

 West Mercia POLICE		POLICY
Security Classification	OFFICIAL	
Disclosable under Freedom of Information Act 2000	Yes	

POLICY TITLE	Custody CCTV
REFERENCE NUMBER	WMP147
Version	1.0

POLICY OWNERSHIP	
DIRECTORATE	CRIME & VULNERABILITY
BUSINESS AREA	CRIMINAL JUSTICE

INITIAL IMPLEMENTATION DATE	March 2021
NEXT REVIEW DATE:	March 2024
RISK RATING	LOW
EQUALITY ANALYSIS	LOW

West Mercia Police welcome comments and suggestions from the public and staff about the contents and implementation of this policy.
Please e-mail contactus@westmercia.pnn.police.uk

1.0 POLICY OUTLINE

This policy gives information concerning the use of CCTV equipment to monitor and record activity within custody areas and cells. This policy is compliant with the Police and Criminal Evidence Act 1984 – Codes of Practice, the Human Rights Act 1998, and the Regulation of Investigatory Powers Act 2000. It also takes account of APP Guidance around the use of CCTV where relevant.

2.0 PURPOSE OF POLICY

This policy intends to ensure that West Mercia Police achieves a consistent, professional and effective approach to the use of CCTV in custody suites. This policy is intended to be read in conjunction with [Part 4 of the Custody Operations Manual: Management of detainees](#)

The primary purpose of the CCTV system is to assist in the safe management of detainees and to allow oversight of performance with a view to continuous improvement. It is recognised however that custody and cell CCTV images and sound recordings will also be required for evidential purposes.

The system will help provide safeguards for police, detainees and all others involved in the detention process. This will be achieved by:

- a) Providing a reliable record of the initial reception, booking-in and detention of the arrested person.
- b) Recording the condition and demeanour of the prisoner.
- c) Reducing incidents of violent or disorderly behaviour by detainees in the custody suite.
- d) Discouraging malicious complaints and allegations.
- e) Enhancing the security and safety of custody staff, detainees and others.
- f) Where appropriate, the visual monitoring of detainees in cells equipped with CCTV.
- g) Viewing of CCTV by custody managers to assess performance and ensure maintenance of standards

3.0 IMPLICATIONS of the POLICY

This policy and associated procedures support compliance with legal, national and best practice standards including;

- Freedom of Information Act 2000
- Data Protection Act 2018
- General Data Protection Regulation (GDPR)
- Equalities Act 2010
- Human Rights Act 1998
- Police and Criminal Evidence Act 1984
- College of Policing Authorised Professional Practice (APP) – Detention and Custody & Information Management

Failure to comply with the policy could result in impact on:

- Legal compliance
 - Breach of Data Protection Act 2018 or other applicable law
- Finance
 - GDPR fines of up to 20 million euros (circa 16 million pounds) or 4% of turnover for personal data breaches
 - Cost of managing, investigating and recovering from incidents
- Personal
 - Risk of harm to individuals if information is subject to unauthorised disclosure, inaccurate, or unavailable
- Reputation
 - Loss of reputation and public confidence in the police
- Operational
 - Loss of custody services
- Government/ Policing Standards
 - Failure to meet HMICFRS Custody Expectations

4.0 PROCEDURE

- 4.1 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. Some cells will be equipped with CCTV cameras. Key locations within the custody suite may be subject to more detailed monitoring.
- 4.2 A monitor may be placed in a secure area of the custody suite, which should be visible to persons in the custody suite. The purpose of such a monitor is to demonstrate that CCTV is in operation. Positioning should be arranged according to local needs but should not be accessible to casual oversight.
- 4.3 The signals from each Custody CCTV camera are simultaneously channelled to the recording equipment and recorded onto media. The images produced by each camera can be viewed simultaneously or sequentially on a monitor located in the custody suite. Cameras at the booking in desks are enabled with audio recording.
- 4.4 The normal retention period for such media will be 90 days after which the media will be over-written and irrecoverable. The following circumstances may justify the further retention, via download of recorded footage. Downloaded footage will be retained in line with the Force Retention Schedule.
- a) Where footage is identified as containing evidence;
 - b) Where a complaint is made against police or a contractor;
 - c) Where there is an occurrence, which, in the opinion of the custody officer, is likely to result in a complaint or civil action;
 - d) In the event of a potential or actual critical incident;
 - e) Where the duty inspector, senior investigating officer, an investigating officer from the force Professional Standards Department, or an investigator from the Independent Office for Police Conduct (IOPC) directs retention.

- 4.5 Requests for custody CCTV footage should be authorised by an Inspector or above and submitted on a **CCTV Custody request form** (these can be found by searching for Custody CCTV under force documents on the intranet) stating the reason required. These should be sent to the relevant custody email address. Requests stemming from Professional Standard or IOPC investigations should be sent to the relevant Custody Inspector. All requests will be logged and saved for audit purposes.
- 4.6 For reasons of privacy, the following areas are specifically excluded from both audio and video recording by the CCTV system:
- a) Health Care Professional's examination room.
 - b) Rooms specifically provided for private legal consultations
 - c) Shower and wash areas
- 4.7 Upon reasonable request Independent Custody Visitors should be granted access to view CCTV footage relevant to any detainees in custody when they attend
- 4.8 Overall responsibility for the management of the custody and cell CCTV systems will be held by the Chief Inspector (Head of Custody). He or she will appoint a member of staff to have responsibility for the management of their local custody CCTV systems and this will normally be the Custody Inspector.
- 4.9 The Custody Inspector for each suite will nominate custody suite CCTV system administrator(s). The nominated persons be responsible for the following:
- a) The reception, logging, storage and accounting of all custody media (including DVD's)
 - b) Assisting officers and staff in relation to the viewing and reproduction of media, and forwarding copy material as required
- 4.10 The custody officer in charge at each suite has responsibility for ensuring that the system is functioning correctly and faults are reported immediately via the ICT portal.
- 4.11 In accordance with the Codes of Practice, warning notices in English, as well as symbols, will be displayed in prominent positions at all entrances to and inside the custody suite so that detainees are aware that CCTV is in operation. In order to ensure clarity signs should also be placed inside equipped cells. It must also be made clear that audio recording is taking place in relevant areas.
- 4.12 Human Rights Articles Engaged
- Article 2 - Right to Life
 - Article 6 - Right to a Fair Trail
 - Article 8 – Right to Respect for Private and Family Life
 - Article 14 – Prohibition of Discrimination
- 4.13 The Custody Generic Risk Assessment (GRA) includes all relevant considerations whilst working in the custody environment. This policy does not undermine that Custody GRA.

5.0 CONSULTATION

<i>Business Lead Consulted</i>	<i>Date Consulted</i>
Ch Supt LP	Jan 2021

Local stakeholders
 Ch Sup't Local Policing
 ACC Local Policing
 Unison
 OPCC
 Federation
 Legal
 Health & Safety
 Finance
 HR
 Superintendents Association
 PSD
 Risk Management
 Equality & Diversity Advisor

Representative Groups

Women of West Mercia
 LGBT Network
 BAME
 SpLD Network
 Hearing Impairment group
 Disability Network

6.0 DOCUMENT HISTORY

The history and rationale for change to policy will be recorded using the below chart:

Date	Author / Reviewer	Amendment(s) & Rationale	Date of Approval / Adoption
02.02.21	K Gee	New Policy	Exec Board JNCC 09/03/2021

7.0 ASSESSMENT AND ANALYSIS

H&S, Risk and Equalities assessment completed and available on request

8.0 MONITORING / EVALUATION

The monitoring and review of this policy is the responsibility of the policy owner

