

## **MPS Media Policy / College of Police APP on Media**

The MPS has adopted the [College of Policing's Media Relations Authorised Professional Practice \(APP\)](#) as its media policy with the supplementary and additional MPS specific guidance as specified below. The text of the College APP is in black and MPS specific guidance in blue.

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The MPS media policy and procedures are based on the College of Policing authorised professional practice. Any additions or exceptions to it are detailed.

## 1. Introduction

A successful working relationship between the police service and the media is vital. Working with the media to communicate to the public can help solve crimes, bring offenders to justice and keep communities safe. It can also give the public insight into what the police are doing and why they are doing it.

The context in which the media and police engage with each other continues to change quickly as new technologies, crimes and threats emerge. This engagement is routinely positive and professional. In some instances, it involves decisions that can be subject to challenge and scrutiny. This highlights the value of guidance to assist decision making.

This authorised professional practice (APP) is designed to assist those working in police forces who engage with the media. It updates both the 2010 Communications Advisory Group's guidance and the College of Policing's 2013 Guidance on Relationships with the Media. It takes account of recommendations of the Leveson Inquiry (part 1) into the Culture, Practices and Ethics of the Press (2012), and Her Majesty's Inspectorate of Constabulary (HMIC) report Without fear or favour, published in 2011.

In 2014 the College of Policing published the first Code of Ethics for policing in England and Wales. The code sets out principles to guide the conduct of those working in policing, recognising the importance of high professional and ethical standards. This APP does not duplicate the Code of Ethics and should be read in conjunction with it.

### Code of Ethics

The Code of Ethics sets clear guidance on specific issues which are relevant to engaging with the media

- Openness and transparency – this is essential to maintaining and enhancing a positive relationship between the policing profession and the community.
- Hospitality, gifts and gratuities – police officers and staff should neither solicit nor accept the offer of any hospitality, gift or gratuity that could compromise their impartiality or integrity.
- Associations – membership of groups or societies, or associations with groups or individuals, must not create an actual or apparent conflict of interest with police work and responsibilities.
- Confidentiality – treat information with respect, and access or disclose it only in the proper course of duties.
- Fitness for work – being fit to carry out the role and not consuming alcohol when on duty.

The full code is available [here](#).

## 2. Key themes

Legitimacy is an essential aspect of the British policing model, and is well established in the UK as 'policing by consent'. The more the public supports the police by providing information or being involved in policing activities, the greater the scope for police forces to prevent or resolve crime and other incidents. Being fair, respectful, open and transparent in communications can motivate the public to cooperate with the police and respect the law.

<sup>1</sup>Judicial College (2016) Reporting Restrictions in the Criminal Courts, p3

Generally speaking, the criminal justice system in England and Wales operates in accordance with the principle of open justice. The Lord Chief Justice has emphasised the importance of this principle<sup>1</sup>.

The police service has a duty to safeguard the confidentiality and integrity of the information it holds and the rights of individuals to privacy. This duty must be balanced against the duty to be open and transparent. All decisions should be underpinned by the National Decision Model which takes account of the legal framework and places the police Code of Ethics at its heart.

The following guidance offers a framework to assist those in the police service who engage with the media to do so in an open, accessible and professional way. It is possible and important for police forces to be open and transparent with the media whilst also respecting their duties of confidentiality and individuals' rights to privacy.

### **Framework for engaging with the media**

As a simple rule, police officers and staff should ask 'Am I the person responsible for communicating about this issue and is there a policing purpose for doing so?' If the answer to both parts of this question is 'yes', they should communicate with the media.

This remains a useful rule which was endorsed and recommended by the Leveson Inquiry (part 1). It should be understood as supporting and encouraging engagement between the media and police and should not restrict engagement to those in senior positions. Responsibility for communicating rests with all those working in policing, irrespective of seniority. Officers and staff of all ranks and roles are encouraged to provide factual information to the media concerning operational incidents or investigations.

Being open with information in itself constitutes a policing purpose by supporting policing legitimacy. This includes explaining or promoting policing work and being accountable for actions, decisions and omissions. The Code of Ethics sets principles of openness and accountability, which are consistent with the duty placed on public authorities by the Freedom of information Act 2000 to provide public access to information.

The starting point for understanding policing purpose should be one of openness and transparency but, in some situations, the benefits to the public of being open and transparent with information are outweighed by a conflicting policing purpose. APP on information management defines policing purposes as including:

- protecting life and property
- preserving order
- preventing and detecting offences
- bringing offenders to justice
- any duty or responsibility arising from common or statute law.

Individuals should apply this guidance to each set of circumstances and decide what to do in practice.

**Supplementary MPS Guidance to Section 2:** In high profile or sensitive investigations, advice must be sought from Press Bureau prior to communicating with the media. Those who have a role in a particular investigation or operation and are approached by a journalist for comment should only do so with the agreement of the Gold Commander or Senior Investigating Officer after discussion with the Press Bureau. (See Section 3.3 for details of matters that should be referred to the Press Bureau).

Requests by journalists for information or comment on MPS-wide issues, policy matters or events that could bring the Service into disrepute or dispute, should be referred immediately to the relevant (B)OCU commander or department head who should liaise with the DMC about how best to respond. The DMC may liaise with the Information Rights Unit where the request could constitute a FoIA request.

### **Writing articles giving views on policing issues**

Police officers and members of police staff may be approached to write articles, blogs or undertake interviews on policing issues for newspapers and magazines, broadcasters or online publishers and social media content providers. In such cases advice should always be sought from the DMC and authority obtained from the (B)OCU commander or Head of Branch. MPS personnel must not seek to profit from their experiences of working in the Service and therefore should not accept payment for anything they write or produce. Nor should the MPS incur additional costs such as overtime to facilitate such activities without prior agreement from line managers. Officers or staff who are asked to write an article should have a firm understanding of the subject area they have been asked to comment on. Otherwise, the request should be declined or passed on to a more appropriate person or unit.

Individuals should not pass negative comment on MPS policy or practices and the content of any article should not bring the Service into disrepute or divulge information which could compromise operations, investigations, the judicial process, victim confidence or which breaches the Official Secrets or Data Protection Acts. Individuals should also be mindful of the MPS Information Code and METSEC Code.

NB: Guidance on the use of social media can be found in section 11 of this document.

### **Writing books**

Serving police officers or police staff who wish to write a book about their policing experience must ensure that it complies with the [Publishing and Broadcasting in a non-official capacity policy](#). All content must be submitted to your unit commander / head of unit for approval.

### **Speaking to the media as a representative of a staff support association or trade union**

The media sometimes contact MPS representatives from the Police Federation, trade unions or staff support associations for comments about policing issues and activity. Whilst it is up to the individual concerned (in consultation with their relevant staffing body) to decide whether or not to issue a statement or give an interview, it must be made clear to the reporter that statements or comments are given in the capacity as a Federation, union or staff association representative and not as a representative of the MPS. Interviews on camera should not be undertaken in uniform and name captions must make it clear which union or staff association the individual is representing.

A number of MPS senior officers and staff lead on NPCC policy and business areas and are called on to do media interviews or briefings in this capacity. Whilst officers may undertake interviews in uniform it should be made clear to reporters that they are representing NPCC.

## **3. Police and the media**

### **3.1 Defining speaking terms**

All parties should understand in advance the terms on which a briefing or conversation with the media is taking place. Avoid the term 'off the record' as the basis for a conversation as it can create ambiguity over how information is to be used and risk the perception of inappropriate or confidential information disclosure. Always assume that a conversation is reportable unless expressly agreed otherwise in advance. The following terms may be helpful:

#### **Reportable**

All that is said may be reported, quoted and attributed, at the media's discretion. All communications should be on this basis unless exceptional circumstances apply. A quote in a media release should be attributed to a named spokesperson where appropriate and possible.

### **Non-reportable**

Information provided to the media on the basis (by prior agreement) that it is for guidance only and not for publication or broadcast. It can be used to provide further context around a statement. This enables the police to have a dialogue with the media about serious or sensitive policing issues without generating publicity about them. Properly used, this may be a valuable resource in the context of an established, trusting and professional relationship. Where non-reportable information is shared, it is good practice, where appropriate, for police to work with the media to find a way to allow it to be reported. The officer or a communications officer should record the subject or subjects discussed. This record should include a note of why it is non-reportable.

### **Embargoed**

Information shared on the understanding it is not to be published or broadcast until after a specified event or time. This is often used when the media are briefed in advance of proactive crime operations. A decision to set an embargo should be recorded.

### **3.2 Respecting suspects' rights to privacy**

Suspects should not be identified to the media (by disclosing names or other identifying information) prior to the point of charge except where justified by clear circumstances e.g. a threat to life, the prevention or detection of crime or a matter of public interest and confidence.

### **3.3 The corporate communications department**

Corporate communications departments (or in some forces, directorates or departments for media or communications services) offer a specialist resource for professional advice and support on communications and media engagement. Corporate communications departments (CCDs), may be able to offer advice, background or key messages to assist officers and staff engaging with media. Following an interview or briefing, CCDs should also be kept informed so they are prepared to receive further requests for information on an issue.

In some situations (such as a high-profile inquiry or sensitive investigation) there will be a pre-existing media strategy to ensure that media engagement supports the operational approach. If in doubt of this, officers and staff are encouraged to check with the CCD before speaking to the media.

Police officers at all levels are expected to have some contact with the media as a routine part of the job. CCDs will not be involved in all media engagement but are there as a source of specialist support and advice. If an issue being spoken about goes beyond force level and concerns national policing, advice can be obtained from the College of Policing press office (on national standards and guidance) or the NPCC (National Police Chiefs' Council) press office (if an operational issue). Contact can be facilitated through CCDs.

**Supplementary MPS Guidance to Section 3.3:** The CCD for the MPS is the Directorate of Media and Communication (DMC).

The DMC responds to critical incidents, day-to-day enquiries, and provide round the clock advice and support to the organisation in both operational and reputation issues.

DMC proactively promotes positive stories as they occur, deploys staff to facilitate the regular flow of interview requests and attends the scenes of operations and events to provide media support on the ground where appropriate.

DMC initially responds to media enquiries, and where necessary, rebuts or challenges unfounded claims or provide context to help balance criticism.

DMC is available to provide advice and guidance about:

- incidents that are breaking any time of day or night
- major or critical incidents
- stories or issues likely to be of interest beyond local papers, e.g. the Evening Standard, BBC London, national newspapers, LBC

Matters that should be referred to DMC include:

- Murder & serious violence
- Fatal collisions
- Rape & serious sexual offences
- Flying Squad investigations
- SO investigations
- Serious organised crime investigations
- DPS investigations particularly causing community concern such as use of force
- Child abuse investigations
- Corporate or policy issues

Additionally, the below matters should be highlighted to DMC:

- When officers would like wider media coverage for an operation, investigation, appeal or initiative
- When there are vulnerabilities for the MPS that could have an impact on community confidence
- Unusual crimes
- Anything involving high profile individuals and organisations
- Stories where you would reasonably expect interest beyond your local media

DMC can be contacted at any time by officers and staff by emailing [press.bureau@met.police.uk](mailto:press.bureau@met.police.uk) or calling 763300 (020 7230 3300). The line for media is 020 7230 2171.

Please ensure that you give DMC sufficient notice of upcoming operations or court cases especially where these are likely to involve releasing large amounts of CCTV, body-worn video or other moving footage. This will ensure that they are able to work with you to provide the best media package possible to support your release.

The MPS has an established corporate and local presence on social media platforms and channels. Increasingly, many audiences we want to reach do not consume traditional media. Bespoke messaging and visual content tailored to online audiences can help achieve operational and communication objectives. (see section 11 – Social Media).

### **3.4 Attendance at media interviews**

While CCDs will not be involved in all media interaction, it may support engagement if a communications officer is present for media interviews where the subject:

- addresses national issues
- could have an impact on or cause community tensions
- is a high-profile case with significant media interest



- could damage confidence in policing
- is likely to generate interest from other media.

### **3.5 Recording contact with the media**

Chief officers should record all their contact with the media where policing matters are discussed. This record should be publically available. A brief record that the conversation has taken place and its subject matter is sufficient. Informal or chance meetings where work-related issues are not discussed need not be recorded.

Where another officer or member of staff meets with a media representative, takes part in an interview or provides information verbally or in writing for a matter for which they are responsible, it is good practice for a similar (unpublished) record to be kept.

The College of Policing has published national guidance on reporting concerns in consultation with the independent whistleblowing charity Public Concern at Work. This guidance states that, if a person reporting a concern wishes to remain anonymous, they should be able to do so. The guidance can be found [here](#).

#### **Supplementary MPS Guidance to Section 3.5:**

A Media Contact Register for Management Board members and NPCC rank officers is collated and published monthly on the MPS website. Officers below NPCC rank and staff equivalent level should keep their own note of their contact with a journalist and what information they have provided which can be audited by line managers on an ad hoc basis.

Details of what information should be entered on the Media Contact Register can be found in the [Media Contact Instructions](#).

There is no requirement to keep a record if you meet a journalist in a social group.

#### **Personal relationships with journalists**

If you have a relationship with a journalist on a personal basis outside of your role as a police officer or police staff - such as a relative or close friend – this is not classed as a declarable association. However, you should follow the MPS Professional Standards Policy in the same way that you would in other areas. Therefore, if that relationship with that individual could be seen to impact either on a job that you are involved in or your role, then you should highlight this to your line management so that they are aware.

#### **Hospitality from journalists**

Hospitality taken from journalists should be the exception not the rule. All MPS officers and staff should start from the presumption that meetings with journalists should not be accompanied by alcohol.

It is recognised that there are some circumstances such as a formal event or professional gathering where this presumption would not apply, but you are expected to act professionally at all times and only drink in moderation.

When considering accepting hospitality from a journalist it is worth bearing in mind the criteria cited in the guidance to The Bribery Act 2010 ‘that the recipient should not be given the impression that they are under an obligation to confer any business advantage or that the recipient’s independence will be affected.’

You should also consider the following points if you are offered hospitality by a journalist:

- the motivation for the offer,

- the public perception of acceptance,
- the potential impact of acceptance on public confidence in the integrity of the MPS
- and whether what at first sight appears to be an innocent offer could later become the subject of adverse comment or criticism.

Where hospitality is received from the media, officers and police staff must ensure that the Gifts and Hospitality Policy is adhered to. If in doubt refer to the policy and discuss it with your line manager.

### **3.6 Managing inaccurate or misleading media coverage**

Inaccurate or misleading media coverage can be extremely damaging to an organisation or an individual. CCDs may address inaccuracies or misleading coverage by:

- seeking a resolution with the media outlet concerned – some media organisations, e.g., the BBC, produce their own editorial guidelines which can be useful to reference
- proactively publishing a correction, for example through a force's own social media channels
- liaison through a regulatory body such as Ofcom (for broadcast media) or the Independent Press Standards Organisation (IPSO).

Following the guidance outlined and working with the media to be open and transparent in communications will help reduce inaccuracies in reporting.

**Supplementary MPS Guidance to Section 3.6:** Officers and staff involved in a case or issue which generates inaccurate or misleading coverage should liaise with the DMC about whether a response is called for. This can take the form of a correction, online and/or in print, a letter for publication or a request for another, more balanced, article to be published. DMC should be consulted on the content of any letters for publication.

Should DMC, MPS spokespeople or Official MPS social media accounts issue inaccurate information it should, in most circumstances, and in consultation with the relevant operational leads, be corrected correction to the same media organisation(s) that received the incorrect information or on the same social media accounts as applicable. Where wide coverage of the error has occurred the correction should made to an appropriately wide audience.

### **3.7 High-profile or sensitive investigations or operations**

In general, the same guidance applies to high-profile or sensitive cases as other investigations or operations. In some cases, such as those involving serious crimes, investigations into celebrities or prominent public figures, security, terrorism or major incidents, plans and procedures already exist or strategies will be developed to cope with media interest.

If so, information should be released when appropriate as agreed in the investigations or operations strategy. Media strategies should be agreed at senior operational level and include the appointment of a dedicated police spokesperson. This can provide the gold commander or senior investigating officer (SIO) with assurance that other police officers or staff will not divulge information that goes beyond the agreed media strategy and could compromise the investigation or operation.

A high-profile investigation or operation should have a specific communications officer assigned to it in support of the media strategy. All media strategies and media-related decisions should be logged so that, in the event of a change of staff, the communications



officer can be easily briefed. The media strategy should make clear who is designated as media spokesperson and it should be distributed to officers and staff from the outset through team briefings and the recording of entries in decision logs. All media statements in high-profile investigations should receive approval by the SIO or gold commander before release.

If the media approach a force in advance of a high-profile or sensitive operation to request confirmation of its details, the force should not confirm the operation or release details that go beyond an agreed media strategy or could compromise the investigation or operation. The SIO should be informed so that they can consider any impact on the investigation and whether the investigation and communications strategy needs to be changed. All rationale, decisions and details of meetings and conversations with the media should be recorded.

A media organisation may request access to a high-profile investigation (which is in the public domain), for example, filming officers working on the operation or a planned search. This is at the force's discretion and terms of access, including interview opportunities, should be agreed in advance (see [taking the media on police operations](#) below). All officers and staff involved in the investigation must be briefed on the terms and conditions of media access before it is granted.

### **3.8 Media briefings**

#### **Non-exhaustive list of potential reasons for holding a media briefing**

Will the briefing:

- provide information that is in the public interest?
- support operational or strategic objectives?
- reassure the public and highlight good police work?
- inform the public and local community of an innovative technique or noteworthy inter-agency cooperation? (The briefing should not, however, reveal operational tactics)
- deter future offenders or prevent crime?
- help manage media needs in a high-profile case?
- encourage accuracy in the reporting of a complex case?
- inform potential debate after a trial?

Media briefings provide an opportunity to engage with the media, communicate with the public and build confidence in policing. They may be considered at any point during the life of an investigation or police operation.

Embargo agreement [template](#)

Officers and staff should liaise with Corporate Communications Departments (CCDs) about planning and arranging briefings. The rationale for the briefing must be recorded by either the CCD or SIO. Consideration should be given as to whether or not an embargo agreement is required. If one is required, it should have signed agreement from the media and be retained for audit purposes.

#### **Pre-trial briefings**

Embargoed briefings given to the media before the start of a trial. Pre-trial briefings are most commonly used in very high-profile, sensitive or complex trials where briefing will help the media to report a case accurately. Any such briefings are held by joint agreement between the police and [Crown Prosecution Service](#) (CPS). Pre-trial briefing information is disclosable to the defence.

#### **Pre-verdict briefings**

Embargoed media briefings that take place after a trial has started but before a verdict is given. It should be made clear to the media that any information supplied that may prejudice

a trial must not be printed or broadcast until the end of a trial and only then in the event of a guilty verdict.

All media briefings provided for broadcast or publication before the conclusion of a trial, including interviews with officers, must be impartial and must not comment or speculate on whether or not a defendant is guilty.

Indemnity agreement [template](#)

Where a media organisation requests a pre-recorded interview for use in the event of a guilty verdict, the force should assess the potential risks before granting the request. The media should sign an indemnity agreement before the briefing and the communications officer should record the content of the briefing.

### **3.9 Taking the media on police operations**

Taking the media on police operations can help them inform the public about police work and demonstrate the police service's openness and transparency. It should be done in a fair and equitable manner. It may be appropriate for police to work with a particular media organisation (for example, a news outlet campaigning against a particular crime type) but other media organisations should have equal opportunity to request similar access to operations.

When appropriate, pooled media facilities may be arranged in circumstances where there are limitations on access or space. In these circumstances, it is at the force's discretion which media organisation attends and this should be decided with fairness and impartiality. As a rule, a pooled facility should ensure all types of media material – words, pictures, audio and film – are catered for.

#### **Non-exhaustive list of points to consider prior to agreeing media access to**

Will it help prevent or detect crime?

- Would it address matters which are in the public interest?
- Is it likely to inform or reassure the public?
- Could it potentially prejudice a trial?
- Could it jeopardise future police operations or reveal covert police tactics?
- Could it interfere with an individual's right to a fair trial and their right to respect for private and family life?
- Could it cause unnecessary distress or harassment to victims, those being investigated, their family, or innocent members of the community?

Notice and invites to media should be through the CCD. In keeping with [principle 7](#) of the Code of Ethics, police officers and staff must not disclose information, on or off duty, to unauthorised recipients. They must not provide informal tip-offs about operations.

Forces should take reasonable measures to ensure any materials that are published do not lead to a suspect being identified, in the same way as they would when a person is arrested. An example of this would be the release of a photograph after a raid that identifies the house number in a street, which could lead to the identity of the suspect becoming known.

Indemnity agreement [template](#)

The media should sign an indemnity agreement. It is the responsibility of the media to ensure that they do not identify the individual in the operation or identify any victims or witnesses without their consent.

Media access to private property is at the discretion of the owner, legitimate occupier or some other person who can legally authorise access. The police do not have authority in the matter and it is up to the media to negotiate their own access.

**Supplementary MPS guidance to Section 3.9:** Officers and staff must never wear body worn cameras or any other recording equipment including microphones provided by a media organisation in an operational environment unless pre-agreed with the DMC. Doing so could potentially jeopardise the integrity of any resulting investigation and should only be considered as part of a documentary or similar project for which appropriate contractual arrangements are in place.

Recording equipment provided by media may be worn by officers and staff for non-operational scenarios such as training and for media interviews where for sound quality reasons the media would like to “mic up” the interviewees.

In any situation, where recording equipment is worn by MPS personnel, the consent of MPS personnel whose voice or image may be recorded should be obtained and agreement reached by DMC representatives with the media re copyright and data ownership. (There will be a presumption that copyright and data ownership will remain with the media organisation unless otherwise agreed.)

The MPS Media Indemnity Agreement and an MPS Note to Media Representatives should be completed and signed when taking journalists on operations (these documents should be used in place of those linked to in Section 3.9 of the CoP APP). In addition journalists - and any DMC Press Officers if present - must be included in any health and safety risk assessment. If necessary a member of the Safety and Health Risk Management Team (SHRMT) is available to provide advice. They are also on call 24/7 via MetCC.

NOTE: MPS officer and staff should not sign media release forms without consultation with DMC. Permission to do so by DMC will only be given where this has been agreed in a contract with documentary makers and the MPS.

Unless DMC staff are named on a warrant, or permission from the owner/occupier of private property has been obtained, they should not enter any premises when accompanying officers on operations to execute warrants. DMC or officers should not agree to media representatives entering such a property without such permissions.

### **3.10 Reporting from a scene**

Reporting or filming from the scene of an incident is part of the media’s role and they should not be prevented from doing so from a public place. Police have no power or moral responsibility to stop the filming or photographing of incidents or police personnel. It is for the media to determine what is published or broadcast, not the police. Once an image has been recorded, the police have no power to seize equipment, or delete or confiscate images or footage without a court order.

Where police have designated a cordoned area, the media must respect it in the same way as the public, unless a media facility within a cordoned area has been authorised by police. The best possible vantage point for media should be considered, providing it does not compromise operational needs.

**Supplementary MPS Guidance to Section 3.10:** [There is a useful guide available on how to deal with reporters, photographers and film crews on the MPS website.](#) It is designed to help ensure that both police and the media can do their work without hindering each other and includes details about media access to private property.

### **3.11 Exclusives**

Media organisations should be treated in a fair and impartial manner. Where a media organisation generates an exclusive, their right to share information in confidence with the police should be respected. This means that where an enquiry is put to police by a journalist, the information being sought will not be proactively issued to other media outlets, except for operational reasons or unless it was already planned for release into the public domain. Once in the public domain, information released by the police should be available to all.

There are occasions where targeting a particular media organisation by offering them a specific story is appropriate – such as a story or campaign based on geography, a particular audience or community the force wishes to reach, or a media organisation’s particular interest in a certain issue. Targeting in this way must be justifiable and agreed with a CCD.

**Supplementary MPS Guidance to Section 3.11:** It is DMC practice to contact a journalist who made an original “private inquiry” to make them aware another journalist has also subsequently requested the information where the subsequent inquiry is prior to an initial article being published.

### **3.12 Documentaries**

#### **Indemnity agreement template**

Documentaries and other programmes can offer the police significant opportunities to engage the public through the media. Requests should be agreed with a CCD. If agreement to make the documentary or programme is given, the appropriate documentation (including an indemnity agreement and an access agreement) should be completed and signed by the company following discussions with the CCD. It should be made clear in any contractual agreement that the media have full responsibility for what is published or aired.

#### **Non-exhaustive list of points to consider when taking a documentary request**

- Would the filming/recording fit a policing purpose, such as to detect or prevent crime, to promote road safety, or to reassure the public about police effectiveness?
- Will the broadcast affect current or future police operations?
- Will the broadcast cause unjustifiable distress or harassment to those featured?
- Could the broadcast potentially prejudice a trial or interfere with an individual’s human rights, including the right to privacy, or will it breach data protection law?
- Will the broadcast affect or need to involve partner organisations?
- What protection is required for undercover police officers, covert police activity, police tactics and equipment?
- What is the status of the production company and the quality of its previous broadcasts?
- What is the potential commitment (working hours) for members of the workforce, including members of the CCD, to facilitate this request?
- What are the potential copyright issues? Must permission be obtained from third parties to provide any of the material requested?

**Supplementary MPS Guidance to Section 3.12:** Documentaries and dramas about policing provide opportunities to promote our work and achievements - and sometimes generate income but they can be time-consuming and often require considerable resources. One proposal may be at odds with another or with MPS priorities.

All approaches from television documentary or drama programmes must be filtered through DMC staff who, when necessary, will consult with other relevant units and officers to decide whether to pursue the proposal. All filming within MPS premises and the use of police property for dramas must be approved by Property Services, unless it is linked to operational activity.

Access based documentaries will be subject to a legal documentary agreement that is arranged via DMC.

Where there is a potential for income generation or recovery of costs for officer and /or staff time, negotiations with the production company will be conducted through the [Intellectual Property team](#).

Officers and staff contacted by programme makers seeking to make a documentary involving the MPS should advise them to contact the DMC.

The DMC does not assist in the making of dramas and staff contacted by drama makers should pass on the inquirer's contact details to the [Intellectual Property team](#).

## **4. Arrests, charges, and judicial outcomes**

### **4.1 Referring to reports of a crime**

When releasing information for an appeal or in response to a media enquiry, care should be taken to apply the correct terms to describe a report of a crime unless there is a specific rationale for not doing so. This approach helps to ensure accuracy and prevent undermining the victim. For example, an incident reported as a rape should in principle be described as such in all communications.

Exceptions to this approach may occur where necessary to safeguard a vulnerable person, protect a victim's interests or as an investigative tactic. In these circumstances, an incident reported as a rape might instead be described using the term serious sexual assault. The SIO should record the rationale behind any decision not to use the accurate term.

### **4.2 Naming on arrest**

Police will not name those arrested, or suspected<sup>2</sup> of a crime, save in exceptional circumstances where there is a legitimate policing purpose to do so. This position is in accordance with recommendations and findings of the [Leveson Inquiry](#) (part 1), the [Information Commissioner](#) and the Home Affairs Select Committee.

A legitimate policing purpose may include circumstances such as a threat to life, the prevention or detection of crime, or where police have made a public warning about a wanted individual. See also [key themes](#). In certain circumstances, this may include people who have failed to answer bail.

When someone is arrested, police can proactively release the person's gender, age, where they live (i.e., the town or city), the nature, date and general location of the alleged offence, the date of the arrest, whether they are in custody or have been bailed, and the subsequent bail date, or if they were released without bail or with no further action being taken. This should not apply in cases where, although not directly naming an arrested person, this information would nevertheless have the effect of confirming their identity. In circumstances where the release of such information, particularly details relating to age or location, is likely to confirm the identity of a person arrested consideration should be given to providing less specific details. For example: 'a man in his 30's' or 'at an address in Sussex'.

The rationale for naming an arrested person before they are charged should be authorised by a chief officer and logged either by them or by the CCD. The authorising officer should also ensure the CPS is consulted about the release of the name.

This approach recognises that, in cases where the police name those who are arrested, there is a risk of unfair damage to the reputations of those persons, particularly if they are

never charged. It cannot and does not seek to prevent the media relying on information from sources outside the police in order to confirm identities.

<sup>2</sup>This guidance also applies where allegations of offences are made against deceased persons.

**Supplementary MPS Guidance to Section 4.2:** For the police to name and/or otherwise identify a suspect to the media/public, a clear policing purpose and public interest is required and should be recorded both on DMC and operational record systems. Any decision should be proportionate, legitimate, accountable and necessary. For further advice refer to the Information Rights Unit and/or Directorate of Legal Services.

The naming of an arrested person, or a person interviewed under caution, before they are charged should be authorised by an officer ranked Commander or above and the rationale for doing so logged with the Press Bureau. The authorising officer should consider consulting the CPS.

Note: The identification of a suspect or escaped prisoner as “wanted” in an appeal should be authorised in accordance with Appendix A in section 4.11. Any decision to identify a wanted suspect should be proportionate, legitimate, accountable and necessary. Where a suspect has been named and is subsequently arrested, DMC should inform the media of the arrest and name the suspect as the person arrested. This applies whether the arrest is in Britain or abroad, where the suspect may be subject to extradition proceedings.

Professional judgement must be used to consider whether the information provided regarding an arrest or other police activity could lead to the identification of the suspect. If this is the case, consider reducing or broadening the information made available.

For example: Not giving a specific age but saying “in their 30s” and giving a borough or other geographical area rather than a street address to avoid confirming identity. In some exceptional circumstances we may decline to give any indication of age or location at all.

Care must also be taken for police activity outside London where towns and villages may be quite small, particularly where this combines with an elderly suspect as there may be fewer people of that age group in an area. Care must also be taken in cases where there is a relationship between a victim and suspect, or the suspect can be otherwise linked to a known address (domestic murders for example) and therefore confirmation of the identity of the individual is more likely.

(None of the examples above are prescriptive, nor are they exhaustive – individual judgements based on the available information must be made in each case)

This requirement does not only apply to people in the public eye – we need to be equally cautious of releasing info that could confirm identity for people who are not in the public eye.

The basic details of the arrest may only be completely withheld if agreed by an officer ranked Commander or above and the rationale for that decision is logged with the DMC.

NB: Where a risk of a suspect’s identity being confirmed as a result of information we might release has been identified and consideration given to reducing the specificity of the information provided, the rationale for any decisions in this regard must be recorded on DMC record systems – even where a decision not to alter the information is made.

#### **4.2a No further action**

When forces give reasons for discontinuing an investigation or releasing a suspect with no further action, they should consider either stating that ‘the evidence did not meet the evidential stage of the full code test set out in the Code for Crown Prosecutors’, or that ‘further action is not in the public interest’. Where possible, corporate communications



departments should liaise with SIOs to ensure that a suspect is informed that no further action is to be taken against them, before releasing this information to the media.

When informing the media that no further action will be taken regarding an allegation, no details of allegations which have not already been released should be disclosed except where disclosure is justified by clear circumstances, e.g. a threat to life, the prevention or detection of crime or a matter of public interest and confidence.

#### **Supplementary MPS guidance to Section 4.2a:**

**No further action (NFA):** We should not use the phrase “insufficient evidence” or similar when explaining the reasons for discontinuing an investigation or releasing a person with no further action. We should state that people have been released with no further actions or the case has been discontinued with no further action.

Should we need to give a reason we should say: “The case failed to meet the evidential test.”

If the decision to take No Further Action has followed CPS advice then we should replicate their reasoning for the decision in our lines e.g.: The evidence did not meet the evidential stage of the full code test set out in the Code for Crown Prosecutors or charges are not in the public interest. Making it clear this was their assessment and that as a result we are taking no further action in relation to the case or suspect.

DMC should check with investigating officers that the suspect has been informed of the NFA decision prior to informing the media unless exceptional circumstances prevent this or the circumstances are such that a suspect could not identify themselves from the information released (e.g. large scale public order arrests).

#### **4.3 Responding to enquiries about arrests**

If a name or names are put to the police with a request for confirmation of an arrest the response should be ‘we neither confirm nor deny’. No guidance should be given. Police should not respond by supplying other information that, although not directly naming an arrested person, would nevertheless have the effect of confirming the person’s identity.

This ensures a consistent approach to situations where a list of names are put forward until that of an arrested person arises and, if no further information is supplied at that point, the enquirer thereby draws the conclusion that the name must be right.

To receive any information in response to an enquiry about an arrest, the media need to provide details sufficient to allow that arrest or incident to be traced, including location, date and type of offence. If confirming that an arrest has been made, police should always be clear that in doing so they are not confirming the identity of the arrested person.

**Supplementary MPS Guidance to Section 4.3:** As with general media enquiries about whether police have attended a particular incident, a journalist wishing us to pursue an enquiry about whether an arrest has been made (irrespective of whether they are aware of the person’s identity) will need to supply the press office with sufficient detail to be able to trace the arrest or interview under caution through MPS IT systems. No searches will be made on the basis of names alone.

The reporter will need to supply a location, date and the nature of the offence or the circumstances in which the arrest was made to assist with the search.

It should always be made clear that we are not confirming identity, and it should also be made clear that we will not guide if a name is wrong.

If someone arrested is bailed to return, neither a specific returning location or specific bail date will be provided to media – style should be, “bailed to an east London police station on a date in early March”.

If the name put to us is of someone who has been charged with an offence related to the incident being asked about but the journalist was unaware of this; the usual charge details should be provided.

NB: It must be recognised that by providing details of the police activity in response to a reporter supplying a location and other details (as per Section 4.3) there is a risk of helping to confirm identities in circumstances where individuals can be closely associated with that location.

When responding to enquiries from reporters about an arrest, the same consideration regarding the risks of confirming identity as outlined in Section 4.2 and the supplementary guidance to Section 4.2 must be made.

#### **4.4 Information about a police investigation or ongoing operation**

Information can be proactively released to aid an investigation, with appeal points asking for the public’s assistance, to maintain public confidence in policing activity, or where it is a matter of public interest. Forces should always consider the victim’s wishes when releasing information relevant to them.

Responses to media enquiries about investigations or police activity should be open, honest and transparent. Clear reasoning should be recorded if a decision is made to withhold information because its release would have a detrimental impact on the investigation or operation. Individuals who are, or may be, involved in an investigation should not be identified and responses must be carefully worded so as not to identify such individuals. In some cases, this could mean that details of age or geography are not released.

To help avoid situations where a list of names is speculatively put to a police communications officer, the same approach should be followed as for supplying information in response to enquiries on arrests. The journalist must provide sufficient additional detail to identify an investigation or incident, without reference to a named person, before being provided with information about the investigation.

Any information that is released – proactively or reactively – should, as a minimum, include:

- the allegation/offence
- the date information received
- which unit is investigating
- arrests
- interviews under caution
- bail to return, and/or charges and relevant appeal points.

As an investigation or other policing activity continues, officers and communications staff should regularly review the information that has been released and consider if it is appropriate to release more information.

Rewards offered by media publications or others remain the sole responsibility of that third party with no requirement for the police to promote them unless the force has been consulted and has agreed to support the reward.

#### **4.5 Naming on charge**

<sup>3</sup>This includes those who receive a summons to court.

Those charged<sup>3</sup> with an offence should be named unless there is an exceptional and legitimate policing purpose for not doing so or reporting restrictions apply. This information can be given at the point of charge. A decision not to name an individual who has been charged should be taken in consultation with the CPS.

Forces should proactively release charging information where the crime is of a serious nature, such as rape or murder, where the incident has already been reported in the media or on social media sites, or for public reassurance reasons.

There are several automatic reporting restrictions which are statutory exceptions to the open justice principle. For example:

- The media is prohibited from identifying the name, address or school or any matter likely to identify a child or young person involved in youth court proceedings whether as a victim, witness or defendant. Where a young person is tried in an adult court, no automatic reporting restrictions apply.
- Section 141F of the Education Act 2002 as amended introduces an automatic reporting restriction which prevents the identification of any teacher who is alleged by a pupil at the same school (or by someone on the pupil's behalf) to have committed a criminal offence against the pupil. This reporting restriction automatically ends if proceedings against the teacher are instituted.

The media are aware of automatic reporting restrictions and it is their responsibility to follow them. Any information permitted under such restrictions should be released upon charge including the following: name, date of birth, address, details of charge, and date of court appearance. The person's occupation can be released if it is relevant to the crime, e.g., a teacher charged with the assault of a pupil at the school where they work.

If charges are withdrawn before someone first appears in court, forces should proactively release this information as soon as possible in order to be fair to the person involved, especially if a case has been previously publicised. Ultimately, the responsibility for accurate reporting lies with the media.

Identities of people dealt with by cautions, speeding fines and other fixed penalties – out-of-court disposals – should not be released or confirmed. Forces should say that 'a man' or 'a woman' has been dealt with and only release general details of the offence.

**Supplementary MPS guidance to Section 4.5:** Once someone has been charged then nothing should be reported that could potentially prejudice legal proceedings. Do not, therefore, provide any statements to the media or publish anything on social media after a charge (other than basic charge and court details) unless there is specific operational requirement and it has been discussed and agreed with a DMC press officer and, where it may impact on any active proceedings, in consultation with the CPS.

If you become aware that a media organisation is planning to print or broadcast material that could compromise or prejudice an operation, investigation or subsequent prosecution, alert the DMC as soon as possible. CPS should also be alerted where a suspect has been charged and publication or broadcast may prejudice active proceedings.

#### **4.6 Identifying victims or other witnesses**

The name of a victim will not normally be released unless a victim consents to being identified. There will be occasions when releasing the name of a victim may assist an investigation or an appeal to encourage other victims to come forward or to help apprehend the suspect. This will not be done without the victim's prior agreement, details of which should be recorded.

There is an automatic reporting restriction for victims of sexual offences, who are given lifetime anonymity. This does not apply if they consent in writing to their identity being published. Consent by a victim should be fully informed and freely given, with them being made aware that their names will be disclosed to the media and the public, and may be transmitted on social media.

Similarly, forces should seek the wishes of other witnesses wherever possible before publishing their identities. This strikes the right balance between the individual's right to privacy and the right of the media to report on events of interest.

#### **4.7 Businesses**

Businesses may be routinely identified as part of police investigations, for example as part of an appeal for witnesses. In some cases operational policing reasons may prevent businesses being identified, for example where it could impact upon an investigation. The need to protect private information may also prevent businesses being identified, e.g. in circumstances where identifying a business might indirectly identify a suspect. Decisions should be taken on a case by case basis.

**Supplementary MPS Guidance to Section 4.7.** Whilst individuals have a qualified right to privacy, organisations, including businesses but not limited to them, do not hold the same rights.

Therefore the MPS may provide information to media about criminal allegations it may have received regarding an organisation in order to properly inform the public about its activities and maintain public confidence in policing. Due consideration must be given in such cases as to whether identifying an organisation may identify any individuals involved, particularly where they may be victims of crime.

#### **4.8 Information during criminal proceedings**

See Judicial College (2016) [Reporting Restrictions in the Criminal Courts](#)

The release of evidential material should be agreed by the CPS and can be released by police as a media package as directed by the court. If the media request material that has not been directed by the court, it should be agreed with the CPS whether to release it and who will provide the material, as all information is the copyright of the Crown during the court process.

A [media relations protocol](#) covering this area has been created in association with the CPS, with the aim of ensuring greater openness in the reporting of criminal proceedings. It governs media access to materials relied on by the prosecution in criminal proceedings. It sets out what material should normally be released and what may be released following consideration by the CPS in consultation with the police and all relevant parties.

Where documents have been placed before a judge and referred to in the course of proceedings, the media should in principle have access to the documents, but it is up to the court to decide whether to grant this.

#### **4.9 Information at the end of criminal proceedings**

Where appropriate and where there is a legitimate policing purpose, forces can proactively release information about court outcomes as a way of improving public confidence in the criminal justice system.

Specifically in respect of images, the police, as the legal copyright owner, are responsible for releasing an offender's custody photograph. The image may be released upon a guilty verdict unless there is a court order or legitimate policing purpose preventing their

identification. Images may be released as soon as possible after the verdict to allow the media to publish them contemporaneously, i.e., in their next available edition or broadcast. The image can be released again upon sentence if necessary.

#### **4.10 Deaths**

Details of non-suspicious sudden deaths should only be proactively issued if there is an operational policing reason to do so. Information that a body has been found can be confirmed following an enquiry from the media, but nothing should be released that could identify the deceased. In the first instance, police should state that they are investigating the circumstances surrounding the death, or refer to the death as unexplained, until it has been established that it is either suspicious or non-suspicious, at which point this update can be provided.

Once identity has been established and next of kin informed, the identities of the deceased can be released, unless there is a policing purpose for not doing so.

In the event of an inquest, it is part of the role of a coroner to identify the deceased. It is good practice for police to talk through communications issues with the local coroner to reach common agreement about handling information on identity in order to facilitate the early release of information in situations where formal identification has taken place and the family have been informed. Where possible, this should allow for an open approach to releasing information, while respecting the coroner's primacy.

Inquests are always the domain of the coroner who is responsible for all communications relating to its proceedings.

#### **4.11 Images/footage**

There is a heavy media demand for images and footage. Images and footage can be released where there is a policing purpose for doing so.

#### **CCTV**

Images or footage can be issued to support a witness or information appeal about a crime. Their release must be approved by the SIO or officer in command.

#### **Body-worn video footage**

Body-worn video (BWV) footage is covered by existing protocols on releasing footage. It may be released to the prosecution during a trial, as instructed by the judge, or for another genuine policing purpose such as an appeal.

The police may wish to release BWV images to the media for a number of reasons, including tracing wanted suspects, locating people who have escaped or absconded from custody and post-conviction demands for information. The images could relate to a heroic act where the person saved is happy to be identified, or could serve an educational purpose.

The release of BWV images to the media must always be proportionate, necessary and for a legitimate purpose. Forces must make each decision on a case-by-case basis and should carry out early consultation with criminal justice partners, where appropriate.

Where images are shared with the media to identify any person shown in the images, forces must take care to obscure other persons shown in the recording whose identity is not sought.

All decisions to release images and the reasons for doing so should be recorded, along with any risk assessment. Records relating to the release of images as part of an investigation may be subject to disclosure under the Criminal Procedure and Investigations Act 1996.

#### **Image of wanted person**

A photograph of a wanted person can be released to help apprehend that person when it is considered necessary and proportionate to the needs of the investigation. This must be approved by an SIO or officer in command. Once the person is apprehended, the CCD should be made aware so they can remove the photograph from the force's website as soon as possible and inform the media.

### **Image of missing person**

A recent image should be obtained from family or other personal connections to the missing person. Where a missing person has previously been in custody, their custody photograph should only be used as a last resort and where the risk of harm to the individual is judged to outweigh the risk of using the image.

### **Tribute image**

The family of a deceased person can be asked to provide a photograph to the CCD for release. Images, such as those taken from a social networking site, should not be used without first verifying that they are of the deceased person.

When images are released to the media, they should be accompanied by a caveat that provides information on copyright and conditions of use. Forces are encouraged to have a system in place to ensure that they review the publication of images on force websites and social media. Adequate safeguards should be in place to ensure the safe transmission of images and footage to avoid data breaches.

## **MPS Supplementary guidance to Section 4.11:**

### **Releasing custody images post-conviction**

The default position for the MPS is to release images of defendants who have been convicted of criminal offences either on request or for a policing purpose, unless there is an exceptional reason not to do so.

In most cases the authority of a senior officer is no longer required (See Appendix A) however, each case must still be considered on a case-by-case basis.

Images relating to investigations by Specialist Operations or involving sexual offences, child sexual abuse or professional standards, do require authority and specific risk assessment from a senior officer.

The DMC will release custody images on the day a person has been convicted.

If it is not possible to release the image on conviction, it will be released on sentence. As a general rule, material and images will not be released if the story is no longer contemporaneous. We generally consider the limit for such reporting to be within three months of the conclusion of a case.

Where a delay to the release of an image of a convicted defendant of more than three months has been necessary due to reporting restrictions on another related case, DMC should consult with a Superintendent or above before release and record any rationale for or against release.

The investigating officer will be expected to provide the image. Where the officer does not have access to the image the DMC will obtain it from the Custody Imaging System and ask the officer to confirm it is the correct person.

The DMC will inform the investigating officer when the custody image will be released and give the officer the opportunity to object due to exceptional circumstances.



If there are exceptional reasons and the image is not released, the officer will be expected to provide these to the press officer who will log this.

The following is a list of exceptional reasons, it is not exhaustive:

- A risk assessment has been completed and has identified that releasing the image will put the person, or his/her family and friends at risk of harm.
- Reporting restrictions are in place which prevents the media from reporting the person's identity.
- Releasing the image could interfere with other ongoing proceedings, because identity is an issue.
- The individual is a juvenile and reporting restrictions have not been lifted.
- The individual is a vulnerable adult due to mental health issues.

The following does not generally amount to an exceptional reason, not exhaustive:

- The individual was on bail during his/her trial and was photographed entering/exiting court.
- Releasing the image could breach the person's human rights. If release is legitimate, necessary, and proportionate, it is not likely to breach HRA.
- The person has been convicted of a domestic homicide/incident.
- The victim, defendant or a family member does not want the image to be released.
- A custodial sentence is not expected/received. If convicted of a minor offence, the release could still be proportionate if, for example, it is committed against a vulnerable victim or there is national interest.
- The individual has/will be sentenced to a hospital order under the Mental Health Act (MHA). In most cases where a hospital order is given an image will not be released, however this is not definitive. If in any doubt seek legal advice.

### **CCTV and BWV footage (Not during trial)**

Releasing footage is an operational decision for the Senior Investigating Officer (SIO) who should record their decision in their decision log.

Footage must be appropriately edited to contain only the portion that has been approved and should be pixelated before it is provided to the DMC.

Anyone other than the suspect/defendant must be pixelated to protect their identity. If a victim of crime features in the footage then they should be advised accordingly.

The DMC can arrange for material to be pixelated but the resultant footage must be viewed and approved by the SIO (or an officer to which the task has been delegated) before it is issued to the media.

In the exceptional circumstances where the MPS cannot pixelate the footage, the DMC press officer may select a media organisation which is willing to do the pixelation on a pooled basis and agree that police retain final approval for the release of the pixelated material.

The media organisation should be given one copy of the selected material. Once pixelated it should be viewed by the press officer and the SIO (or an officer to which the task has been delegated) for approval prior to publication.

The original un-pixelated disc must be returned to the SIO, or if shared electronically deleted by the media, and a copy of the pixelated footage should be kept with DMC and may be

provided to other media. Written confirmation that the un-pixelated footage has been deleted must be obtained from the media organisation.

The DMC press officer will be responsible for monitoring the broadcast to ensure that what is shown has been correctly pixelated. If it hasn't been, the Head of Media should be notified and the media organisation contacted and advised to rectify it.

## **Appeals**

Releasing images and/footage as part of an appeal is an operational decision for the SIO and endorsement by an officer of the appropriate rank - see Appendix A.

The footage must be pixelated as outlined above. When the suspect is arrested and charged, the officer must inform the press office which must then advise the media of this fact and request that they stop using the image.

Where press officers have offered the name of a suspect wanted for interview and he or she is subsequently arrested, they should inform the media of the arrest and name the suspect as the person arrested. This applies whether the arrest is in Britain or abroad, where the suspect may be subject to extradition proceedings.

Images and appeals should also be removed from MPS digital platforms and channels.

Appeals may also be required post-charge if it is deemed operationally necessary by the SIO, who must consult with the Crown Prosecution Service (CPS) before approaching the press office where this may impact on active proceedings.

Careful consideration should be given, when issuing appeals involving the images of large numbers of people, to ensure that the release does not unnecessarily associate any group (with protected characteristics) with criminality. Where this is a possibility, it should be carefully balanced against the operational need - ensuring that doing so is proportionate, legitimate, accountable and necessary (PLAN).

## **Documentaries**

There will be occasions when the MPS will agree to provide custody images to a documentary maker some time after sentencing. This will usually be if the documentary has been approved by the DMC and the MPS is actively participating i.e., officers are being interviewed. The DMC must consult with the SIO who will need to agree that the image(s) are suitable for release.

Similarly, the MPS own the copyright to custody images and if needed can prevent their use without our permission. The Intellectual Property Unit can provide further advice with regards to copyright issues.

The press officer dealing should record the decision making process in respect of all documentary requests.

## **Footage filmed by the media on police operations**

There is a presumption that all uniformed officers and staff operating in public spaces are identifiable and may be filmed by the media other than in exceptional circumstances.

The press officer should agree with the SIO or Gold for the operation, whether officers and staff can be filmed and where, and if some officers or staff should not be identified - this is

usually because officers have confirmed posting to a covert role in the future which would be jeopardised by being identifiable as a police officer. Officers and staff may have other reasons which should be considered prior to filming.

The agreement with the media should be reflected in a decision log and on the press log.

Before the operation begins and any filming takes place the press officer should make journalists aware of the specific officers or staff that must not be filmed or photographed and also if they may not be filmed at all, or only filmed without their faces being visible, or have their faces pixelated after filming.

NOTE: MPS officers and staff should not sign media release forms without consultation with DMC. Permission to do so by DMC will only be given where this has been agreed in a contract with documentary makers and the MPS.

### **Release of photographic material after charging**

Once a person has been charged material that is to be used as evidence should not be released as this could be prejudicial.

Photographs of a murder victim that have previously been issued may be re-issued to the media, on request, after a charge has been put.

### **Photographs of missing people and victims**

The MPS often issues photos of missing people and deceased victims of crime to assist inquiries. Their next-of-kin or legal guardians may request that the images are not released but the SIO/OIC can decide that there is operational justification to override their wishes if he/she deems it necessary to assist the investigation.

Where missing people are wards of court, legal advice from DLS must be sought before identifying them or issuing appeals/images.

See section 7 for more guidance on circulating appeals for missing people.

<b>Appendix A - Authority Levels for the</b>	<b>Release of Photographs and Other Images.</b>
Criminal Behaviour Order - Post conviction	Default position is to release. As CBO's are post-conviction the same considerations should be applied as for publicity/images related to the conviction.
Homicide - Convicted defendants	Default position is to release, unless exceptional reason not to.
Borough, convicted defendants	Default position is to release, unless exceptional reason not to.
Child Sexual Exploitation, convicted defendants.	Chief Supt, may be delegated to Superintendent
DPS, convicted defendants.	OCU Commander
Counter Terrorism Command convicted defendants.	Commander

<b>Appendix A - Authority Levels for the</b>	<b>Release of Photographs and Other Images.</b>
SO, all other departments	Commander
Flying Squad, convicted defendants	Default position is to release, unless exceptional reason not to.
Economic & Specialist Crime	Superintendent
Non-MPS images of a convicted defendant	Providing the images were used in court, they can be authorised as above.
Domestic abductions - victim and suspect	B/OCU Commander.
Victims	SIO or DCI if SIO is below this rank (in consultation with victims or their families where appropriate).
E-fit / photo fit / artist's impression	SIO or DCI if SIO is below this rank
Escaped convicted prisoner - juvenile or adult	SIO to consult with B/OCU Commander to authorise.
Escaped remand prisoner - juvenile or adult	SIO to consult with CPS.
Wanted person not known (including those who may be juveniles)	SIO or DCI if SIO is below this rank.
Wanted person named	Superintendent or above. Juvenile suspects – Commander. Consideration should be given to consulting the CPS.
Wanted registered sex offender	Commander and consult Operation Jigsaw
Police custody video or audio of interview with defendant (post-conviction)	SIO if it was used in open court, or Commander if it wasn't.
Unknown witnesses	SIO or Superintendent or above if SIO below this rank, to authorise.
Police images pre-charging / pre-court case (e.g. material from taking media on raids to demonstrate police action). Media should agree to pixelate suspect images where proceedings are active (i.e. post arrest).	SIO, or Gold for the operation.
Body Worn Video	B/OCU Commander or SIO, in liaison with DMC
Knife Crime Prevention Orders	B/OCU Commander or above and only where applied on adults by an adult court and not subject to reporting restrictions and where publicity is proportionate and necessary.  NB: KCPO proceedings in the Youth Court are subject to automatic reporting

<b>Appendix A - Authority Levels for the</b>	<b>Release of Photographs and Other Images.</b>
	restrictions by virtue of section 49 of the Children and Young Persons Act 1933.

#### **4.12 Registered sex offenders in the community**

Disclosure of information to the media or public about the personal details or whereabouts of any sex offender subject to an order or monitoring under Part 2 of the Sexual Offences Act 2003 should not be made unless there is an operational reason to do so. A decision should be made only with the authorisation of the relevant multi-agency public protection panel.

If a decision is made to identify a convicted offender in the community, the CCD should be informed so they can advise on potential publicity and, where appropriate, assist in reaching local protocol agreements with the media. As with developing critical incidents, a media strategy should be agreed at senior operational level.

If the name of or information about a sex offender is put to the CCD by the media when there has been no decision to identify the person, communications officers should neither confirm nor deny their accuracy. They should, however, inform operational commanders to enable them to make the appropriate assessment. All decisions must be recorded. Forces are advised to agree procedures with local editors for handling media enquiries about individual sex offenders and to ensure they are reviewed and updated periodically.

### **5. Police under investigation**

#### **5.1 Publicising internal investigations and misconduct matters**

Police misconduct hearings are now heard in public and police communications should reflect such openness. It is important for public confidence in policing that the police service is open and transparent about actions and decisions relating to allegations of wrongdoing by its officers and staff, consistent with the Code of Ethics.

The police response to allegations of misconduct or crimes by officers and the related employment status of police officers are a matter of considerable and legitimate public interest. Media lines should be proactively released if officers are charged in relation to off-duty activities that involve serious criminality (e.g., sexual offences, serious assaults, fraud or corruption) or matters that could seriously damage public confidence in the police service or call its integrity into question.

The misconduct and discipline system for police staff is conducted separately from that for officers and is not subject to the same statutory regulation. Wherever possible, however, the media lines should reflect the same approach as outlined for officers.

Potentially high-profile internal investigation or misconduct cases should be brought to the attention of the CCD at the earliest opportunity. This enables a media statement to be drafted in consultation with the investigating officer.

No information should be disclosed that could prejudice the outcome of any proceedings nor should any comment be made on an individual's innocence or guilt before the appropriate body has made its decision. If needed, the force CCD can provide the individual with advice and support on how to deal with intrusive media attention as a result of publicity surrounding a case.

More detailed guidance on what information can be released to the media regarding police investigations and misconduct matters can be found in the dedicated section on police under investigation.

**Supplementary MPS guidance to Section 5.1:** It is important for public confidence in policing that the MPS is open and accountable about wrongdoing by officers and staff and has a clear and consistent approach in communicating information about professional standards issues.

Potentially high profile internal investigation or discipline cases should be brought to the attention of the DMC at the earliest opportunity. A media statement in consultation with the SIO from DPS can then be drafted. The individual under investigation or facing discipline will be provided with a copy of the media statement by DPS in as timely a fashion as possible and told when it is likely to be released to the media.

No information should be disclosed that could prejudice the outcome of any proceedings or comment made on an individual's guilt or innocence before the appropriate body has made its decision. If needed, advice and support on how to deal with intrusive media attention as a result of publicity surrounding a case may be provided to the individual under investigation by a press officer at the discretion of the DMC's Head of Media. Similar advice and support may be sought from staff support associations or unions.

A DMC/DPS Media Guidance document has been compiled which gives detailed guidance on what information should be released to the media regarding DPS investigations, public complaints and how discipline matters are handled.

## **5.2 Incidents investigated by the Independent Office for Police Conduct (IOPC)**

### **Further information**

APP guidance on media releases for incidents where death and/or serious injury has resulted from armed police deployment

The police service and the IOPC have shared responsibility for communications in IOPC independent and managed investigations. A protocol between the IOPC and the NPCC sets out the respective roles and responsibilities of the IOPC and police forces in dealing with the media in the context of such investigations. It also includes guidance on communications issues, such as the naming of police officers and publication of reports.

## **6. Freedom of information**

### **6.1 Media requests under the Freedom of Information Act 2000**

The Freedom of Information Act 2000 provides a general right of access to all types of recorded information held by public authorities including the police service (subject to conditions and exemptions). Every request for information should be assessed on its own specific facts. If a member of the media requests information not on the force website but which is readily available, it should be routinely provided by the CCD. In cases where it would require a disproportionate amount of time to secure the information, or if it is unclear that it should be released, the media representative may be referred to the force's freedom of information team. Each force should have its own publication scheme which will be useful for the media.

Additional MPS Guidance to College of Policing Media Relations APP

## **7. Circulating a missing person in the media**

Unless there is a significant operational reason, in the first instance all missing person appeal must be publicised locally, and in any other relevant local areas, via local Twitter



account(s). Any initial tweet may generate contact from local media; queries should be dealt with by local officers.

If, after a period of time, a high-risk person remains missing and the officer in charge believes that wider media circulation, in addition to the local appeals already published, could assist, DMC should be consulted.

See section 4.11 for authority level guidance on circulating images of missing people.

## **8. Whistleblowing to the media**

The MPS has robust reporting procedures in place to expose wrongdoing. The Whistleblowing and Wrongdoing policy provides comprehensive advice about the numerous ways wrongdoing can be reported including through the 'The Right Line' confidential telephone helpline and 'The Right Line online' confidential intranet link as well as through a number of easily accessible internal and third-party organisations.

The MPS is responsible for a vast amount of confidential information and data and we have a legal and moral duty to protect it. In the case of personal or sensitive personal data, the requirements of the Data Protection Act 2018 (DPA) must be followed - see further Data Protection Act 2018 (DPA) – Compliance Policy and Guidance.

A justification sometimes cited for the leaking of confidential information to journalists is that police officers or staff are whistleblowing about wrongdoing in the organisation and it is therefore in the public interest. Whilst there may be genuine instances of this, it is important that the leaking of information for different motives - such as a personal grievance or for financial gain - is not misrepresented as whistleblowing.

The Government's Guide to Whistleblowing is published on the internet which makes it clear that if an employee can't tell their employer about the wrongdoing they suspect, they should contact a 'prescribed person or body'. A worker can only tell the prescribed person or body if they think their employer:

- will cover it up
- would treat them unfairly if they complained
- has not sorted it out and they have already told them

The prescribed bodies for police in London are the Independent Office of Police Conduct (IOPC) and the Criminal Cases Review Commission (CCRC).

The advice given here will be considered by the Directorate of Professional Standards when assessing potential misconduct relating to allegations of improper disclosure of information.

## **9. Employment tribunals brought against the MPS**

High profile employment tribunals (ETs) should be brought to the attention of the DMC at the earliest opportunity.

Although it is unusual for the MPS to comment on ETs until they have been heard, other than to set out the nature of the claim, and whether the MPS is defending it, circumstances sometimes arise where the person bringing the ET publicly criticises the MPS, then the service may need to respond to this criticism. In doing so it must be mindful not to disclose any information that could prejudice the outcome of any proceedings. Any statements should be prepared in consultation with the MPS Senior Client and DLS. Public comment on cases must only be made through the DMC.

In such cases the individual bringing the action will be provided with a copy of the MPS's statement released via their line manager and/or the MPS Employment Tribunal Unit.

If required, advice and support on how to deal with intrusive media attention as a result of publicity surrounding a case may be provided to the individual by a press officer at the discretion of the DMC Head of Media. Similar advice and support may be sought from staff support associations or unions.

## **10. Personal media engagement**

Officers and staff may engage with the media about activities outside their work for the MPS such as charitable or other voluntary work, registered business interests or where they are involved in public civil legal proceedings involving the MPS such as Civil Actions or Employment Tribunals, but must obtain prior permission from their line management.

Line managers must consult with DMC and DPS where any personal media engagements are likely to be high-profile, controversial, prolonged, involve financial reward, require extended absence from work or raise questions as to the propriety of police officers or staff involved.

Careful consideration should be given to the extent of any permission if given. For example, it could be time-limited or limited to a particular interview/appearance. It should not normally be open-ended except where an officer or member of staff is nominated to act as a regular spokesperson for a recognised Staff Support Association, Union or the Police Federation or Superintendents' Association.

Where an officer or staff member requests permission as a nominated spokesperson for a staff support association the line manager should consult with the Crime Prevention, Inclusion and Engagement command which oversees SSA's to ensure they understand the role the officer/staff member is performing on behalf of the association.

Line managers should not arbitrarily withhold permission and where they do refuse permission should provide reasons for doing so.

We do advise officers to consult their legal representatives, or Police Federation / union representatives, before deciding whether to speak to journalists when they are involved in legal proceedings or subject to an investigation.

Officers and staff are also reminded that they must continue to follow the expected standards of professional behaviour whether speaking as a police officer or as a private individual.

If you are in doubt about whether or not it is appropriate for you to engage with the media, seek advice from the DMC.

You are not allowed to appear in the media in uniform unless agreed beforehand by an officer of Commander rank or above, nor can you allow or arrange filming in your workplace.

We also advise caution before revealing your policing role to media whilst undertaking media activity in a personal capacity and if you do reveal this then you should keep details of your role to a minimum.

If you and/or colleagues want to take part as an MPS team in any media activity you must obtain the prior permission of your OCU commander (or Head of Branch) who must consult with the DMC, before giving permission.

NB: Officers and staff who are approached to talk to the media whilst attending a public event in a private capacity as a participant or spectator do not require prior permission but

should remember that they are still expected to follow the Met's standards of professional behaviour.

## 11. Social media

Official MPS social media accounts have been set up to achieve a tactical or operational objective, change or influence behaviour for the better and build capacity and trust with the public. Our content will assist in the prevention and detection of crime, as well as inform the public of Metropolitan Police related news, events, online facilities and major incidents across the Capital.

This includes:

- Operational updates about the policing of events
- News and imagery highlighting how the MPS is policing boroughs, wards, major criminal investigations and prosecutions
- Appeals for information and assistance from the public
- Crime prevention advice or local community information.
- Advice about protecting yourself from crime
- Information from emergency services partners relevant to the safety and wellbeing of Londoners and visitors to the capital

All authorised social media users must ensure that the information they are posting is accurate, up to date and relevant, with a regular flow of new content to maintain user interest. Anything that has the potential to be of interest wider than the local media should be brought to the attention of DMC. Content must be removed immediately it becomes out of date to ensure compliance with relevant legislation, including the removal of missing people appeals

Only social media accounts created by the MPS Directorate of Media & Communication are defined official MPS accounts - there are no exceptions.

Official accounts belong to the organisation and not the individual.

Anyone nominated to use an official account will only be authorised to do so after receiving the relevant training.

The DMC Social Media Desk and local social media SPOCs will monitor and support social media accounts to check usage and content, as well as any inappropriate posts. If it is deemed that a post is inappropriate then the post may be removed and the individual contacted and offered guidance.

You are reminded in particular that the sections of this policy covering what information can be released regarding identities of suspects or victims must be observed at all times. You should also play close attention to what may inadvertently be revealed, for example in the background, by any images posted from police premises or an operational situation.

Content and images posted on the MPS social media accounts may be re-used provided that it is for a non-commercial use and any reproduction is attributed to the relevant MPS account.

The Met Information Code of Conduct and the Use of Met Computer Systems Policy are also relevant in respect of using social media applications on MPS **systems and devices**.

All users are expected to conduct themselves professionally at all times, whether on or off duty, in person or using social media. You should remember that the Code of Ethics applies whether on or off duty and familiarise yourself with the MPS Ethical Social Media and Online

Communication Principles – this applies to official MPS accounts and personal use of social media.

In accordance with Police Regulations and the Code of Ethics, officers are required to act upon complaints made and act upon and/or report instances of suspected criminality they may encounter on or off duty – this obligation extends to the personal use of social media and messaging applications.

Personal accounts are not permitted to use MPS branding, logos or use similar 'usernames' to the official MPS channels.

Personal accounts are not permitted to publish any form of operational information or policing activity: including images, audio or video. Disciplinary action may be taken for inappropriate disclosures of operational information. Stating 'views are my own' does not absolve you of your professional responsibilities towards your employer.

Recognised staff support associations, Unions or Federation are entitled to create and run their own social media channels. These channels are distinct from MPS official accounts and do not receive formal instruction or guidance from DMC. Officers and staff nominated to use social media on behalf of a recognised staff support association, Union or Federation are still bound by the MPS Ethical Social Media and Online Communication Principles and guidance referred to elsewhere in this policy.

**Making best use of social media** - Further practical guidance is available on the DMC's Using Social Media intranet page.

## **12. Filming in the street or other public places**

The MPS Film Unit facilitates TV and Film productions in London.

This includes arranging for film companies to safely use the roads and river or airspace and film with imitation firearms in public areas.

If you are approached by a production company wishing to arrange filming you should direct them to the MPS Film Unit.

Please note that any road closures or filming licences must be arranged by the production company with the relevant local authority or TfL.

## **13. Technical advice to film-makers**

TV, films, books and other media production with a police element have a need for appropriate and up-to-date information of various practices and procedures. The Intellectual property team can arrange technical interviews with experienced officers and members of staff to assist productions in many different areas of policing.

Any such requests must be routed via the IP Team. The MPS charges for this service. Any officer or staff member approached for assistance should not provide it unless arrange via the IP Team.

The IP Team should not arrange any access without consultation with DMC.

## **14. MPS contractors and the media**

The MPS works with many contractors some of whom may want to use their relationship with us for promotional purposes. It is important that officers and staff working with

contractors do not agree to any publicity about the product or service without first consulting the [MPS Endorsement Policy](#)

## **15. MPS publicity materials**

DMC is the guardian of the MPS corporate brand identity and promotes our policing priorities through a series of orchestrated advertising and publicity campaigns. DMC works with contracted advertising, media planning and market research agencies to produce publicity campaigns.

[The Hub is an online portal](#) that provides officers and staff with the tools and resources they need to communicate with the public as quickly, effectively and professionally as possible, while minimising the time and money it takes to create their own material. The Hub contains details of how to order existing publicity material, the use of the MPS logo, useful documents, templates and guidance to assist you.

We should all use existing publicity material wherever possible. However, if you have a budget available and have been asked to create new material or place an advert, the DMC can advise you on how to use their contracted agencies, including a number of design and print suppliers.

## **16. Media engagement and politics**

Crime and policing are an important part of the political agenda so special care needs to be taken that the impartiality of the MPS is not called into question, particularly in the run up to elections.

During elections (i.e. General, Mayoral, London Assembly and London Borough Councils) the MPS issues specific protocols to assist staff in providing information to candidates, managing requests for facilities and guidance on media management.

[The External Relations Team](#) own and publish the MPS guidance on pre-election protocols.

Should you have any concerns or questions regarding political engagement during election or at any other time please contact Strategy and Governance's External Relations Team.

**Version 2.6 - 27<sup>th</sup> April 2021**