

News story: Government publishes Custody Image Review

The Home Office has today recommended to police chiefs that people not convicted of an offence should be given the right to request that their custody image is deleted from all police databases, with a general presumption that it must be removed.

That is one of a series of recommendations included in the Home Office's report, published today (Friday 24 February) on the Review of the Use and Retention of Custody Images by police in England and Wales, as well as the current legal and operational framework by which they are governed.

Following consultation with key policing partners, the principal recommendation is that an individual not convicted of the offence in relation to which their custody image was taken may apply for it to be deleted. There should be a presumption that police will remove it from their databases unless retention is necessary for a policing purpose, and there is an exceptional reason for it to be retained. For those under the age of 18 when the image was taken, the review sets out there should be a strong presumption that police will remove it unless there is a highly exceptional reason to retain it.

Brandon Lewis, Minister for Policing and the Fire Service, said:

Custody images and facial searching play an important role in the detection and prevention of crime but there is a clear need to strike a careful balance between protecting an individual's privacy and giving the police the tools they need to keep us safe.

I believe the recommendations of this important review strike the right balance. They will now be passed to the NPCC and the College of Policing to take forward, and I expect the changes to guidance to come into effect in the near future.

The report also recommends that police should automatically review all custody images held after specified periods to ensure that they are only retaining those they need to keep – without the need for the individual to apply for them to be deleted. It also recommends that – when undertaking these reviews – police should generally delete images of unconvicted individuals, those whose image was taken when they were under 18 and persons convicted of a non-recordable offence. The Home Office recommends that the specified period after which reviews should be undertaken vary according to the seriousness of the offence which the individual had been accused.

The review's key recommendations include:

- giving unconvicted people (i.e. persons who are not convicted of the

offence in relation to which their image is taken) the right to request that their image is deleted

- a presumption that chief officers will delete images following such an application, except where retention is necessary for a policing purpose and there is an exceptional reason to retain it, or a highly exceptional reason in the case of individuals whose image was taken when they were under 18
- that the police should automatically review after specified periods all of the custody images that they hold to ensure that they are only retaining those they need to keep
- that under certain, limited circumstances (for example, if a conviction is very old or is for a minor offence) it may be appropriate for the police to delete the custody image related to that offence. However, other than where the conviction was for a non-recordable offence (or the image was taken when the person was under 18), there would be no presumption in favour of deletion.

The review also considered whether it would be possible to require all forces to undertake a weeding out exercise to identify custody images which should no longer be retained but concluded that such an approach would not be practical. The Police National Database does not link custody images to individual crime records. Therefore such an exercise would require forces to review all of the images that they hold which would be extremely lengthy and resource intensive. It would also cost a very considerable amount of taxpayers' money and would unnecessarily take funding away from other areas of policing, potentially weakening the police's ability to protect the public.

You can read the [Report on the Review of the Use and Retention of Custody Images](#).