
Notices 6/01

Wednesday 7 February 2001

Operational

2 Taking the media on police operations

Following the implementation of the European Convention on Human Rights (ECHR), changes have been made to the guidelines for taking the media on police operations and filming with the Metropolitan Police Service.

Administration



**METROPOLITAN
POLICE**

2 Taking the media on police operations*(Directorate of Public Affairs)*

Taking the media on police operations gives the public a good insight into policing and how the Metropolitan Police Service (MPS) is detecting and preventing crime and disorder in London. The new media policy (*see* Special Notice 19/00 of 22 September 2000) encourages officers to consider the media when planning police operations.

Following the implementation of the European Convention on Human Rights (ECHR), changes have been made to the guidelines for taking the media on police operations and filming with the MPS.

Whilst there is merit for considering a media presence, officers need to be aware of an individual's human rights when considering allowing the media to accompany them.

The ultimate decision for taking the media on police operations will rest with the operational command unit commander, in consultation with the Directorate of Public Affairs (DPA). Officers must consider and clearly record the reasons why it was felt to be beneficial for allowing the media to accompany police, before any operation takes place.

Taking the media on police operations should be considered where it would:

- be of significant public interest;
- help to prevent disorder or crime (for example, by acting as a deterrent to criminals or that informing the public of police action could lead to greater public confidence and co-operation); and
- improve the media/public understanding of police practices and procedures.

The media *must* not be taken on any operations involving juveniles.

Officers should consider whether there is likely to come a time when a media presence could:

- interfere with an individual's right for their private and family life, their home and correspondence; or
- interfere with an individual's right to a fair trial.

(Both rights are protected by the ECHR.)

The officer-in-charge of the operation is responsible for ensuring that the media are not permitted to act in a way which breaches the rights of an individual contained in the ECHR.

Where the media are invited to attend police operations, their involvement must be strictly controlled, with appropriate support from a DPA representative. The officer-in-charge will have a duty to ensure that there is no:

- unjustifiable distress or harassment to those being investigated;
- prejudice to the innocent;
- distress to members of the public; and
- interference with the right of an individual to a fair trial.

You should also:

- consider and record why the attendance of the media was felt justified;
- allow the media to attend relevant briefings to give them a good understanding of the event;
- expect those attending to sign and abide by the conditions of the relevant MPS Indemnity Agreement (*see* Annex A) and Notes to Media Representatives (*see* Annex B);
- remind the media that under the ECHR they must not broadcast or publish any material, photographs or film that would interfere with an individual's right to a fair trial;
- remind the media, under the ECHR that:

Taking the media on police operations – *continued*

- the broadcasting or publishing of any material, photographs or film of an individual, their family and private life, their home or correspondence could interfere with a person's right to privacy;
 - entering private property without permission could interfere with a person's right to privacy;
 - taking film or photographs on private property without permission could interfere with a person's right to privacy;
- disclose to the Crown Prosecution Service (CPS) that there was a media presence during the operation; and
- remind the media that any material, photographs or film that they produce as a result of the operation may be required by the CPS as evidence.

Enquiries about this Notice should be made to Chris Webb, Deputy Director, DPA on extn 62675.

Write the item number and date of this Notice against Special Notice 19/00 of 22 September 2000.

Taking the media on police operations – *continued*

Annex A

Metropolitan Police Service
Media Indemnity Agreement

Agreement between the Commissioner of the Police of the Metropolis ('The Commissioner') and the Director of Resources for the Metropolitan Police District ('The Director of Resources') of the first part and the undersigned of the second part.

In consideration of my use of the Metropolitan Police premises, vehicles, river craft, helicopters or other property ('Metropolitan Police property') and/or in consideration of my being allowed to accompany Metropolitan Police officers or civil staff on operational and/or non-operational duties on/between (date(s))

I
duty authorised to sign for and on behalf of

.....
hereby agree as follows:

1. To indemnify the Commissioner and/or Director of Resources and/or their constables, officers, servants and/or agents against any expense, liability, loss, claim, proceedings, damages or costs arising from my said use of Metropolitan Police property, save that I shall not be responsible for any expenses, losses, claims, proceedings, damages or costs attributed to events outside my control and not caused by my negligent acts or omission or the negligent acts or omissions of my staff.
2. To compensate the Director of Resources in respect of any loss of and/or damage to Metropolitan Police property caused or occasioned by my wrongful or negligent act or omission.
3. To indemnify the Commissioner and/or the Director of Resources and/or their constables, officers, servants and/or agents against any expense, liability, loss, claim, proceedings, damages or costs arising by statute (particularly the European Convention on Human Rights), common law and/or tort in relation to a third party whether caused or occasioned by my wrongful or negligent act or omission or caused or connected directly or indirectly with the entry of my media representative at:

(1) On

(2) On

(3) On

upon premises known as and situated at

(1) On

(2) On

(3) On

whereat it shall, for the avoidance of doubt, be my sole responsibility to obtain the consent of the occupier before entry of myself, photographer or film crew upon said premises.

Continued Over

Taking the media on police operations – continued

Annex A – continued

- 4. That I shall not, whether by myself, my servants, agents or any of the media representatives ask any Police Constable or other member of police staff to obtain on my behalf the consent referred to in paragraph 3 herein nor shall I, whether by myself, my servants, agents or any of the media representative/s ask any Police Constable or other member of police staff for any variation to this Indemnity Agreement unless the same be in writing and signed by the parties to this Indemnity Agreement.

Signed Date.....20

Name:

Position:

Organisation:

Contact Telephone Number:

Taking the media on police operations - continued

Annex B

Metropolitan Police Service
Note to Media representative/s

1. You are reminded that under the European Convention on Human Rights:
 - (a) that entering private property without permission could interfere with a person's rights;
 - (b) that taking film or photographs on private property without permission could interfere with a person's rights;
 - (c) that the broadcasting or publishing of any material, photographs or film of an individual, their family and private life, their home or correspondence could interfere with a person's rights;
2. You are reminded that under the European Convention on Human Rights no material, photographs or film must be published or broadcast that would interfere with an individual's rights, particularly the right to a fair trial.
3. Lawful entry on to private premises by media representative/s cannot be authorised by the Metropolitan Police Service.
4. Entry on to private premises is a matter between media representative/s and the adult householder, owner or lawful keyholder and not the Metropolitan Police Service. Police will not seek permission on behalf of the media.
5. If police visit private property whilst media representative/s are with them it is the responsibility of the media representative/s to seek permission from the owner to enter the property before doing so. If permission is not obtained for any reason or is refused by the owner then the media representative/s must not enter. Consent should be in a form which is capable of proof, i.e. in writing, filmed or taped verbal comment.
6. Media representative/s should be mindful of the law of trespass. If they are asked by the adult householder, owner or lawful keyholder to leave private premises, they must do so immediately.
7. The Metropolitan Police Service reserves the right to request a media representative/s to leave premises; for example, where preservation of a scene of crime is necessary, or where Metropolitan Police officers believe consent to enter was not obtained or consent has been withdrawn, or for any other reason at the discretion of the senior officer present.
8. The Metropolitan Police Service cannot confer the rights to media representative/s to film, record or interview scenes or individuals. Consent to do so must be obtained from the occupier or the individual involved, in addition to consent to enter.
9. Media representative/s are reminded that any material created or obtained by them, including their written notes, photographs, sound, film or other recordings may become subject to the laws relating to disclosure. Newsgatherers/production teams need to be aware of these laws; for example, the possibility of an application under Schedule 1 to the Police and Criminal Evidence Act 1984 for a judge's order that material be disclosed to police.

I acknowledge that I have received and read a copy of the MPS 'Notes to Media Representatives' and agree to act in accordance with its contents.

Signed Date.....20