

CCTV

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First published 23 October 2013 Updated 9 October 2024

Written by College of Policing

10 mins read

CCTV can be used for both monitoring the welfare of detainees and for preventing and detecting crime.

Legal compliance

Forces should establish a policy stating the purpose of the CCTV system and declare this in force notifications to the Information Commissioner (see [sections 17](#) and [18](#) of the Data Protection Act 1998 (DPA)). The policy should also specify whether CCTV is intended to be used for general monitoring of staff performance or for any other purposes.

Retaining images

To comply with [section 5.2.5](#) of the [Information Commissioner's code of practice for surveillance cameras and personal information](#), forces must not retain CCTV images longer than is necessary for their intended purpose. It is up to data controllers to decide how long they should retain images, depending on the purpose for collecting them.

Forces must not use CCTV images to circumvent identification procedures.

Planning

The Independent Police Complaints Commission (IPCC) [study on deaths in or following police custody](#) recommends that police forces should make CCTV available in at least one cell in the custody suite, to be used when a detainee is identified as being at risk and, where available, that it is fully operational – see [recommendation 7](#).

Forces must decide which areas CCTV should cover. When establishing force policy for CCTV in custody suites, forces should consider having all cells fitted with CCTV. However, this should be

proportionate, addressing a pressing social need and the privacy intrusion should be justifiable. CCTV coverage should be as advised in the Home Office Police Buildings Design Guide (HOPBDG).

For further information, contact the Ministry of Justice Estates Directorate, Technical Standards, 102 Petty France, London SW1H 9AJ (moj_ed_technicalstandards@justice.gov.uk).

Potential areas for CCTV

There are different levels of privacy intrusion in different areas. For example, cameras sited in cell interiors are more intrusive of a person's privacy than those sited in corridors.

CCTV can be used to record activity in many areas, including:

- the vehicle docking area
- entrance to the custody suite
- access corridors to and from the rest of the police station
- holding areas
- the charge room area
- the custody officer's desk in the charge room (it should provide separate images showing the officer's face/body, detainee's face/body and property transfer on desk)
- detainees' property store or entry to this area
- cell corridors
- entry to the interview rooms
- the fingerprinting area
- the evidential breath analysis device room
- exercise yard
- the custody office CCTV equipment cabinet
- the custody CCTV viewing area
- cell interiors (including detention rooms)

CCTV may visually cover the following areas but, because of the need to protect legal privilege, should not have audio-recording or audio-monitoring facilities:

- rooms set aside for private legal consultation
- general interview rooms

The CCTV for the custody officer's desk and the evidential breath analysis device room must contain audio.

The CCTV room for private legal consultation must not have audio and should be configured so that the faces of both the solicitor and detainee cannot be directly seen.

Access to images

Forces must control access to images recorded on custody CCTV to protect the rights and dignity of individuals and to maintain the continuity of evidence.

Force policy should ensure that:

- screens for monitoring live images from cells are placed out of the sight of anyone who is not directly involved in monitoring the detainee's welfare
- opportunities for accidental or casual viewing by detainees are minimised
- facilities for playing back recorded images are housed in a separate area and operated only by trained staff and that all viewings are documented
- the CCTV monitoring area should itself be covered by CCTV and staff should be made aware that they are being recorded while performing this function

Monitors for communal areas can be displayed anywhere in the custody suite and can be a useful way of reminding and reassuring detainees and staff that CCTV is in use.

Detainee privacy

For reasons of privacy, the following areas must not be covered by the CCTV system:

- the examination area of the healthcare professional's consulting room, (other areas of the consulting room can have CCTV for the safety of staff and detainees)
- the shower area/wash areas

WCs should not be included in CCTV range unless there are exceptional circumstances for doing so, for example, relating to the detainee's safety. If all cells have WCs, the cameras should be positioned so that the WC is not in range or is pixelated.

Requests by detainees to have the CCTV turned off shall be refused in accordance with paragraph 3.11 of the Police and Criminal Evidence Act 1984 (PACE) Code C.

Pixelation

The cell WC area should be pixelated on monitors for privacy reasons. Forces should record the full image without pixelation. Monitoring staff should have the ability both to pixelate for privacy reasons and to remove pixelation (an auditable act on the system) when needed for short periods to check detainee safety.

Detainees should be advised of the pixelation for privacy reasons and that they will not be observed when using the WC, unless a risk assessment prescribes otherwise.

Retrieval and storage

Where images have been transferred to disc, cassette or any other medium, forces must use auditable storage systems.

All systems are self-checking to alert staff should the system cease recording. This is to ensure that recording is continuous and that gaps do not arise in the storage of video footage.

Extracting images

Where material is required to be backed up, copied or extracted from technical equipment, forces should use specialists trained and authorised in such procedures. This includes making master and working copies of material. Using specialists prevents the potential loss of images and safeguards the integrity of evidential material. Details of trained personnel should be available to custody staff.

CCTV signs

PACE Code C paragraph 3.11 requires that notices are prominently displayed where CCTV cameras are present in the custody suite. While there is no legal requirement for signs to be used in individual CCTV-equipped cells, it is good practice to clearly label the ceiling and door surfaces of each monitored cell with a stencilled sign indicating that CCTV is in operation.

The DPA requires that signs are suitably placed so that the public and staff are aware that they are entering an area covered by CCTV. The size and position of such signs is not prescribed, but they

should be clearly visible and legible.

Information to be included in the sign

To comply with [**section 9.1**](#) of the Information Commissioner's code of practice, signs should identify the purpose of the system, who is responsible for its operation and contact details for enquiries. Although not specified in the code, forces should make provision for those who cannot read English or those who have impaired vision. Forces can use pictorial or multilingual signs or verbal communication of the required information in such instances.

Responsibility for the CCTV system

Forces should ensure that clear lines of responsibility for the ownership and administration of the system are established, including responsibility for day-to-day operation, the integrity of the system and any recorded footage. They should include a fault-reporting procedure and maintenance programme to maximise the operational availability.

Custody managers should establish an inspection regime for the CCTV system, including both the hardware and software, to ensure the suitability of images. They should also check recording quality.

Use and monitoring of CCTV

Forces should use cells with CCTV for the safety and welfare of all detainees and not only those who pose specific risks.

The requirements of continual observation cannot be replicated by relying on the existence of CCTV.

For information on the levels of monitoring, see risk assessment.

Continual CCTV cell monitoring

Where a decision has been made to monitor the welfare of the detainee using continual CCTV cell observation, officers must record the purpose of this control in the custody record along with the name of the person(s) responsible for the monitoring.

The decision to use continual CCTV cell monitoring must be based on risk assessment rather than resourcing levels. The officer or member of staff appointed to monitor detainees continuously via CCTV must not be expected to view more than four cells simultaneously on a split screen display, or to carry out additional duties that may distract them from continuously viewing the CCTV.

Wellbeing checks

CCTV must not replace visits to detainees, other physical checks for wellbeing or the need for close proximity observations for detainees assessed as high risk.

Cells equipped with CCTV

Forces should not generally use cells equipped with CCTV to conduct strip searches or for consultations between detainees and their legal representative. There may be occasions when recording a strip search via CCTV is desirable for the protection of staff, but officers must consider PACE Code C Annex A paragraph 11(b). The recording of the search must be shown to be necessary and proportionate in the circumstances.

The custody record

Detainees, legal representatives and appropriate adults have rights of access to custody records. As audio and video recordings do not form part of the custody record, routine inspection of such recordings by detainees, legal representatives and appropriate adults is not permitted – see

PACE Code C paragraph 2.1. People whose images are recorded on custody CCTV systems are, however, entitled under data protection legislation to request access to the CCTV recordings via a subject access request. Subject access requests are also covered in section 5.2.3 of the Information Commissioner's CCTV code. Officers must process each request on a case-by-case basis and refer each request to the force data protection officer. Except in very limited circumstances, police forces are obliged to comply with such requests.

It may be necessary to edit the footage to conceal faces and/or remove sound, which could identify other detainees whose right to privacy must also be respected. Disclosure of personal information without the consent of those other detainees may constitute an offence under the DPA. The information could, however, be legally disclosed under section 7(4) of the Act without consent where it is reasonable in all the circumstances to comply with the request without the consent of the

other detainees.

For further information, see [Subject access code of practice](#).

Disclosure – Criminal Procedure and Investigations Act 1996

Forces must process requests for disclosure of CCTV material in accordance with the requirements of the [Criminal Procedure and Investigations Act 1996](#) and its related [codes of practice](#).

Retention periods for images seized under these circumstances are the same as for all unused material.

Independent custody visitors

Independent custody visitors (ICVs) should only be allowed access to view CCTV for the purposes of testing the equipment. The role of an ICV is fundamentally interactive with both detainees and police staff and cannot be discharged remotely by viewing CCTV pictures or recorded footage. There may also be issues about infringing the privacy of detainees who have not consented to ICVs observing them using CCTV. Where specific incidents or circumstances that have been raised as issues have been captured on CCTV, ICVs might reasonably be allowed access if both the police and the detainees concerned have given their consent.

For further information, see [Independent Custody Visiting Association National Standards on Independent Custody Visiting](#).

Recommendations regarding independent custody visitors

[Recommendation 7](#) of the [IPCC study on deaths in or following police custody](#) states that ICVs should check that CCTV is operational when carrying out their custody visits. Visitors should be able to ask the custody officer if the CCTV is working and be given a demonstration if necessary.

Audio recording

Refurbished or newly built custody suites may have a cell intercom system that allows custody staff to talk to detainees without having to go into the cell. Where justified, the listening system can be left on to provide additional, limited monitoring of detainees. If the listening system is to be used in

this way, officers should make the detainee aware of this. Forces should display a sign to alert all detainees to the presence of the system and its use.

Tags

Detention and custody