LEDS Open Space:

Custody Images – Part I

v1.0

16 November 2018 [Updated July 2019]

Discussion Document

This Document has been written with the aim of stimulating discussion on custody images, particularly within the context of the introduction of the Law Enforcement Data Service (LEDS) and the planned decommissioning of the Police National Database (PND). It is not intended to be viewed as current Home Office policy or intention. It is to be circulated to and viewed only by members of the LEDS Open Space.

Purpose

The purpose of this paper is to explain the latest state of play on custody images, and to identify outstanding issues.

This paper will be discussed within the LEDS Open Space on 5 December 2018. The aim is to provide further information in due course, picking up any concerns raised at the meeting and future developments.

Summary

Custody images are currently held in local police system stores on custody systems. A central national store of custody images from all forces is held on the Police National Database (PND) as a compilation of updates from these local systems. Updates to the PND store of custody images are pushed via an 'updategram', including both new images and the deletion of already held images. The national store of custody images in PND is a reflection of images held locally and not a master national record.

The Custody Images Review into retention and deletion established a policy where those whose images had been captured, but had not been subsequently convicted, could apply to have their custody images deleted. The outcome of a prosecution is not automatically recorded within PND (it is records in PNC), so it is not possible to run an automated deletion rule on PND.

As outlined in the Home Office Biometrics Strategy and as explained to the House of Commons Science & Technology Committee, the introduction of the Law Enforcement Data Service (LEDS) and the decommissioning of the PND provides the opportunity to update the technology and business processes behind the custody image store to implement a regime of review and automatic deletion.

This paper outlines the current challenges related to the custody image store(s) and establishes a baseline discussion ahead of future discussions on policy options available regarding the retention and deletion of custody images within LEDS.

Key outcomes of the discussion on this paper

1. Open Space members are clear on the limitations behind the current custody image store
2. Open Space members are comfortable working with the Home Office in accordance with the plan outlined in this paper to address these issues in future
3. Where Open Space members already have detailed policy positions in relation to custody images, they agree to share them with the LEDS Policy Team to feed into the shaping of these custody image policies

Custody Images – Part I

Current store(s) of custody images

1. Custody images are currently maintained (Mastered) in local systems by police forces. The images in these local systems are pushed up to a central custody image store in the Police National Database (PND) via an 'updategram'. This means the PND custody image store is a copy (replicated) store of data held in other places (local systems) that requires an update from the master system(s).

2. Police forces have different update frequencies and vary in their use of automated vs manual update prompts. These can range from daily automated feeds to less frequent manually-prompted updates. As of Q3 2019, 33 local systems provided automated daily uploads of custody data, including custody images to the PND. 17 other local systems currently provide this data manually at a less frequent rate. Therefore, it can take time for information on the local system (including the custody image) to be copied across to the PND.

3. Additionally, any direct data entry (DDE) update to PND will **not** affect the local force system thus deleting an image directly from the PND will have no effect on the local system unless the same image is deleted in the local force environment.

4. As an example, to illustrate the position, Custody Image A is mastered on Local System X and replicated on PND. If Custody Image A is deleted from Local System X, it will remain on the PND until Local System X sends a new updategram, thereby deleting it from the PND's operating system. Alternatively, if Custody Image A could be and was deleted from the PND, it would remain on Local System X unless and until it was deleted locally.

5. Within PND, custody images are associated (in a data architecture sense) with a person record (called a nominal) and/or a Custody record. However, the conviction status of the nominal is not architecturally attached to the metadata for each custody image. Therefore, it is not possible to filter out and delete en masse the images of those who have not been convicted from the PND.

Question 1: *Are Open Space members clear on the challenges current technological limitations place on the current custody image store?*

2017 Custody Image Review

6. The Home Office published a Review of the Use and Retention of Custody Images in February 2017 (the Custody Images Review (CIR)) following the 2012 High Court decision that the Metropolitan Police Service's unjustified retention of a custody image of an unconvicted individual was unlawful.

7. The realities of the technical architecture detailed in Paragraph 5 – specifically the inability to determine within the architecture the conviction status of a given custody image – limited the Review's ability to recommend the introduction of an automatic deletion system for custody images of unconvicted individuals.

8. The CIR therefore established a mechanism for unconvicted individuals to apply to the custody image controller (Police Chiefs) for the deletion of their custody image; with a strong presumption towards deletion for individuals who were under 18 when the custody

image was taken. The take up of this application mechanism has been limited since its introduction.

Enabling automatic deletion of custody images

9. The Home Office Biometrics Strategy published in June 2018 outlined a commitment to enable the review and, where appropriate, automatic deletion of custody images, repeating the same commitment Baroness Williams made in front of the House of Commons Science & Technology Committee on 6 February 2018.

10. The NLEDP was identified as the programme able to enable this capability as LEDS could be designed with the requirement to link individual custody images with the corresponding conviction status.

Moving the custody image store into LEDS

11. The realisation of this commitment requires that the PND custody image store is transferred in its current entirety into the LEDS architecture to enable any large-scale review and automatic deletion of unconvicted custody images.

Next steps

12. The Home Office and policing are working to identify an approach to detailing a future sustained policy for custody images, including specifically within LEDS. It is our intention that the Open Space and its members play a key role in scrutinising and shaping this policy.

13. As local policing systems will continue to hold the mastered versions of custody images even as LEDS replaces the PND, work is needed specifically to consider how a review and automatic deletion regime will work between LEDS and local systems where individual forces determine their own operational decisions. The policy for how any automatic deletion decisions taken in the centralised LEDS environment synchronise with or interact with local systems will be a core issue.

14. We are committed to providing a meaningful update on this work at the next Open Space meeting. Ideally, we will be able to provide an outlined draft policy, but if not we will at least provide a detailed approach to addressing these policy challenges.

Question 2: *Can Open Space members work with the Home Office in accordance with the plan outlined in this paper to address these issues in future?*

Question 3: *Where Open Space members already have advanced policy positions in relation to custody images, can they share them with the LEDS Policy Team to feed into the shaping of these custody image policies?*