



POLICY AND STANDARD OPERATING PROCEDURES

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| Title | CCTV in Custody Suites Standard Operating Procedure | | |
| Policy Ref. No | A007 Corporate Custody Policy | | |
| SOP(s) Ref. No | A010 | | |
| Version No. | 1.1 | | |
| Senior Officer Lead | ACC (Territorial Policing) | | |
| Author (by job title) | Head of Criminal Justice Department | | |
| Ratifying Group | DCOG | Date | September 2009 |

1 Purpose.

1.1 This Policy/Standard Operating Procedure provides guidance for Police and Staff in the use and procedures regarding CCTV monitoring equipment in custody suites.

2 Revision History.

| Date | Revision | Change | Section | Schedule Review Due |
|----------------|----------|--|---------|---------------------|
| September 2008 | New | | | Sept 2011 |
| August 2010 | 1.1 | <ul style="list-style-type: none"> Reformatted & EIA included SOP reviewed | All | Sept 2011 |

3 Persons Affected.

- 3.1 Bedfordshire Police Officers and Staff.
- 3.2 All persons detained in Bedfordshire Police custody suites.

4 Policy.

- 4.1 It is the policy of Bedfordshire Police 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 and the Regulation of Investigatory Powers Act 2000.
- 4.2 Bedfordshire Police Custody Suites are equipped with Closed Circuit Television systems (Custody CCTV.) to assist in the management of prisoner detention in police stations .The custody CCTV system monitors the external entrance to the custody suite, the reception point and charge room area, cell corridors and a small number of cells (intended for use by vulnerable detainees.)

5 Definitions.

- 5.1 CCTV refers to Close Circuit Television
- 5.2 PACE refers to the Police and Criminal Evidence Act
- 5.3 CPS refers to the Crown Prosecution Service

5.4 ACPO refers to the Association of Chief Police officers

5.5 MG6C Case File Information

6 Responsibilities.

6.1 CCTV is installed in Custody suites to assist in the management of prisoners and provide safeguards for Police and detainees.

6.2 The CCTV covers the working areas of custody suites but some areas are excluded for privacy reasons

6.3 Digital recordings are kept on hard disc for 28 days and there are separate procedures for recording CDs from the hard disc.

6.4 There is specific guidance regarding disclosure issues, Independent Custody Visitors and custody officers' responsibilities.

7 Standard Operating Procedures.

7.1 INTRODUCTION

7.1.1 The primary purpose for the installation of custody CCTV is to assist in the management of prisoner detention in police stations. It is recognised however that recordings will occasionally be required for evidential purposes

7.1.2 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.

7.1.3 The system will not be used as a means of gathering evidence, i.e. recording injuries or for identification purposes.

7.2 Recording will be continuous.

7.2.1 It must be clearly understood that no one has the authority to turn off or tamper in any way with the equipment. The monitoring should be automatic and independent of personal control.

7.2.2 In this way, the system pursues the 'legitimate aims' of the prevention and detection of crime and the protection of the rights and freedoms of others.

7.3 SYSTEM DESCRIPTION

7.3.1 The CCTV digital multiplexed system monitors the external entrance to the custody suite, the charge room area, and cell corridors by utilising cameras that are able to produce a quality visual-only image in varying light conditions. The cameras are numbered individually and a map of the location of each of the cameras is available for staff use. At some stations a sound recording is also made of conversations at the custody reception point.

7.3.2 For reasons of privacy the following areas in the custody suite are specifically excluded from CCTV coverage:

- Police surgeon's consulting room;
- Any shower area
- Rooms set aside for private legal consultation;
- General interview rooms, where no force policy exists covering their use.

7.3.3 The CCTV recording machine and viewing monitor will be retained away from the charge room area.

7.3.4 A daily check will be made of the equipment and system to ensure that it is functioning properly and the system register endorsed accordingly.

7.3.5 Defective equipment should be reported and repaired promptly, and a system register retained at each location for recording times and dates when the system or individual cameras were not working, and when they were back in operation. In addition an entry should be made in the custody building logbook.

7.3.6 Faults with the equipment must be reported immediately to the Duty Inspector so preventing allegations of misconduct by custody staff or others.

7.3.7 No reference need be made on custody records of the existence of the recording system unless there is a specific reason (e.g. a prisoner or solicitor asks to view a particular time frame).

7.4 SYSTEM MANAGEMENT

7.4.1 The system will be programmed to ensure that a minimum of 28 consecutive days are recorded and retained on the hard drive thereafter will wipe the hard drive by over recording.

7.4.2 Existing force guidance in relation to the handling, movement, storage and copying of Data CDs will be complied with.

7.4.3 In circumstances listed below a copy of the relevant section of the recording will be made onto a CD. The CD original will be retained for a period as specified or until the disposal is authorised by the local Area Commander:

- Any recording which has been the subject of a request to view from either the Crown Prosecution Service (CPS) or a defence lawyer, the original CD will be retained until the conclusion of the case, including time for appeal.
- Where an incident occurs within the custody area and that incident becomes 'subject of a charge' the original CD will be retained until the conclusion of the case, including any time for appeal. This will be the case even if no request has been made to view from the defence or CPS.
- Where a death in custody or any other serious incident has occurred, the original CD will be retained until the incident has been fully dealt with including any legal challenges or appeals.
- Where a complaint against police has been received or any internal disciplinary action has been commenced, the original CD will be retained by the area commander or the investigating officer who will be responsible for its safekeeping as evidence.

7.5 WARNING NOTICES

7.5.1 Detained persons and their legal representatives should be made aware that CCTV recordings are taking place.

7.5.2 Duty staff should also ensure that persons in the custody suite who are unable to read or are non-English speaking or visually impaired are made aware of the CCTV monitoring.

7.6 DISCLOSURE ISSUES

7.6.1 Occasions will arise where events recorded by the system may amount to material evidence relative to a criminal case. In those cases a CD should be made and this may be regarded as unused material in a prosecution. 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).

7.6.2 Disclosure officers must be aware of their responsibilities to schedule such material on forms MG6C.

7.6.3 When a prosecution is in progress, all requests to view recordings produced by the system should be advised to the CPS/relevant prosecuting authority, who may wish to send a representative to attending the viewing.

7.7 REQUESTS TO VIEW RECORDED MATERIAL

7.7.1 No casual viewing of any recording will be permitted

- 7.7.2 A record must be kept of all requests to view recordings together with any subsequent decisions or actions. All such requests to view must be in writing.
- 7.7.3 If a prosecution is in progress or is contemplated, decisions to allow defence lawyers to view specific CCTV recordings will only be made by the Investigating/ Disclosure Officer in consultation with the CPS.
- 7.7.4 All requests to view must be specific and relate to a particular incident or alleged incident. To ensure that irrelevant matters involving other detainees is not disclosed unnecessarily, requests should include as much detail as possible to assist in locating the relevant section.
- 7.7.5 There will be no financial charge for viewing recordings in criminal cases.
- 7.8 INDEPENDENT CUSTODY VISITORS ACCESS TO CUSTODY CCTV
- 7.8.1 The Home Office Independent Custody Visiting policy states that as part of their duties, independent custody visitors should check that the custody CCTV systems are functioning during their visits.
- 7.8.2 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. Area commanders can authorise the showing of custody CCTV recordings to a community representative (local councillor, doctor, members of parliament, solicitor, police independent advisory group, independent custody visitor etc if the following circumstances exist :
- A death or other critical incident has occurred involving a person or persons in police custody in their division;
 - As a result of the death or serious incident, serious public disorder is likely, AND
 - Showing the recording is likely to prevent this public order from occurring, AND
 - The interests of public safety in preventing disorder outweigh the possible privacy issues caused by showing the recording.
- 7.7.2 Area commanders should make ACPO aware, should they wish to show custody suite recordings in other circumstances.
- 7.9 CUSTODY OFFICER'S DUTIES
- 7.9.1 Custody officers will ensure that:
- At the commencement of each shift the system is operating correctly
 - Records are kept of the CDs made from the recording
 - There is no unauthorised viewing or tampering with equipment
 - Persons unable to read the warning signs are advised verbally

- UNDER NO CIRCUMSTANCES IS THE SYSTEM SWITCHED OFF OR OTHERWISE DELIBERATELY STOPPED FROM RECORDING

8 Monitoring Compliance

8.1 This SOP will be monitored for compliance by Criminal Justice Department through Custody auditing and custody users' forums

9 Communications/Implementation Plan

9.1 This policy/SOP was communicated and implemented by the Criminal Justice Department and Custody Staff

10 Associated Documentation / Legislation.

10.1 Associated Legislation/ Standards / Documents included:

- HO / ACPO 'Digital Imaging Procedure' - Police Scientific Development Branch
(www.homeoffice.gov.uk - search 'digital imaging' - select from list - 'Digital Imaging Procedure 02/02')
- Police and Criminal Evidence Act 1984

10.2 Associated Policies / SOPs included:

- Not Applicable

11 Freedom of Information.

11.1 Suitable for External Publication. Yes

| Exempted Paragraphs | Reason for Exemption |
|---------------------|----------------------|
| | |

12 Equality Impact Assessment

12.1 The equality impact assessment for this document is provided below.

| EQUALITY IMPACT ASSESSMENT - PART ONE | | | |
|--|--|----------------------|-------------|
| Name | A010 CCTV in Custody Suites Standard Operating Procedure | Date Assessed | August 2010 |
| Person(s) responsible for assessment | Police Staff 4114 | | |
| Designation: Low | | | |
| 1. Who are the main stakeholders? | Bedfordshire Police and Staff / Any persons detained in Bedfordshire Police custody suites | | |
| 2. Are there concerns that there <u>could</u> be a differential impact on racial groups? | No | | |
| What existing evidence (either presumed or otherwise) do you have for this? | | | |
| 3. Are there concerns that there <u>could</u> be a differential impact due to sex? | No | | |
| Describe existing evidence (either presumed or otherwise) do you have for this. | | | |
| 4. Are there concerns that there <u>could</u> be a differential impact due to Gender reassignment? | No | | |
| Describe existing evidence (either presumed or otherwise) do you have for this. | | | |
| 5. Are there concerns that there <u>could</u> be a differential impact due to disability? | No | | |
| Describe existing evidence (either presumed or otherwise) do you have for this. | | | |
| 6. Are there concerns that there <u>could</u> be a differential impact due to sexual orientation? | No | | |
| Describe existing evidence (either presumed or otherwise) do you have for this. | | | |
| 7. Are there concerns that there <u>could</u> be a differential impact due to age? | No | | |
| Describe existing evidence (either presumed or otherwise) do you have for this. | | | |
| 8. Are there concerns that there <u>could</u> be a differential impact due to religion and belief? | No | | |
| Describe existing evidence (either presumed or otherwise) do you have for this. | | | |
| 9. Are there concerns that there <u>could</u> be a differential impact due to dependants/caring responsibilities? | No | | |
| Describe existing evidence (either presumed or otherwise) do you have for this. | | | |
| 10. Are there concerns that there <u>could</u> be a differential impact due to socio-economic issues? | No | | |
| | | | |
| 11. Are there any other issues or considerations? | No | | |
| | | | |
| 12. Can the impact be justified on grounds of promoting equality of opportunity for one group? Or any other reason? | Yes | | |
| Describe existing evidence (either presumed or otherwise) do you have for this. | | | |
| 13. Should this proceed to a full impact assessment? If yes, proceed to the EIA Part Two. | No | | |

Approved by the Diversity and Inclusions Advisor: Date: Low Impact Not Required.

Contact Information Governance: Bedfordshire Police Headquarters, Woburn Road, Kempston, Bedfordshire.MK43 9AX.