



FREEDOM OF INFORMATION REQUEST



Request Number: F-2014-04387

Keyword: Organisational Information/Governance

Subject: Policy Re Video And Audio Recording Of Police In A Public Place

Request and Answer:

Question 1

If a police officer is on duty, must he/she identify themselves upon request and if so, what information must they give?

Answer

This is to inform you that the Police Service of Northern Ireland has now completed its search for the information you requested. The decision has been taken to disclose the located information to you in full.

The Police Service of Northern Ireland now refers to “identification passes” rather than “warrant cards”. There is no specific policy on this subject; however, the PSNI’s Manual of Protective Security contains instructions which refer to identification passes. It states;

Carrying and Production of ID Passes

The identification passes issued to police officers shall be carried at all times when on duty, whether in uniform or plain clothes. The carrying of the identification pass when off duty is at the discretion of an individual officer, particularly from a personal security perspective. The identification pass must be produced to any person who is entitled to see it, ie a member of the service of higher rank, a member of the public who seeks confirmation of the member’s identity, members of the security forces on duty, security staff or when challenged within the police estate. If a member is unable for whatever reason to produce an identification pass, that member must comply with all reasonable requests to verify their identity. When producing the identification pass to members of the public the member should retain possession of the pass, but allow it to be read.

Question 2

Does the PSNI have a policy regarding video and audio recording of Police Officers in a public place?

Answer

The PSNI do not have a policy regarding video and audio recording of Police Officers in a public place. However, I have attached a copy of the guidance which was issued to the Service by ACC Crime Operations on January 21, 2014. The guidance can be found at page 3 below.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk.

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psnj.police.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.

Colleagues

There have been a number of recent instances highlighted in the press where officers have detained photographers and deleted images from their cameras.

I would like to remind officers and staff of the ACPO guidance on this subject:-

- There are no powers prohibiting the taking of photographs, film or digital images in a public place. Therefore members of the public and press should not be prevented from doing so.
- We need to co-operate with the media and amateur photographers. They play a vital role as their images help us identify criminals.
- We must acknowledge that citizen journalism is a feature of modern life and police officers are now photographed and filmed more than ever.
- Unnecessarily restricting photography, whether for the casual tourist or professional is unacceptable and it undermines public confidence in the police service.
- Once an image has been recorded the police have no power to delete it without a court order; this does not however restrict an officer's power to seize items where they believe they contain evidence of criminal activity.

In summary, there is no general power allowing an officer to prevent persons from taking photographs/videos ("recordings") of officers. Officers have no power to require persons to delete recordings. Please remember if an offence is suspected, the recordings may be evidence. There may be scenarios where the specific actions of the person recording images gives rise to a power."

This could include:

- if the person, while engaging in recording officers, is obstructing or impeding an officer in the course of his/her duties. Section 66 of the Police (NI) Act 1998 applies.
- if the person is recording relevant offences being carried out by him or others, the device they are using could constitute evidence and be seized under Article 21(3) of PACE. It is not necessary that the person in possession of the device be a suspect.
- if an officer has reasonable grounds to suspect that the person engaged in recording officers is eliciting or attempting to elicit information about an officer, which is of a kind likely to be useful to a person committing or preparing an act of terrorism, or if the person publishes or communicates any such information. Section 58A of the Terrorism Act 2000 applies. The threshold for this offence is a high one.