

**SI0218**

# Media

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## 1. Introduction

A successful working relationship between the Police Service of Northern Ireland (PSNI) and the media is vital. Working with the media to communicate to the public can help solve crimes, bring offenders to justice and keep people safe. It can also give the public an insight into what the police are doing and why they are doing it. By policing with the community in this way the PSNI can build public confidence and demonstrate respect for the principles of openness, legitimacy and accountability.

The context in which the media and the PSNI 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.

These guidelines clearly define how we as a Police Service interact with and respond to requests from the media. It also makes clear the expectations placed upon every police officer and staff member in terms of how they conduct themselves as ambassadors for the PSNI and should be viewed in conjunction with the [PSNI Code](#)

[of Ethics](#), the Police Staff Handbook and Service Instructions and guidance relating to Off Duty Standards and Gifts and Gratuities (Available on the [Corporate Policy Homepage](#)).

## 2. Key themes

Legitimacy is an essential aspect of our policing model, and is well established 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 the PSNI 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.

The PSNI has a duty to safeguard the confidentiality and integrity of the information it holds. 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.

## Framework for engaging with the media

Responsibility for communicating rests with all those working in policing, irrespective of seniority, and officers and staff at all ranks will be supported to engage with the media to provide factual information supporting a policing purpose. As a simple rule, police officers and staff should ask “Am I the right person responsible for communicating about this issue and is there a policing purpose for doing so?” If the answer to both parts of the question is “yes”, then it is appropriate to communicate with the media.

To ensure transparency and to provide a level of reassurance around media engagement officers and staff up to the rank of Inspector/Staff Officer should notify their line manager of any media bids or interviews given. All officers and staff should inform the Corporate Communications Department (CCD) of any media bids or interviews given and a brief outline of discussion so that a record can be kept to assist in any follow up media enquiries or social media coverage.

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. Policing purposes include:

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

## 3. Police and the Media

### 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 discretion of the media.

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 or incident. This enables the PSNI to have a dialogue with the media about serious or sensitive policing issues without generating publicity about them. Properly used, these 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 communication officer should record the subject or subjects discussed. This 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 specific 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.

### **Corporate Communications Department**

The PSNI Corporate Communications Department (CCD) offers a specialist resource for professional advice and support on communications and media engagement. The CCD is able to offer advice, relevant contextual information and provide briefing notes to assist officers and staff engaging with the media.

In some situations (such as high-profile inquiries or sensitive investigations) there will be a pre-existing media strategy to ensure that media engagement supports the operational approach.

If an issue concerns national policing, the CCD will liaise with the College of Policing press office (on national standards, policy, guidance) or the NPCC (National Police Chief's Council) press office (if an operational issue) to ensure consistency of messaging.

### **Attendance at media interviews**

In most cases a communications officer should be present for a media interview if the subject matter:

- 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; and/or
- Is likely to generate interest from other media.

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

Chief Officers should record all their contact with the media where policing matters are discussed. 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.

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

Inaccurate or misleading media coverage can be extremely damaging to an organisation or an individual. The CCD 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 the PSNI's own social media channels.
- Liaison through a regulatory body such as Ofcom (for broadcast media) or the Independent Press Standards Organisation (IPSO).

### **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 investigation or operations strategy. Media strategies should be agreed at senior operational level and include the appointment of a dedicated PSNI 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 the Press Office in advance of a high-profile or sensitive operation to request confirmation of its

details, Press Officers will not confirm the operation or release details that go beyond an agreed media strategy as this 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 PSNI's discretion and terms of access, including interview opportunities, should be agreed in advance (see [taking the media on police operations](#) section). All officers and staff involved in the investigation must be briefed on the terms and conditions of media access before it is granted.

The media must take all necessary steps to ensure that Police Officers, who do not wish to be identified, are not identified on camera i.e. blur officer faces and blur name badges.



### Media briefings

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 time of an investigation or police operation. Officers and staff must liaise with CCD 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.

The following are examples of issues that may provide grounds for a decision to hold 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? and/or
- Inform potential debate after a trial?

**Pre-trial briefings** – are embargoed briefings given to the media before the start of a trial. Pre-trial briefings are rare and 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 PSNI and the Public Prosecution Service (PPS). Pre-trial briefing information is disclosable to the defence.

**Pre-verdict briefings** - are 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. Where a media organisation requests a pre-recorded interview for use in the event of a guilty verdict, PSNI should first 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.

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

Taking the media on police operations can help them inform the public about police work and demonstrate the PSNI's openness and transparency. It should be done in a fair and equitable manner. It may be appropriate for the PSNI 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 PSNI'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.

An example of some of the points to consider prior to agreeing media access to operations:

- Will it help prevent or detect crime?
- Would it address matters which are in the public interest?
- Could it potentially prejudice a trial?
- Is it likely to inform or reassure the public?
- Could it jeopardise future police operations or reveal covert police tactics?
- Could it expose an individual to a threat to their life or safety, interfere with an individual's right to a fair trial and their right to respect for private and family life? and/or
- 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 issued through CCD.

Reasonable measures should be taken 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 police search that identifies the house number in a street, which could lead to the identity of the suspect becoming known.

An indemnity form should be signed by media.

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 PSNI do not have authority in the matter and it is up to the media to negotiate their own access.

The media must take all necessary steps to ensure that police officers, who do not wish to be identified, are not identified on camera i.e. blur officer faces and blur name badges.

### **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 PSNI personnel. It is for the media to determine

what is published or broadcast, not the police.

Once an image has been recorded the PSNI have no power to seize equipment or confiscate images or footage 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. However, there may be scenarios where the specific actions of the person recording images give 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 is 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; information which could 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.
- Where police have designated a cordoned area under the Terrorism Act 2000, 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. In other cases, media can only be prevented from accessing certain areas if they are obstructing police officers. The best possible vantage point for media should be considered, providing it does not compromise operational needs.

The media must take all necessary steps to ensure that police officers, who do not wish to be identified, are not identified on camera i.e. blur officer faces and blur name badges.

The media should also endeavour to ensure that where vehicles appear in the recorded footage, the vehicle registration numbers are also blurred.

### **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 the PSNI 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 PSNI wishes to reach, or a media organisation's particular interest in a certain issue. Targeting in this way must be justifiable and agreed with the CCD.

### **Documentaries**

Documentaries and other programmes can offer the police significant opportunities to engage the public through the media. Requests should be agreed with the CCD. If agreement to make the documentary or programme is given, the appropriate documentation (including indemnity

agreements and access agreements) 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.

An example of some points to consider when taking a documentary request:

- Would the filming/recording fit a policing purpose, such as to detect or deter crime, 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?
- Is there a risk or threat to officers/ police employees? Those taking part in the documentary should be offered appropriate support and advice.
- 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? Is there cost recovery?
- What are the potential copyright issues? Must permission be obtained from third parties to provide any of the material requested? and/or
- Does the documentary address current Service priorities?

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

##### 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.

#### **Naming on arrest**

Police will not name those arrested, or suspected of a crime, unless in exceptional circumstances where there is a legitimate policing purpose to do so. This 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. 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.

The rationale for naming an arrested person before they are charged must be authorised by a chief officer and logged either by them or with the CCD. The authorising officer should ensure the PPS are consulted before any name is released.

The approach recognises that in cases where the PSNI 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.

#### **Responding to inquiries about arrests**

If a name or names are put to the police with a request for confirmation of an arrest the response should be 'to protect the rights of individuals the PSNI will not name

persons who have been arrested". No guidance should be given. The PSNI should not respond by supplying other information that, although not directly naming an arrested person, would nevertheless immediately 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, the PSNI should always be clear that in doing so they are not confirming the identity of the arrested person.

#### **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 or to maintain public confidence in policing activity, or where it is a matter of public

interest. The PSNI will consider the victim's wishes when releasing information relevant to them.

Responses to media inquiries 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 PSNI communications officer, the same principles 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 PSNI has been consulted and has agreed to support the reward.

### **Naming on charge**

Policing in Northern Ireland is delivered in a post conflict society. There have been occasions where individuals have been subjected to intimidation or attack following their arrest by police. As such, in line with the PSNI's commitment to protect life and ensure criminal justice processes can progress without being impeded, those charged with an offence should not be named unless in exceptional circumstances where there is a legitimate policing purpose

to do so. Any decision to name a person upon charge should be authorised by the SIO or officer in command.

In general, there are several automatic reporting restrictions which officers and staff should be aware of. For example:

- Victims of sexual offences are given lifetime anonymity but it 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.
- 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 offender is tried in an adult court, no automatic reporting restrictions apply.

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



**Identifying victims**

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.

**Businesses**

Businesses may be identified as part of police investigations, for example as part of an appeal for witnesses. In some cases operational reasons may prevent businesses being identified, for example where it could impact upon an investigation. Decisions should be taken on a case by case basis.

**Information during criminal proceedings**

The release of evidential material should be agreed by the PPS and can be released by the PSNI 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 PPS whether to release it and who will provide the material as all information is the copyright of the Crown during the court process.

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.

**Information at the end of criminal proceedings**

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

Significantly in respect of images, the PSNI, 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 sentencing if necessary.

In cases where a person pleads guilty, it is possible to release relevant information where the criteria set out in this policy are met, even where that information was not

used in Court. There are a number of issues to be considered in each case, e.g. ensuring that information is only released concerning charges that the person pleaded guilty to. Early engagement with the Corporate Communications Department is necessary, who can consult with Legal Services Branch before coming to a decision on what information is suitable for release.

### **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 in the first instance nothing should be released that could identify the deceased. The PSNI 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.

### **Images/video 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. When any / all images or footage is released to the media, they should be accompanied by a caveat that provides information on copyright and conditions of use.

Further advice and guidance on the release of images can be found in the document - [GUIDANCE ON THE RELEASE OF IMAGES OF SUSPECTS AND DEFENDANTS THROUGH MEDIA AND DIGITAL PLATFORMS](#)

### **Image of a 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.

Authorisation regarding the release of any “wanted” images must follow the same protocols as those set out in relation to the general release of images.

Once the person is apprehended, CCD should be made aware so they can remove the suspect's photograph from PSNI digital platforms as soon as possible and inform the media.

### **Image of missing person**

The PSNI regularly issue images of missing persons who have been categorised as ‘medium’ or ‘high’ risk. 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.

If a missing person appeal is posted on a PSNI social media page the original post, containing their information and photograph,

must be deleted when the missing person is located. Deletion must be recorded on the missing person log and C&C updated accordingly.

An update post must be posted onto the same social media page e.g. ‘Thank you for your help with our missing person appeal. This person (or you can insert name of missing person) has been located.’

### **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.

### **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 (PPANI).

If a decision is made to identify a convicted offender in the community, 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 not provide any guidance in relation to whether the name is correct or incorrect. They should, however, inform operational commanders to enable them to make the appropriate assessment. All decisions must be recorded.

## 5. Police under investigation

### Publicising internal investigations and misconduct matters

It is important for public confidence in policing that the PSNI is open and transparent about actions and decisions relating to allegations of wrongdoing by its officers and staff, consistent with the Code of Ethics.

There is a compelling reason to confirm that an officer has been suspended or arrested in relation to a criminal offence

because it means that the officer no longer holds their normal and extensive legal powers. If an officer is suspended or restricted as a result of a conduct matter we may confirm if we are asked that an officer has been restricted or suspended and the reasons for the suspension including any related criminal matters. We would not normally name the officer but would give rank and District/Team/Department.

The misconduct and discipline system for police staff is conducted separately; however, media lines should reflect the same principles as those outlined for officers.

Potentially high-profile internal investigation or misconduct cases should be brought to the attention of 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.

### Incidents investigated by The Police Ombudsman for Northern Ireland

The Police Ombudsman for Northern Ireland (PONI) provides an independent,

impartial system for the handling of complaints about the conduct of PSNI officers. When a matter is referred to PONI for investigation or where a complaint has been made to the Ombudsman and an investigation instigated, CCD will liaise, where possible, with them regarding any media enquiries with a view to providing a statement or commentary regarding the circumstances surrounding the investigation or complaint. The Ombudsman has the power to publish Public Statements on their investigations, and also frequently issue press releases on completed investigations. PONI liaise with CCD in these cases, and CCD will provide appropriate briefings to relevant Commanders and help prepare a draft response if required.

Every request for information should be assessed on its own specific facts. If a member of the media requests information which is not on the organisation's external website but which is readily available, it should be routinely provided by 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 PSNI freedom of information team.

## **6. Freedom of information**

### **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 PSNI (subject to conditions and exemptions).

## Appendix A National Indemnity – Embargo Agreement Form

### Pre-verdict briefing – media invitation

INSERT NAME OF CASE

Media are invited to an off-camera, on-the-record pre-verdict briefing in relation to INSERT CASE.

The briefing will be led by INSERT NAME OF OFFICER(S) from INSERT COMMAND UNIT OR EQUIVALENT.

The briefing will be held on INSERT DATE, TIME, and VENUE. For a prompt start, media are asked to arrive no later than INSERT TIME.

[OPTIONAL PARAGRAPH] Media to note that the pre-verdict briefing may be rescheduled if the jury has not been sent out by TIME on the day of the pre-verdict briefing.

The purpose of this briefing is to: [EXAMPLE] assist the media in collating information that is necessary for balanced and accurate reporting of the trial of XXXX and XXXX. The contents of this briefing will be kept within the factual boundaries of the investigation and the case for the prosecution.

The contents of the briefing will be under strict embargo until INSERT TIME OR AFTER VERDICT. No information provided at the briefing may be published, broadcast or used in any other way, including online, until the conclusion of all criminal proceedings.

For the avoidance of any doubt, the conclusion of all criminal proceedings means that the jury must have reached a verdict on all counts in relation to INSERT DEFENDANTS OR OTHER QUALIFYING INFORMATION. In the event of a hung jury, proceedings are still active.

[OPTIONAL PARAGRAPH] We will not discuss any details of the investigation that fall outside the evidence in the trial. There will be no discussion concerning the potential verdicts or any aspect of the trial which has not yet taken place at the time of the briefing.

All attendees will be required to sign the attached form.

You will not be allowed into the briefing unless you and your editor have the signed form. Please ensure you bring the signed form with you.

There will be an opportunity to ask questions during the briefing. There will be no interviews and no material will be released.

Those attending are asked to register their attendance by INSERT TIME AND DATE with the corporate communications office on INSERT PHONE NO. or at INSERT EMAIL ADDRESS@FORCE.policia.nz

### Pre-verdict media briefing form to sign

INSERT NAME OF CASE

The purpose of this embargoed briefing is to assist the media in collating information that is necessary for balanced and accurate reporting of the case pertaining to INSERT NAME OF CASE.

The contents of this briefing will be kept within the factual boundaries of the investigation and the case for the prosecution.

You are bound by the Contempt of Court Act 1981 and in order to further protect the legal process, the pre-verdict media agreement you have signed forbids you from passing on or selling to a third party any information or material that may be provided at the pre-verdict briefing until the conclusion of all criminal proceedings in this case.

We would greatly appreciate it if you do not try to press us on matters that we have said we will not discuss.

**Pre-verdict briefing – criminal investigation**

**Acknowledgement and undertaking**

I, INSERT REPORTER NAME, reporter of INSERT MEDIA NAME

and I, INSERT EDITOR NAME, editor of INSERT MEDIA NAME

**Hereby acknowledge and undertake as follows:**

**Definitions**

The 'police' – the INSERT NAME OF FORCE, police service, their officers, employees, servants and agents.

The 'reporter' – a press or broadcast reporter present at the pre-verdict briefing.

The 'pre-verdict briefing' – the conference to be held between the police and reporters.

The 'editor' – the editor of any publication who has access to the information disseminated at the pre-verdict briefing.

The INSERT NAME OF FORCE consider that it is in the public interest to ensure that the reported facts about the investigation are correct, that the general public, therefore, receives accurate information as soon as possible after the conclusion of the trial and that the public interest in this matter is sufficient to rebut the presumption of confidentiality.

The police have, therefore, agreed to hold a pre-verdict briefing where information about the investigation will be conditionally released to certain identified reporters.

In the interests of justice, it is of paramount importance that the information must not be released until the conclusion of all criminal proceedings in the case of INSERT NAME OF CASE.

The reporter and the editor now acknowledge and undertake:

- to retain all information received at the pre-verdict briefing in their absolute possession, to treat it in a strictly confidential manner and not to disclose or allow access to such information to any such third party until the conclusion of all criminal proceedings in this case
- that, until the conclusion of all criminal proceedings in this case, there is an absolute bar on any information being reproduced, published, sold, distributed, transmitted or otherwise transferred or made available either in the UK or outside its jurisdiction either by the reporter or editor themselves or via an employer, agent or third party
- that the police shall not be liable to any person for loss or damage howsoever incurred arising out of the release of or use of the information provided whether in contract, tort or otherwise

**SERVICE INSTRUCTION**

- to indemnify and keep indemnified the police against any and all loss, damage, expense or liability, whether criminal or civil (including legal costs on an indemnity basis) suffered by the police arising out of any breach or alleged breach by the reporter of any of its obligations in relation to the use of the information, and
- to return, within 48 hours, any typescript, photographs or other information which has been provided if requested by the police to do so.

Note: For the avoidance of doubt, the conclusion of all criminal proceedings means that the jury must have reached a verdict on all counts in relation to the defendant(s). In the event of a hung jury, proceedings are still active.

Dated this INSERT DAY day of INSERT MONTH, INSERT YEAR

Signed \_\_\_\_\_ Signed \_\_\_\_\_

Print name \_\_\_\_\_ Print name \_\_\_\_\_

Designation \_\_\_\_\_ Designation \_\_\_\_\_



## Appendix B National Indemnity – Ride Along Agreement Form

### Police service media indemnity agreement

Agreement between the chief constable of INSERT NAME OF FORCE and the director of resources (or appropriate equivalent) of the first part and the undersigned of the second part.

In consideration of my use of police premises, vehicles, rivercraft, helicopters or other police property and/or in consideration of my being allowed to accompany police officers or civil staff on operational and/or non-operational duties on/between (date(s)).

I (INSERT NAME), duly authorised to sign for and on behalf of INSERT COMPANY NAME

hereby agree as follows:

1. To indemnify the chief constable 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 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 police property caused or occasioned by my wrongful or negligent act or omission.
3. To indemnify the chief constable 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 by statute (particularly the European Convention on Human Rights), common law and/or tort in relation to a third party caused or occasioned by my wrongful or negligent act or omission in connection with entry of my media representative at:

NAME OF PLACETOWN on INSERT DATE

NAME OF PLACETOWN on INSERT DATE

upon premises known as and situated at

NAME AND ADDRESS OF PREMISES on INSERT DATE

NAME AND ADDRESS OF PREMISES on INSERT DATE

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

4. That I shall not, nor shall 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, or my servants, agents or any of the media representatives, 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 .....

Name INSERT NAME

Position INSERT POSITION

Organisation INSERT ORGANISATION NAME

Contact telephone number INSERT TELEPHONE NUMBER

**Police service note to media representative(s)**

You are reminded that under European Convention on Human Rights:

- entering private property without permission could interfere with a person's rights
- taking film or photographs on private property without permission could interfere with a person's rights
- 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.

You are reminded that 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.

Identity may be an issue in any future prosecution and media identification could prejudice active proceedings. Media attending operations with the police service must, therefore, not identify any person arrested either by naming them, publishing identifiable images of them or disclosing other information about them from which they could be identified, if such identification would create a substantial risk of serious impediment or prejudice to active proceedings.

Lawful entry to private premises by any media representative(s) cannot be authorised by the police service.

Entry to private premises is a matter between media representative(s) and the adult occupier, owner or lawful keyholder and not the police service. Police will not seek permission on behalf of the media.

If police visit private property while any 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 that is capable of proof, ie, in writing, filmed or taped verbal consent.

Media representative(s) should be mindful of trespass. If they are asked by the adult occupier, owner or lawful keyholder to leave private premises, they should do so immediately.

**SERVICE INSTRUCTION**

The police service reserves the right to request a media representative to leave premises, for example, where preservation of a scene of crime is necessary, or where 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.

The police service cannot confer the rights to media representative(s) to film, record or interview scenes or individuals.

Media representatives 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 'Notes to media representatives'.

Signed \_\_\_\_\_ Date \_\_\_\_\_

## **Appendix C Contact Details**

**Service Instruction Author**

 **Head of Corporate Communications**

**Branch Email**