safeguards for the police, detainees and all others involved in the detention of prisoners. This will be achieved by:
 - Providing an almost indisputable record of the escorting, initial reception and detention of persons arrested;

- Recording the behaviour and physical condition of the prisoner and compliance with statutory requirements under the provisions of The Police and Criminal Evidence Act 1984 (PACE) and associated Codes of Practice;
- Reducing incidents of violent or disorderly behaviour by prisoners in the custody suite and discouraging malicious complaints and allegations;
- Enhancing the personal security of prisoners, staff and visitors to the area.

- 3.1.3 CCTV and audio recording does not form part of an individual's custody record (Police and Criminal Evidence Act 1984, Code of Practice, Code C, paragraph 2.1.) In the event that the Custody Sergeant reviews recorded footage, there is no requirement to record this eventuality in the custody record.
- 3.1.4 The CCTV and audio equipment has been installed to cover the majority of areas of the custody suites. This will help to eliminate most blind spots. There are in excess of 40 cameras in each of the individual suites with microphones for audio in all corridors and custody reception. Four cells at each suite have CCTV coverage but all cells are wired so future cameras can be added if required. Shower areas are also covered by microphones and entry and exit to showers is covered however cameras do not record the showers to preserve dignity of detainees. One interview room at each station has CCTV coverage which is signposted on the door. Although there is CCTV coverage of the medical rooms, the system has been modified so that the cameras will only be activated if the panic button in the medical room is pressed. It is the responsibility of officers and staff to ensure that the cameras covering handovers, interview rooms and the medical room at Greyfriars are activated when necessary in case any procedures or incidents become the result of an investigation at a later date.
- 3.1.5 The Prisoner Handling Units (PHUs) in the North and South of the county will take over the majority of the burning and exporting of CCTV footage from the Milestone software and there are dedicated computers in these locations for this purpose. Requests for footage will be sent to a CCTV in-tray in both the North and South and it will be one of the tasks of the Duty Sergeant to allocate this activity. Any additional conversion of the footage so that it can be played in court etc will be the responsibility of the Requestor and they will be notified of this (facilities exist in both locations for this activity.)
- 3.1.6 The forms for requesting this service and the process to follow are available from the PHUs. Once the request is completed, a proforma will be completed and the Requestor will be contacted to collect their footage – this will be available as an exhibit if required. One master will be produced and as many exhibits as requested. A pin number may be needed to access the footage on the master copy; this will be supplied if necessary
- 3.1.7 Recording, both visual and audio, is continuous and the minimum retention period of 60 days is standardised across the Force. Any copy that has been exported to an archive or external media device can obviously be retained beyond the 60 days. Full information on these requirements can be found in the Bedfordshire Police Policy regarding MoPI.
- 3.1.8 It is a requirement of the Data Protection Act 1998 that signs are suitably displayed informing all detainees, visitors and staff that they are in an area covered by CCTV and Audio recording. All custody suites in Bedfordshire conform to these requirements. Additionally, cells covered by CCTV have a stencilled notice within them informing detainees that there is CCTV coverage. The stencils include a graphic of a CCTV camera for non-English speaking detainees. These signs must identify the purpose of the system, responsibility for its operation and contact details for enquiries. PACE Codes of Practice, Code C, para 3.11 requires that notices are prominently displayed where cameras are present. Custody staff must ensure that non-English speaking or visually impaired detainees are made aware that activity

and audio are being monitored and recorded. This will be achieved at the reception stage by using Language Line for non- English speaking detainees when they are given their rights. Custody staff will verbally inform the visually impaired.

- 3.1.9 Vulnerable detainees placed in cells equipped with CCTV must be informed that the cell is monitored and the fact that this has been done recorded in the custody record. There are a number of definitions for “vulnerable” however PACE defines it as juveniles (under age of 17yrs) or those with a mental disorder or otherwise mentally vulnerable. (Code C section 1.5 and Code C Notes for guidance, 1G)
- 3.1.10 Occasions will arise where events recorded by the system may amount to material evidence relative to a criminal case. In those cases the relevant recording should be exported from the system to an archive or external media device. Where applicable, the existence of the recording should be scheduled in accordance with Home Office instructions on such matters contained in the Manual of Guidance for the Preparation, Processing and Submission of Files (available on the Force Intranet). Disclosure officers must be aware of their responsibilities to schedule such material on forms MG6C.
- 3.1.11 It should be borne in mind that CCTV equipment in custody areas and certain cells is primarily used to monitor an individual’s welfare while in custody, and does not form part of an individual’s custody record (Police and Criminal Evidence Act 1984, Code of Practice, Code C, paragraph 2.1) This states that “a separate custody record must be opened as soon as practicable for each person brought to a police station under arrest or arrested at the station having gone there voluntarily or attending a police station in answer to bail. All information recorded under this Code must be recorded as soon as practicable in the custody record unless otherwise specified. Any audio or video recording made in the custody area is not part of the custody record.” As such, CCTV and audio recordings made in custody suites would not ordinarily be disclosed to detainees or their legal representatives.
- 3.1.12 CCTV in custody suites must not be regarded as an evidence gathering tool. In some circumstances, CCTV recordings may be used for the prevention or detection of crime and the CCTV footage recorded may indeed be evidence, and contain material which may undermine the prosecution case or assist the defence. In such cases investigating officers must consider the provisions of the CPIA 1996 and related Codes of Practice. They must make an assessment about whether a CCTV recording will fall within the provisions of the CPIA and images that are relevant to an investigation must be retained in accordance with the Code of Practice issued under Section 23 of the CPIA. The provisions of the Act regarding disclosure and retention will be applied as it would to any other evidential material and it should be listed as 'unused material' by the investigating officer.
- 3.1.13 Independent Custody Visitors will not view CCTV pictures or recorded footage unless specific incidents or circumstances arise as an issue. In line with the Home Office "Guidance on Independent Custody Visiting" (HOC15/2001) the viewing of custody CCTV recordings by independent custody visitors or other non-police individuals should be restrictive. The Home Office view is that custody visitors should carry out their functions in person and not by viewing either live CCTV pictures or recorded footage. Their role is fundamentally interactive with both detainees and police staff and cannot be discharged remotely. There

may also be issues about infringing the privacy of detainees who have not consented to visitors observing them using CCTV. However, where specific incidents or circumstances arise as issues and have been captured on CCTV, ICVs might reasonably be allowed where both police and the detainee(s) concerned consent. Custody Visitors will be allowed access to the CCTV system to ensure that they are fully operational

3.1.14 Under the Computer Misuse Act 1990, users of the system must have lawful reason for using the software. The Professional Standards Department will also have access in order to utilise audit capabilities and to ensure that the system and software are being used correctly.

3.1.15 There are six levels of access to the digital CCTV and audio system. This is illustrated as follows:

| | View Live footage | Review Recorded footage | Export footage to archive or external media | Add/ remove/ edit users | Access Audit/ Reporting features | System configuration | Quick Restrict Access |
|--------------------------|-------------------------|-------------------------------|---|----------------------------------|---|-------------------------|-----------------------------|
| Level 1 Custody staff | | | | | | | |
| Level 2 Investigator | | | | | | | |
| Level 3 Super User | | | | | | | |
| Level 4 Management | | | | | | | |
| Level 5 Administrator | | | | | | | |
| Level 6 Engineer | | | | | | | |

3.1.16 The levels above apply to the following:

| | |
|----------------|--|
| Level 1 | All Custody Sergeants (25.) All Detention Officers (32) |
| Level 2 | All Prisoner Handling Unit Staff (PHU) (c100) and all crime investigators (c70.) |
| Level 3 | All Professional Standard Department (PSD) Investigators and Crime Detective Sergeants. |
| Level 4 | All PSD Detective Inspectors (including Herts and Cambs), Custody Inspectors and PHU Inspectors, Oscar 1, all Detective Inspectors, Chief Inspectors, Superintendents and Chief Superintendents. |
| Level 5 | Administrators (2) |
| Level 6 | Contractor's engineer. |

4. TRAINING AND ACCREDITATION REQUIREMENTS

4.1.1 The need for training in the system has been identified and will be carried out by TADS for all custody staff.

5. ASSOCIATED DOCUMENTATION

Please list any documentation here.

5.1 Legislation/ National Guidance

- Computer Misuse Act 1990
- CPIA 1996 and Codes of Practice
- Data Protection Act 1998
- Home Office Circular 15/2001 (Guidance on Independent Custody Visiting)
- Human Rights Act 1998
- PACE 1984 and Codes of Practice

- RIPA 2000
- [Authorised Professional Practice \(APP\)](#) for [Detention and Custody](#)

5.2 [Strategy/ Plan](#)

5.3 [Policies](#)

- A007 Corporate Custody Policy

5.4 [Procedures](#)

5.5 [Forms \(National/ Local\)](#)

6. WHO TO CONTACT ABOUT THIS PROCEDURE

- 6.1.1 This Policy / Procedure will be monitored for compliance by Chief Inspector Criminal Justice Department (PHU/Custody.) Regular audits will be conducted to ensure that information extracted from the CCTV system is for a necessary and legitimate policing purpose.

7. EQUALITY IMPACT ASSESSMENT

EQUALITY IMPACT ASSESSMENT

| | |
|---|--|
| Name of Sponsor | Head of Criminal Justice Department |
| Name of Author | Researcher / Policy Officer - Criminal Justice Department - 4114 |
| Description of proposal being analysed | Digital Custody CCTV Procedure |
| Date EIA started | 18 April 2012 |
| Date EIA finished | 9 May 2012 |
| <p>This Equality Impact Assessment is being undertaken as a result of: <i>Delete as appropriate</i></p> <ul style="list-style-type: none">• A new or updated policy or procedure. <p>Note – For ease of use of this document , we will refer to all of the above as “proposal”</p> | |

STEP 1 – Relevance

The general duty is set out in section 149 of the Equality Act 2010. In summary, those subject to the Equality Duty must have **DUE REGARD** to the need to:

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups; and
- foster good relations between different groups.

Authors have a statutory requirement to have **DUE REGARD** to the relevant protected characteristics shown below, whilst taking a common sense approach

- age
- disability
- gender reassignment
- marriage & civil partnership*
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

*marriage and civil partnership – the analysis applies only to the elimination of unlawful discrimination, harassment and victimisation.

Section 23 of the Equality Act 2006 allows the Equality and Human Rights Commission (EHRC) to enter into a formal agreement with an organisation if it believes the organisation has committed an unlawful act.

Under section 31 of the Equality Act 2006, the EHRC can carry out a formal assessment to establish to what extent, or the manner, in which a public authority has complied with the duty.

Additional guidance can be found by accessing the EHRC website:

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

| | | |
|--|---|---|
| Does this proposal have a direct impact on people who: | a) are any part of the Police workforce (including volunteers)? | YES |
| | b) reside in any part of England and Wales | YES |
| If NO to both questions | <i>Explain why and give rational</i> | |
| | | No Further Action and Return to Sponsor for Authorisation |
| If Yes to either question | Continue through to Step 2 | |

STEP 2 – Consultation / Engagement

You should engage with those people who have an interest in how you carry out your work generally, or in a particular proposal. This may include former, current and potential service users, staff, staff equality groups,

trade unions, equality organisations and the wider community. In deciding who to engage, you should consider the nature of the proposal and the groups who are most likely to be affected by it.

The proposal owner (Sponsor/Author) must be satisfied that consultation / engagement will take place with the relevant business lead and stakeholders.

This **MUST** include engagement with the following relevant groups:

Equality and Diversity Specialist
Staff Associations
Staff Support Groups
Relevant community groups and members of the public

In addition, consider who else should you consult with internally and externally?

Who might be affected?

Does what you are considering further the aims of the general duty, to

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups; and
- foster good relations between different groups.

Identify the risks and benefits where applicable, according to the different characteristics.

| | Positive Impact or Benefits | Negative Impact or Risks |
|---|---|--------------------------|
| Age (<i>Consider elderly or young people</i>) | | Negative |
| Disability Groups (<i>Consider physical, sensory, cognitive, mental health issues or learning difficulties</i>) | Processes in place to deal with detainees who have sensory and learning difficulties | |
| Gender Reassignment (<i>Consider transgender, Transsexual, Intersex</i>) | | Negative |
| Marriage & Civil Partnership | | Negative |
| Pregnancy and Maternity | | Negative |
| Race and Ethnic origin – includes gypsies and travellers. (<i>Consider language and cultural factors</i>) | Language barriers catered for through telephone interpreting or face to face interpreting via Language Line | |
| Religious / Faith groups or Philosophical belief (<i>Consider practices of worship, religious or cultural observance including non belief</i>) | | Negative |

| | | |
|--|--|----------|
| Sex (<i>Male, Female</i>) | | Negative |
| Sexual orientation (<i>Consider known or perceived orientation, lesbian, gay or bisexual</i>) | | Negative |

| | Positive Impact or Benefits | Negative Impact or Risks |
|--|---|--------------------------|
| Have you considered how this decision might affect work life balance? (<i>Consider caring issues re: childcare & disability, safeguarding issues, environmental issues, socio economic disadvantage, and low income families.</i>) | The installation of CCTV and audio facilities covering all areas of custody provides safeguards for both Police / Staff, detainees and other parties involved in the detention process. | |

STEP 3 – Assessment

Complete the EIA by analysing the effect of your proposal and detail the outcomes.

What were the main findings from any consultation carried out?

What feedback has been received?

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| Using the information you have gathered and consultation that you have undertaken answer the following questions. This will help you to understand the effect on equality your proposal might have. | |
| Has the feedback indicated any problems that need to be addressed? | Yes. Signage and training needs. They have been addressed. Police Authority ask that it is made clear that ICVs can check system is working |
| Describe and evidence any part of the proposal which could discriminate | None |
| Can the adverse impact identified be justified as being appropriate and necessary? If so, state what the business case is: | N/A |
| Where impact and feedback identified, what, if anything can be done? | A full training programme has been developed by TADS to ensure that staff are fully conversant with procedures surrounding the interview rooms, medical room, handovers etc. |
| What outcome will be achieved that demonstrates a positive impact on people? | <ul style="list-style-type: none"> With the introduction of digital CCTV, PSD will be able to monitor changes in complaints, incidents and even deaths in custody. This will require a reasonable |

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| | <p>amount of time to examine the difference, if any, in incidents and complaints, comparing them to pre-installation of the system.</p> <ul style="list-style-type: none">• The processes surrounding new digital CCTV system will be the communicated to all custody staff through a training programme run by TADS. <p>Procedures will be monitored by the Custody Inspectors.</p> |
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STEP 4 - Monitoring and Review

Equality analysis is an ongoing process that does not end once a document has been produced.

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| What monitoring mechanisms do you have in place to assess the actual impact of your proposal? | The guidance contained within this Procedure will be monitored by the Criminal Justice Department through the Custody Inspectors and Chief Inspector CJ. |
| Review Date: | May 2013 (Done) May 2015 |

STEP 5 - Sign Off

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| Once the Equality Impact Assessment is complete it should be signed off by the Proposal Sponsor. This sign off is confirmation that the analysis is accurate, proportionate and relevant and actions will be delivered as required. | |
| Approved by Senior Officer / Proposal lead | Having considered the potential or actual effect of this proposal on equality, our assessment demonstrates that the proposal is robust and the evidence of our screening shows no potential for unlawful discrimination. We have taken all appropriate opportunities to advance equality and foster good relations between groups. Date: 10 May 2012 Name: Paul Schoon |

