



GOVERNMENT OF KARNATAKA  
POLICE DEPARTMENT

Office of the Director General and  
Inspector General of Police  
Karnataka State  
No.2, Nrupathunga Road, Bangalore-1

Office of the  
Director General & Inspector  
General of Police  
Karnataka State, Bangalore  
Dt:- 03-07-2020

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**CIRCULAR**

Sub:- Procedure for gathering evidence from CCTV.

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Closed Circuit Television surveillance system play a very crucial role in law enforcement functions especially in maintaining Law & order and crime investigation. The evidence present in the CCTV may be very crucial in answering the questions like “**What happened**” and “**Who was involved**”. An examination of CCTV footages would provide the IO with information about the sequence of events, the entry & exit points of the accused persons. In order to use CCTV as evidence in the court of law, it has to be secured in a manner taking all necessary precautions to ensure its admissibility.

Also, It is observed that the police officers are sending the seized CCTV/DVR systems to FSL Bengaluru for forensic copy though not required. ***FSL Bengaluru is also approached by the IOs to provide certificate under section 65B of Indian Evidence Act, 1872 which is NOT required.*** The services of FSL Bengaluru should be utilised only when there is any requirement of retrieval or examination.

The unit heads are expected to direct their officers to follow the BEST practices in the document for effective investigation and prosecution of criminal cases.

**Procedures to be followed while handling CCTV/DVR surveillance systems:**

- The investigating officer should do a survey of the site where the subject CCTV system is installed and document the following:

- Photograph/Sketch of the location
  - Check if the system is a stand-alone/PC-based or networked
  - How many cameras are connected to the DVR system
  - Determine which camera views are essential for investigation.
  - Decide the best method of seizure based on the requirement and situation at the site.
- The first priority of the Investigating officer would be to seize the original hard disk along with the DVR system. If the seizure of original is not required or not feasible (e.g. public places like railway stations, traffic police camera, individuals setup personal home cameras etc.), then the IO can get the copy of the relevant video.
  - If the entire DVR system has to be seized, please ensure to check if any Password/PIN is enabled in the system before it is shutdown.
  - Interview the user/owner regarding the setup of the system for
    - How the system is configured to record
    - What policy is adopted for overwriting the hard disk space
    - Is there any motion sensor technology adopted?
    - Whether the system is protected with a password/PIN
  - The IO should conduct seizure proceedings in the presence of Panch witnesses during the process of extracting the relevant footages or seizing the entire DVR system. The IO should ensure that the witness summoned should have some basic understanding of IT.
  - The IO should document the complete seizure process through Videography/Photography & Notes as BEST practices. The support staff should ensure to make detailed notes regarding the process and methods adopted.
  - Certificate under section 65B of Indian Evidence Act, 1872 should be obtained from the person who owns or in-charge of the system.
  - It is advisable to summon or take assistance of the technical person who installed the DVR system if **feasible**. This would help the IO to handle the evidence properly.
  - The video playback software required to view the video should also be taken into possession.

- While taking the copy of the relevant footage, please ensure that there is no mismatch in the frame rate of recorded and retrieved copy.
- Create at least **3copies** of the clipping that is relevant to the case on a DVD or USB storage device.
- The IO must ensure to label properly all the device accessories giving reference to the case investigated.
- DVR stores information in proprietary format, It is advisable to create a copy of the original proprietary format as well as the converted format (e.g. MP4).
- If the DVR system is not seized, the IO should issue a preservation notice to the owner/incharge to not make any changes in the system.
- After the completion of retrieval of required video footages, the IO may test once if the system is functioning fine as it was before the seizure process.
- Collect the certificate under Section 65B of Indian Evidence Act 1872 mentioning the following technical details
  - Manufacturer of the DVR system
  - Hard disk used in the DVR system
  - Serial number/product number of DVR and hard disk
  - Date & time shown in the DVR system to record the clock inaccuracy
  - The DVR system was functioning properly at the time of incident

#### Challenges:

- Video Surveillance as a Service: The camera installed at the user premises captures the footages and transmits over the Internet connected to the camera . The video ( in some cases audio also) will be transferred and saved in the company's server located outside the user premises.
- There are some situations where the DVR system is cloud based. The companies offering such solutions maintain the video recording in their servers which may or may not be located in India.
- Legal process need to be followed to request for cloud based video from service provider.


- The IO need to ensure that all technical specifications regarding the quality of recording, its storage etc., are to be obtained.

#### **Admissibility of CCTV as Evidence:**

For the purpose of admissibility of evidence, a certification shall have the following matters as necessary:

- Identifying the relevant electronic records (clipping) relating to the certificate and describing the manner in which it was produced.
- Details of the device producing it.
- Satisfying the conditions of 65B(2) i.e. the computer from which the output was produced was used regularly to store or process information during its regular course of activities and throughout the material part of the said period, the computer was operating properly.
- Certification of matters are to be stated to the best of the knowledge and belief of the person signing the certificate i.e. the person in-charge of the operation or management of the related activities.
- The CCTV clippings obtained during the investigation can be directly submitted before the court along with a certificate provided by the owner/in-charge of the CCTV system and it **doesn't require additional 65B certificate from the FSL Bengaluru.**
- The DVR or CCTV system may be sent to FSL, Bengaluru in below mentioned situations:
  - Cases where the recovery of the deleted footages are required
  - Comparison of photographs / footages are essential.
  - Enhancement of the image to identify a person or vehicle number.
  - To check if there is any video frame disturbance to rule out tampering.

The above procedures shall be strictly adhered to by all the Investigation Officers. The Supervisory officers have to ensure that the I.O follows all the above procedure while investigating cases including gathering evidence from CCTV.

  
(PRAVEEN SOOD) 3/7/20  
Director General and Inspector  
General of Police,  
Karnataka, Bengaluru.

To,

1. The Director General of Police, CID, Economic Offences & Special Units, Bengaluru
2. The Addl. Director General of Police, Internal Security Division, Bengaluru
3. All Commissioners of Police
4. All Range Inspectors General of Police
5. The Director, FSL, Bengaluru
6. All Superintendents of Police, Incharge of Districts including KGF and Railways.