

## Annex 1.

# The law

- 1) There are, broadly, two types of relevant law - those that allow reporting of courts, with restrictions, and those that protect individual privacy and confidentiality but describe circumstances in which it can be breached.
- 2) The reporting of criminal proceedings is largely influenced by the Contempt of Court Act 1981, the Magistrates Court Act 1980, as amended, and laws covering children and young people, and victims of sexual offences.
- 3) For decisions on releasing images of individuals, laws on privacy and confidentiality are most relevant. The Data Protection Act is important. There are, of course, overlaps. The Human Rights Acts covers the right to privacy *and* the right to a fair trial, as well as freedom of expression and the right to impart information.
- 4) The Data Protection and Human Rights Acts rely on key concepts - including a 'policing purpose' and the 'public interest', and tests of necessity, proportionality and justification - when outlining the grounds on which police can release material on individuals.
- 5) **Accurate record-keeping is vital. This should not mean a major bureaucratic burden. But forces will be able to explain and justify decisions more easily if they have a clear audit trail.**
- 6) The following is a summary of the key law covering the release by police of material to the media.

- **Common Law.**

- 7) Police are used to acting within their powers for a lawful purpose – as required by common law.
- 8) Common law establishes the concept of a 'legitimate expectation' that when police receive information as part of their lawful investigations, they will generally treat it in confidence. Common law, however, provides exemptions which allow a breach of confidence. If police have an obligation under a specific law or statute to release information, that would be an obvious exception to the common law expectation of confidentiality. So, too, would the need to breach confidentiality in the over-riding public interest, such as the prevention and detection of crime.

- **Data Protection Act.**

- 9) Images of and information about, people in the possession of the police are classed as personal data under the Data Protection Act (DPA). The Act must therefore be complied with unless an exemption applies. This may be, for example, where this is necessary for the administration of justice or other grounds under Schedule 3 (See DPA Schedule 3 paragraph 7 and other grounds under the Processing of Sensitive Data Order 2000) or where complying with the Act would prejudice the prevention or detection of crime or the apprehension or prosecution of offenders (DPA Section 29).
- 10) Material about unknown individuals is not considered 'personal data'. Once the identity becomes known, the material is immediately subject to the Act.

- **Policing Purposes.**

- 11) Data obtained and processed under the Data Protection Act must be for a specified and lawful purpose, which is registered by the data controller with the Information Commissioner.
  - 12) In the case of the police this is for a 'policing purpose', which is defined as: 'The prevention and detection of crime, apprehension and prosecution of offenders, protection of life and property, maintenance of law and order, and rendering assistance to the public in accordance with force policies and procedures'. To this should be added 'reducing the unwarranted fear of crime.'
  - 13) Information can also be released and justified under the Act, if release involves a policing purpose. This definition is used throughout these notes for the guidance of forces when determining the balance between protecting a person's right to privacy and acting to achieve a 'policing purpose'.
- **Human Rights Act**
- 14) The Act incorporates the 1950 European Convention on Human Rights into UK domestic law and places considerations of an individual's rights at the heart of law enforcement. The Act also requires that each police officer and member of the civilian support staff as a 'Public Authority' must act in a way which is at all times consistent with the ECHR.
  - 15) The Act directly affects issues surrounding the release of information by police to the media. These include Article 6, which establishes the right to a fair trial; Article 8, which concerns the right to respect for private and family life; and Article 10, concerning the right to the freedom of expression.
  - 16) The principles of proportionality, legality and necessity must all be considered in making decisions where questions of human rights are involved. In practice, the release of information must be for a lawful/legal purpose, it must be necessary to

protect individuals or communities from crime or harm, and it must be proportionate – in other words, the harm used as a justification must be clear.

- **Public Interest**

17) There is no one single definition of the public interest. The codes of practice used by journalists in the newspaper and broadcasting industries offer a range of examples of ways in which the public interest can be defined. The list of definitions is not exhaustive but includes:

- detecting or exposing crime or a serious misdemeanour;
- protecting public health or safety;
- preventing the public from being misled by some statement or action of an individual or organisation;
- disclosing significant incompetence in public office.

In general, an infringement of privacy has to be justified by an overriding public interest in the disclosure of information.

18) These laws shape the way the media cover court cases. They do not, of themselves, control what police can release but they are highly relevant when police are reaching agreements with the media on the use of released material.

19) Juveniles in Youth Court proceedings are subject to automatic anonymity. When they appear as defendants in adult courts, an order under s 39 of the Children and Young Persons Act is routinely applied for, and routinely granted. These orders impose anonymity unless and until the judge orders otherwise.

**Annex 2.**

**Taking the media on operations/raids - Agreement**

**Media Indemnity Agreement**

Agreement between the Chief Constable of [FORCE NAME] ('The Chief Constable') and the [NAME] Police Authority ('The Police Authority') of the first part and the undersigned of the second part.

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

I.....

duly authorised to sign for and on behalf of

.....  
**hereby agree** as follows:

1) To indemnify the Chief Constable and/or the Police Authority 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 [FORCE NAME] 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 Police Authority in respect of any loss of and/or damage to [FORCE NAME] property caused or occasioned by my wrongful or negligent act or omission.

3) To indemnify the Chief Constable and/or the Police Authority 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:

.....on .....

.....on .....

.....on .....

upon premises known as and situated at

.....on .....

.....on .....

.....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.**

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 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 ..... 20 .....

Name: .....

Position: .....

Organisation: .....

Contact Telephone Number: .....

**Annex 3.**

**Taking the media on operations/raids - Note to Media Representative(s)**

You are reminded that under European Convention on Human Rights:

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

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.

Lawful entry on to private premises by media representative/s cannot be authorised by [FORCE NAME].

Entry on to private premises is a matter between media representative/s and the adult householder, owner or lawful keyholder and not the [FORCE NAME]. Police will not seek permission on behalf of the media.

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.

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

[FORCE NAME] 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 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.

[FORCE NAME] cannot confer the rights to media representative/s to film, record or interview scenes or individuals.

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 [FORCE NAME] 'Notes to Media Representatives'.**

Signed ..... Date ..... 20.....



## Annexes 4

### CPS court material release documents

#### PROTOCOL ON RELEASE OF PROSECUTION MATERIAL

#### 1. Media Relations; Terms of Reference - Association of Chief Police Officers (ACPO), Crown Prosecution Service (CPS) and The Media

1. This Protocol has been created in consultation with the key agencies involved, that is ACPO, CPS, the Attorney General's Office and senior representatives from the media. Our aim is to ensure greater openness in the reporting of criminal proceedings.
2. Our overriding objective is to provide an open and accountable prosecution process, by ensuring the media have access to all relevant material wherever possible, and at the earliest appropriate opportunity.
3. Everything that follows is subject to the Data Protection Act 1998 (DPA), the Freedom of Information Act 2000 (FOIA) and Article 10 of the European Convention on Human Rights which guarantees the right to impart and receive information. However we shall strive to interpret these provisions as positively as possible in accordance with the overriding objective in paragraph 1.2 above.
4. CPS policy towards victims and witnesses gives a commitment to treat them with respect and sensitivity and to take all practicable steps to help them through the often difficult experience of becoming involved in the criminal justice system. In the interests of the administration of justice, the views of victims, witnesses and other people directly personally affected by a case, such as family members, will be given particular consideration when making any decision to reveal or to provide prosecution material to the media. Inevitably this will lead to decisions being made in the context of the individual circumstances of each case.
5. A key objective is to achieve effective mutual cooperation. Criminal justice agencies and the media have different roles to fulfill. The primary function of the police is to protect public safety. The role of CPS is to prosecute appropriate cases firmly and fairly. The media's task is to provide the public with information they have a right to, swiftly and comprehensively.
6. With this in mind a number of annexes are attached:
  - o Annex A - A list of CPS HQ Press Office contacts for national media enquiries and CPS Area Communications Managers' contact details for regional media enquiries.
  - o Annex B - A list of police contacts
7. ACPO and CPS appreciate the need for speedy decisions about releasing material. Expediting media access to information about prosecutions is an important element of the CPS role. HQ Press Officers and Communications Managers are available in most Areas and they will usually be the first point of contact in post-conviction matters (Annex A).
8. For pre-trial issues the police will usually be the appropriate contact point. Local arrangements are generally well established. Otherwise see Annex B for additional police contacts.
9. Material *may* not be released if:

- It cannot practically be edited appropriately for the media.
- A Chief officer of the relevant force or law enforcement agency (eg; SOCA) makes written representations that such a release would raise the potential to undermine investigative operations or interfere with national security. Such representations will be carefully considered but the final decision on release lies with the CPS.
- The request is made too late in the day, or with insufficient information. On these occasions, the request will be accommodated where possible on the next working day.

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## **2. Media Access to Prosecution Materials**

1. The aim of the CPS is to ensure that the principle of open justice is maintained - that justice is done and seen to be done - while at the same time balancing the rights of defendants to a fair trial with any likely consequences for victims or their families and witnesses occasioned by the release of prosecution material to the media.
2. Prosecution material which has been relied upon (ie presented as evidence during a trial, and not just in the opening of the case) by the Crown in court and which *should* normally be released to the media, includes:
  - Maps/photographs (including custody photos of defendants)/diagrams and other documents produced in court;
  - Videos showing scenes of crime as recorded by police after the event;
  - Videos of property seized (e.g. weapons, clothing as shown to jury in court, drug hauls or stolen goods);
  - Sections of transcripts of interviews/statements as read out (and therefore reportable, subject to any orders) in court;
  - Videos or photographs showing reconstructions of the crime;
  - CCTV footage of the defendant, and with consideration of potential identification of any other individuals in the footage.
3. Prosecution material which *may* be released after consideration by the Crown Prosecution Service in consultation with the police and relevant victims, witnesses and family members includes:
  - CCTV footage or photographs showing the defendant and victim, or the victim alone, that has been viewed by jury and public in court, and with consideration of potential identification of any other individuals in the footage;
  - Video and audio tapes of police interviews with defendants, victims and witnesses;
  - Victim and witness statements.
4. Where a guilty plea is accepted and the case does not proceed to trial, then all the foregoing principles apply. But to ensure that only material informing the decision of the court is published, material released to the media must reflect the prosecution case and must have been read out or shown in open court, or made available to the sentencing judge.
5. Non contemporaneous requests will be considered, but may be refused if compliance would use disproportionate or unreasonable levels of resources.
6. Journalists and media representatives requesting material will:

- Make their request known at the earliest opportunity to the CPS or police press offices, and, wherever possible, inform prosecuting counsel that they intend to do this.
- Where necessary, only use material for the purposes agreed in writing with CPS.
- Be prepared to share any material with other media if necessary, providing contact details which will be given out for further requests.
- Where sharing material, take responsibility for any further dissemination of any agreement as referred to above.

### **3. Appealing decisions**

1. Any dispute arising between the Criminal Justice agencies and the media concerning the release of material, or the principles or workings of this Protocol, will be referred for review to the CPS Head of Communications. Consideration will be given to all factors including the stated aims of this protocol to achieve greater openness in reporting criminal proceedings. The media and the criminal justice agencies will have the opportunity to make appropriate and reasonable representations before a final decision is taken regarding release of material and any applicable terms.

Annex 5

ACPO/Met release documents

Operation XXXXX

R v XXXXX

Media applying for Crown material

During the trial the media may apply for prosecution material which has been relied upon by the Crown in court.

Media should apply using the *Media Request Form* overleaf.

Media should submit a joint application using one form, as multiple forms will become impracticable and lead to duplication. The request form should be submitted to the police CASE OFFICER at the end of morning and afternoon court sessions.

The request will be considered by prosecution counsel, CPS and police. Defence counsel will be advised of the request and they will have the opportunity to raise any concerns with the judge, who will have the final say.

In the event of an approved request, the form will be signed and faxed to press officers on the **[INSERT DETAILS OF PRESS DESK eg MPS Specialist Operations Press Desk]** who will endeavour to make the material available as soon as is practicable.

The material must be broadcast or published contemporaneously and strictly framed within the terms and context used in court when they were shown, as failure to do so could result in a breach of the Contempt of Court Act.

No material will be issued until signed approval has been received by the **[INSERT DETAILS OF THE PRESS DESK AS ABOVE]** from the court.

The *[INSERT NAME OF POLICE FORCE]* will not issue material during the defence.

Please note: We will endeavour to meet requests but due to unforeseen circumstances this may not always be possible.



Working together for a safer London



**PROSECUTION MATERIAL - MEDIA REQUEST FORM**

**Operation XXXXX**

**R v XXXXX**

Route request to: *[INSERT NAME OF POLICE FORCE AND NAME OF POLICE CASE OFFICER]* (in court)

*[INSERT DETAILS OF FORCE, RELEVANT PRESS DESK AND PHONE NUMBERS eg MPS Press Office: Specialist Operations Press Desk - 020 7230 4513 / 4094 / 4114 / 2949]*

CPS Press Office: XXXXX

Date of court proceedings:

Court session: AM/PM

Requested by (name and organisation):

**All applications for material are subject to approval by the Court.**

Item(s) that have been shown to the jury			
		FOR OFFICIAL CPS / MPS USE ONLY	
Item	Exhibit number	Decision to release: Y/N and Counsel's signature	Comments/Caveats

Annex 6.

**Agreement on images**

Security Classification:		<b>NOT PROTECTIVELY MARKED</b>	
Disclosable under FOIA 2000:		<b>Yes</b>	
Author:	<b>T/CI Nick Barker</b>	Force / Organisation:	<b>BTP</b>
Date Created:	<b>May 2009</b>	Telephone:	<b>0207 830 8930</b>



**Association of Chief Police Officer of England,  
Wales & Northern Ireland**

**GUIDANCE ON THE RELEASE  
OF IMAGES OF SUSPECTS  
AND DEFENDANTS**

**Status:** This Presidential Business Area Guidance has been produced jointly by ACPO, CPS and the Office for Criminal Justice Reform to provide guidance to prosecutors and force media officers in the release of images of suspects and defendants to the media. It has been agreed by ACPO Cabinet. It is disclosable under the FOIA 2000 and has been registered and audited in line with ACPO requirements and is subject to Copyright.

**Implementation**

May 2009

**Date:**

**Review Date:**

May 2012

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## 1. Objectives

This document has been produced jointly by ACPO, CPS and the Office for Criminal Justice Reform to provide guidance to prosecutors and force media officers in the release of images of suspects and defendants to the media. This guidance aims to ensure consistent practices across police forces; however, it remains the responsibility of each force to justify the release of images. Each case should be reviewed on its individual merits.

Images include CCTV, photographs and other similar media.

The objectives of this guidance are:

- to encourage the release of images to the media where appropriate and at the earliest opportunity
- to ensure greater openness in the reporting of criminal investigations and proceedings.
- to encourage joint decision making between forces and the CPS as appropriate
- to ensure a more uniform approach across forces

Data Protection Act and Human Rights Act considerations will be relevant to any decision to release an image and appendix A provides an outline of the of the legal context. Appendix B contains a check list of questions that should help to ensure that any decisions are defensible and compliant with the requirements of the Human Rights Act.

## 2. General considerations

As with any issues which impact on Human Rights, there must be a balance between the rights of an individual suspect and those of the wider community. Any decision to release an image must be for a legitimate purpose, be necessary, and proportionate.

The risk to the public from a dangerous or prolific offender will almost always support the release of images in certain circumstances.

Any decision to release an image must take into account any impact on victims or witnesses.

### *a) Legitimate purpose*

The release of images to the media must be necessary for a legitimate purpose. Each Force/CPS Area will need to make a decision on a case by case basis, and early consultation with criminal justice partners, where appropriate, is encouraged.

A legitimate purpose will include, but is not limited to:

- The prevention and detection of crime
- The apprehension of suspects
- Encouraging witnesses and/or victims to come forward
- Discouraging offenders
- Reassuring and informing the public
- Reinforcing confidence in the criminal justice system
- The apprehension of people unlawfully at large

***b) Necessity***

The release of the image must be necessary in pursuit of the legitimate purpose (i.e. in order to apprehend a suspect the image needs to be released as other means of tracing the purpose have failed or are not viable)

Another relevant factor is that the details released must be the minimum necessary to achieve the intended purpose (for example, releasing a photograph of person, but not of them and their family).

***c) Proportionality***

Any decision to release an image must also be proportionate. All the circumstances of the case may be relevant in deciding whether it is proportionate to release an image. In particular, the nature of the offence will be highly relevant. The more serious the offence, the easier it will be to show that any decision to release an image is proportionate, but it does not follow that the offence, in itself, needs to be a serious one. Where the offence is not serious, any decision to release may still be proportionate if one of the following factors is present:

- National interest, or,
- Vulnerable victims, or,
- Prevalent local crime, or,
- Community interest.

**3. Specific scenarios**

***a) Wanted Suspects***

Police forces can release images of both known and unknown suspects to the media.

An image of a person police want to interview in relation to a particular incident or crime can be issued prior to arrest or charge. Care must be taken when releasing images of unknown people to ensure that the wording accompanying the image is accurate. With known people other means of tracing the person should have first been tried where practical. Where an image has been released and a suspect has been subsequently arrested the media should be notified.

With known people other means of tracing the person should have first been tried where practical.

Where identification issues exist (Code D Police and Criminal Evidence Act 1984) the CPS should be consulted prior to the release of an image.

***b) Unlawfully at large***

People who have escaped or absconded from custody can have their images released to the media.

People wanted on warrant for an offence or for failing to appear can have their image released to the media but other means of tracing the person should have first been tried where practical.

***c) Pre-trial or pre-verdict briefings***

A Force may decide to issue images of individuals as part of planned, pre-verdict briefings in important cases. This must always be done in liaison with the CPS. This is the subject of separate ACPO Media Advisory Group (MAG) guidance.

***d) Post Conviction***

Post conviction there is likely to be much demand from the media and from the public for information and this may include releasing an image. Forces are encouraged to engage with the media and be as open as possible. The release of images at this stage in the criminal justice process could assist with deterring potential criminals and preventing subsequent crime as well as encouraging other victims and witnesses to come forward.

***e) Anti-social behaviour orders***

Where an Anti-social Behaviour Order (ASBO) is issued and no court order or reporting restrictions exist in relation to the subject of that order, the police may consider issuing an image. There are no automatic reporting restrictions on ASBOs made in court and the presumption is that an ASBO can be reported.

In general, a decision about how and where an image is issued should reflect the need to protect and inform the public as well as prevent further offences. The Home Office have issued guidance in relation to publicising anti-social behaviour orders. This is available at:

[www.respect.gov.uk/members/article.aspx?id=7844&terms=publicity&searchtype=2&fragment=False](http://www.respect.gov.uk/members/article.aspx?id=7844&terms=publicity&searchtype=2&fragment=False)

**f) People Under 18**

People under 18 are not usually identified during the court process and therefore images should not normally be released. However, for those aged between 15 and 18 the court may allow them to be identified once they are convicted for a serious crime, such as murder. In these circumstances, the same criteria listed above will apply.

Images of juveniles, where there is no Section 39 order, may be issued where there are concerns for their safety. E.g. missing people.

#### **4. Record Keeping**

All decisions, including the reasons, to release images should be recorded. Where appropriate any risk assessment should also be recorded. Care should be taken to ensure any image released and accompanying details are as accurate and up to date as possible. Rationales and other records relating to the release of images as part of an investigation may be subject to disclosure under the Criminal Procedures and Investigations Act.

#### **5. Review**

This guidance will be reviewed annually, or more often if deemed necessary (for example following a relevant stated case). It has been agreed that ACPO, through the Media Advisory Group, will be responsible for managing the review process.

#### **6. Further Guidance**

There is further guidance on media issues available in the ACPO/CPS/Media Protocol - *Publicity and the Criminal Justice System Protocol for Working Together*.  
<http://www.cps.gov.uk/Publications/agencies/mediaprotocol.html>



**7. Agreement of Joint Guidance**

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(Title & Name)

For and On Behalf of the Association of Chief Police Officers

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(Title & Name)

For and On Behalf of the Crown Prosecution Service

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## Appendix A - Legal Context

### European Convention on Human Rights

#### Article 6

Article 6 of the ECHR governs the right to a fair trial. Article 6 considerations are most likely to arise where identification is thought to be an issue. The publication of an image, however, will not necessarily undermine a fair trial or breach the individual's Article 6 rights. It should still be possible to bring a successful prosecution where public protection has necessitated the release of an image.

#### Article 8

Article 8 of the ECHR covers the right to respect for private and family life and is relevant in any decision to release a person's details, including a photograph. Article 8(2) allows the state to interfere with that right if it is necessary and proportionate to do so in the interests of public safety or for the prevention of crime or disorder. In considering the HRA, it is necessary in each case to balance the rights of the individual, including his or her immediate family, to privacy with the right of the community to be protected. In doing so, the following principles apply:

- Is the reason for releasing the photograph the prevention or detection of crime or the apprehension or prosecution of offenders?
- Is the release of the photograph necessary? For example, are more conventional methods inappropriate or ineffective or have been tried and failed? Is it likely to really assist in the prevention or detection of crime or prosecution or apprehension of offenders?
- Is publishing the photograph proportionate to the aim being pursued, bearing mind any risk to the public and/or the seriousness of the crime? Are the details to be released the minimum necessary to achieve the intended purpose?

Where the public is clearly at risk from a dangerous offender, the balance between the rights of the individual and the rights of the general public to be protected will almost always justify release of the photograph.

Article 10

Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This right does not place any specific obligation on forces to provide particular information, and will be of relevance for the media rather than the police or CPS.

The Human Rights Act needs to be considered but, provided the questions in the checklist at appendix (ii) are addressed satisfactorily, should not prevent the issuing of an image.

**Data Protection Act 1998**

Images of people in the possession of the police are classed as personal data under the Data Protection Act (DPA). The Act must therefore be complied with unless an exemption applies. This may be, for example, where this is necessary for the administration of justice or other grounds under Schedule 3 (See DPA Schedule 3 paragraph 7 and other grounds under the Processing of Sensitive Data Order 2000) or where complying with the Act would prejudice the prevention or detection of crime or the apprehension or prosecution of offenders (DPA Section 29).

## **Appendix B - Checklist**

Below are the questions that a decision maker will need to consider when deciding whether an image should be released. In any particular case, there may be other relevant questions or factors depending upon the circumstances, but the questions below will always be central to any decision to release the image. If the steps below are followed, then any decision to release an image will normally be lawful and comply with the relevant legislation.

### **1. Purpose in releasing image**

- a) What is the purpose in releasing the image?
- b) Is it for a legitimate purpose such as the prevention or detection of crime or the prosecution or apprehension of offenders? or
- c) Does it reinforce confidence in the Criminal Justice System or reassure the law abiding public?

### **2. Necessity**

- a) Have alternatives ways of achieving this purpose been tried?
  - If not have they been considered?
  - If considered but not tried, why have they been rejected? Are they not viable or unlikely to be effective?
- b) Are the details to be released the minimum necessary to achieve its intended purpose (are the details accurate and up to date)?
- c) Would the release of the image be likely to achieve the legitimate purpose?

### 3. Proportionality

Taking into account all the relevant factors is releasing the image proportionate.  
Relevant factors will include (but are not limited to)

- nature of the offence
- potential risk to the public
- any relevant victim or witness issues
- potential impact on the person to be identified (and their immediate family).

## Appendix C – ACPO Workbook



## WORKBOOK FOR THE CREATION OF ACPO GUIDANCE/PRACTICE ADVICE

**No new work to develop Guidance etc. can be commenced unless a Workbook, with the first page completed and accompanied by a completed Appendix 'A' is first submitted, through the Head of the Business Area, to the ACPO Programme Support Office for approval. This workbook, with all sections completed, must be included in the final document as an Appendix and submitted, through the Head of the Business Area, to the Programme Support Office for quality assurance prior to submission to Cabinet for approval as ACPO Doctrine.**

Title of Guidance

Guidance Notes on the Release of Images of Suspects and Defendants to the Media
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**ACPO Reference Number**

Unique reference number: 2008/11
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**ACPO Commissioning**

Name of ACPO Business Area:	Presidential
Head of Business Area commissioning the work:	Sir Ken Jones
Date Authorised:	16.04.08
Projected date of completion:	20.03.08

**Person Completing Work Book**

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**Date the first page of this Workbook was completed and forwarded to the Programme Support Office:**

25.04.08
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**For ACPO use only**

Date QA check completed:	25 March 2009
Date referred to HBA:	25 March 2009
Date Guidelines/Practice Advice signed off by HBA:	25 March 2009

**SECTION A - FOR USE ONLY WHERE AN EXISTING GUIDANCE OR PRACTICE  
ADVICE DOCUMENT IS BEING AMENDED AS THE RESULT OF A REVIEW**

**A.1 Title of original document:**

Photographs of Named People

**A.2 Date of publication of original document:**

21 October 2003

**SECTION B - IMPACT UPON OTHER ACPO BUSINESS AREAS**

**B.1 Give details of the impact on/dependencies with other ACPO Business Areas and existing Guidance/Advice**

Nil

**If B.1 applies, please inform the relevant ACPO Policy Officer who will consult across other business areas**

**SECTION C - ACPO EQUALITY IMPACT ASSESSMENT TEMPLATE (DIVERSITY  
AUDIT) AS AGREED WITH THE CRE**

**C1. Identify all aims of the guidance/advice**

C.1.1 Identify the aims and projected outcomes of the guidance/advice:
Provide advice to Force Press offices in their dealings with the media in relation to when images can be released.
C.1.2 Which individuals and organisations are likely to have an interest in or likely to be affected by the proposal?
Media, CPS, Force press offices



**C2. Consider the evidence**

C.2.1 What relevant quantitative data has been considered?	
Age	N/A
Disability	N/A
Gender	N/A
Race	N/A
Religion / Belief	N/A
Sexual Orientation	N/A
C.2.2 What relevant qualitative information has been considered?	
Age	N/A
Disability	N/A
Gender	N/A
Race	N/A
Religion / Belief	N/A
Sexual Orientation	N/A
C.2.3 What gaps in data/information were identified?	
Age	N/A
Disability	N/A
Gender	N/A
Race	N/A
Religion / Belief	N/A
Sexual Orientation	N/A
C.2.4 What consideration has been given to commissioning research?	
Age	N/A
Disability	N/A
Gender	N/A
Race	N/A
Religion / Belief	N/A
Sexual Orientation	N/A

**C3. Assess likely impact**

C.3.1 From the analysis of data and information has any potential for differential/adverse impact been identified?	
Age	N/A
Disability	N/A
Gender	N/A
Race	N/A
Religion / Belief	N/A
Sexual Orientation	N/A
C.3.2 If yes explain any intentional impact:	
Age	N/A
Disability	N/A
Gender	N/A
Race	N/A
Religion / Belief	N/A
Sexual Orientation	N/A
C.3.3 If yes explain what impact was discovered which you feel is justifiable in order to achieve the overall proposal aims. Please provide examples:	
Age	N/A
Disability	N/A
Gender	N/A
Race	N/A
Religion / Belief	N/A
Sexual Orientation	N/A
C.3.4 Are there any other factors that might help to explain differential /adverse impact?	
Age	N/A
Disability	N/A
Gender	N/A
Race	N/A
Religion / Belief	N/A
Sexual Orientation	N/A

**C4. Consider alternatives**

C.4.1 Summarise what changes have been made to the proposal to remove or reduce the potential for differential/adverse impact:
N/A
C.4.2 Summarise changes to the proposal to remove or reduce the potential for differential/adverse impact that were considered but not implemented and explain why this was the case:
N/A
C.4.3 If potential for differential/adverse impact remains explain why implementation is justifiable in order to meet the wider proposal aims:
N/A

**C5. Consult formally**

C.5.1 Has the proposal been subject to consultation? If no, please state why not. If yes, state which individuals and organisations were consulted and what form the consultation took:	
Age	N/A
Disability	N/A
Gender	N/A
Race	N/A
Religion / Belief	N/A
Sexual Orientation	N/A
C.5.2 What was the outcome of the consultation?	
Age	N/A
Disability	N/A
Gender	N/A
Race	N/A
Religion / Belief	N/A
Sexual Orientation	N/A
C.5.3 Has the proposal been reviewed and/or amended in light of the outcomes of consultation?	
N/A	
C.5.4 Have the results of the consultation been fed back to the consultees?	
N/A	

**C6. Decide whether to adopt the proposal**

<p>C.6.1 Provide a statement outlining the findings of the impact assessment process. If the proposal has been identified as having a possibility to adversely impact upon diverse communities, the statement should include justification for the implementation:</p>
<p>N/A</p>

**C7. Make Monitoring Arrangements**

<p>C.7.1 What consideration has been given to piloting the proposal?</p>
<p>N/A</p>
<p>C.7.2 What monitoring will be implemented at a national level by the proposal owning agency and/or other national agency?</p>
<p>The Guidance will be monitored by the ACPO Media Advisory Group in consultation with Force Press Offices</p>
<p>C.7.3 Is this proposal intended to be implemented by local agencies that have a statutory duty to impact assess policies? If so, what monitoring requirements are you placing on that agency?</p>
<p>N/A</p>

**C8. Publish Assessment Results**

<p>C.8.1 What form will the publication of the impact assessment take?</p>
<p><i>It is recommended that for publication on the ACPO website, the impact assessment be attached to the completed document as the first appendix. On the ACPO Intranet, the whole workbook will be attached to assist in the preparation of local audits.</i></p>

**SECTION D - HUMAN RIGHTS REVIEW**

**D1. Does the proposal have significant human rights implications, either for the public or for the Police Service? Answer YES or NO:**

No

**If NO, go straight to Section E**

**If YES, answer the following questions and consider seeking legal advice**

D.1.1. Who will be affected by this proposal?

- *Consider not only the direct subject of the proposal, but also other people who may be affected (e.g. bystanders, victims, general public, police staff, subject's family)*

**D.1.2 Which of their rights are being protected?**

- *E.g. the right to life; right to security; freedom of belief, expression or assembly; right to family life; right to privacy; right to property*

D.1.3 For each person or group of people, which of their Convention rights may the proposal potentially interfere with and how?

- *E.g. right to life; prohibition of degrading treatment; right to liberty; right to fair trial; right to due process; right to privacy; freedom of belief, expression, assembly and association*

**Answer the following questions in respect of each interference with a right.**

D.1.4 Is the interference legal? Explain in full:

- *e.g. European legislation, Act of Parliament, statutory instrument, statutory codes, common law*

D.1.5. Is the interference necessary? Explain in full:

- *It may for example be justified if it protects others' rights, e.g. right to life; right to security; freedom of belief, expression or assembly; right to family life; right to privacy; right to property*
- *What "legitimate aims" under the Convention are being pursued in interfering with the right?*

D.1.6 Is the interference proportionate? Explain in full:

- *What practical alternative actions are available? Will any of these not interfere or interfere less with a right? If they will, why are they not being used?*
- *Is the interference the least intrusive means available?*

D.1.7 Having considered the above points, do you consider that the proposal -

(a) Breaches a Convention right? YES or NO:

(b) Is vulnerable to challenge? YES or NO

*Note: interference with a right does not equal a breach - if an interference is justified, there is no breach.*

**SECTION E - DATA PROTECTION REVIEW**

**E.1 Does this proposal relate in any way to the processing of personal data? Answer YES or NO. If NO, go straight to Section F.**

If YES, outline how it complies with the Data Protection Act, listing the principles summarised below. The ACPO Data Protection and FOI Portfolio Group will provide assistance in identifying and addressing compliance:

No

The Principles:

- a) *Personal data shall be processed fairly and lawfully ...*
- b) *Personal data shall be obtained only for one or more lawful purposes ...*
- c) *Personal data shall be adequate, relevant and not excessive in relation to the purpose for which it is processed*
- d) *Personal data shall be accurate and, where necessary, kept up to date*
- e) *Personal data processed for any purpose shall not be kept longer than is necessary for that purpose*
- f) *Personal data shall be processed in accordance with the rights of data subjects under the Act*
- g) *Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data ...*
- h) *Personal data shall not be transferred to any country outside the European Economic Area (EEA) unless the country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to processing of personal data*



**SECTION F - HEALTH & SAFETY REVIEW**

**F.1 Does this proposal have significant health and safety implications for the public or for police staff? Answer YES or NO.**

No

**If YES, answer questions F.2. & F.3. If NO, go straight to Section G1.**

**F.2 Explain how the risks to health and safety have been assessed and what control measures have been put in place:**

**F.3 What are the health and safety duties and who is responsible for them? Explain in full:**

**SECTION G - BUREAUCRACY REVIEW**

**G.1 List the forms or databases that police staff will be required to complete as part of this proposal:**

N/A

**G.2 Give details of how you have reviewed the need for, content of and appropriateness of the forms or databases. Have you reduced their quantity or content?**

*Factors to consider:*

- Whether the benefit of gathering the information exceeds the effort
- The cumulative impact – especially when there is repeated entry of the same information
- Retention period – is the information disposed of at the optimum time?

**SECTION H - FREEDOM OF INFORMATION REVIEW**

H.1 Is this reviewed proposal exempt from publication under the FOIA? Answer YES or NO:

No

**IF NO, go straight to Section I. If YES, give full details of the exemptions that apply and the reasons for them at H.2.1 - 2.3 below:**

**H.2 Reasons for Non- or Partial Disclosure under Freedom of Information Act 2000**

H.2.1 Is this document completely non-disclosable? Answer YES or NO

NO

**H.2.2 If yes, why? Which exemptions apply?**

Section	Description and Type of Exemption	Evidence / Rationale for Application

**H.2.3 Is this document partially disclosable? Answer YES or NO**

H.2.4 If yes, which parts of the document are not disclosable and why?  
Which exemptions apply?

Part of the Document	Section	Description and Type of Exemption	Evidence / Rationale for Application

**SECTION I – IMPLEMENTATION AND EVALUATION**

**I.1** Now that the audit is complete the Guidance/Advice document should be prepared for consideration by the Head of Business Area - either for approval and sign-off or, in some cases, referral to ACPO Cabinet or Council. Please follow the attached ACPO Practice Guidance/Advice Template.

**I.2** Please ensure that a full consultation on the content of the final draft document is conducted with stakeholders, both internal and external and ensure that their views are fully considered. Please detail below the organisations/individuals consulted:

Police Media professionals, Crown Prosecution Service, Ministry of Justice, Representatives from Media including Society of Editors

**I.3** Full consideration should be given to the following:

- Financial implications/benefits
- Resource implications/benefits
- Potential performance/service improvements
- Risks
- Learning requirement

**Monitoring and Review**

**I.4 Detail below the on-going effects of this proposal:**

The Guidance will provide structure and clarity to the release of images to the media.

**I.5 How will it be monitored?**

The Guidance will be reviewed regularly on the impact on Force Media Departments and the Guidance will be fully reviewed in two years.

**I.6 By whom?**

ACPO Lead for Communications Advisory Group

**I.7 At what intervals?**

The Guidance will be reviewed in two years. The impact on force press offices will be monitored at the quarterly ACPO CAG meetings.

**I.8 When is the next review of this proposal planned?**

1 April 2011

**Annex 7.**

**Guidance from the Office for Criminal Justice Reform on 'Publicising Sentencing Outcomes' is found at**

**[http://frontline.cjonline.gov.uk/ includes/downloads/guidance/general/Publicising\\_Sentencing\\_Outcomes.pdf](http://frontline.cjonline.gov.uk/includes/downloads/guidance/general/Publicising_Sentencing_Outcomes.pdf)**

**Annex 8.**

**Suggested protocol for forces to agree with local media about coverage of sex offenders in the community, and set of frequently asked questions:**

**Suggested Protocol for a joint media, police and probation framework:**

The police and probation services in the (force name) area share the media's fundamental belief in public accountability and public safety:

Managing sex offenders in the community is not new and the police, through Multi Agency Public Protection Panels, devise risk management strategies for every known high risk offender, with the protection of the public as the overriding factor.

Under the Sex Offenders Act 1997 the police have powers to inform communities of any convicted sex offender deemed to pose a risk high enough to warrant public exposure. However, in many cases, for the protection of the public and especially children, the police and probation service assess that individuals should retain anonymity.

While we share the media's interest in community safety, we believe that publicity may increase the risk to the public, heighten the threat of the offender disappearing, and raise the chance of vigilante action. In order to minimise such risks, the following guidance is proposed:

**In the interests of public accountability and safety the police and probation services agree:**

- All media enquiries will receive a response and, wherever possible, questions will be answered.
- Where this is not possible for safety or similar reasons, or within the given time constraints, this may be clearly stated in a confidential briefing with the Editor, or their deputy.
- Such enquiries will be handled by the senior Media Relations Officer in each organisation.
- Police, probation, health and housing authorities continue to share information relating to individuals assessed to present a risk by holding regular public protection meetings and taking agreed action.
- Public protection meetings will continue to notify key organisations e.g. Education Departments, where appropriate when individuals are believed to present a particular risk.

**In the interests of public accountability and safety the media agree:**

- A reporter with sensitive information involving sex offenders should routinely be required to consult with a nominated senior member of editorial staff before publishing or broadcasting the information.
- Sensitive information about an individual will not be published or broadcast without consultation with police or probation over its accuracy and whether disclosure would threaten supervision or public order.
- \* Any case involving sex offences against a child will be considered in terms of its impact on victims and families.
- In some instances the media will consider delaying publication or broadcast to ensure that publicity doesn't jeopardise existing security arrangements.
- If a photograph or the address of an offender is obtained, the media will consider, in the interests of public protection, whether they need to use this information in any story.

**The application of the protocol will be reviewed at regular intervals or at the request of the force/media after its application. Reporting staff should be appraised of the protocol and reminded of it on a regular basis**

## Frequently Asked Questions

*Q. How many people are on the Sex Offenders Register? How many sex offenders live in a particular area?*

A. Annual reports published by Multi Agency Public Protection Panels include figures for the number of people on the register in each police/probation area. The reports also detail dangerous offenders who pose a risk of serious harm to the public and offenders who have been convicted of a violent or sexual offence and were sentenced to 12 months or more imprisonment.

The reports inform the public about the nature of risk posed by a small number of offenders in our communities and how statutory agencies are joining with others in minimising the possibility of them re-offending.

*Q. Why don't the police identify all people on the Sex Offenders Register?*

A. The Sex Offenders Act 1997 and the Data Protection Act 1998 only allow the disclosure of information about an individual where

- \* failure to disclose would be likely to prejudice the prevention or detection of a crime or
- \* disclosure is urgently needed to prevent injury or damage to the health of any person.

The purpose of the register is to enable the police to monitor the whereabouts of offenders and carry out risk assessments, where appropriate, in relation to convicted sex offenders.

General notification can cause a number of problems that decrease rather than increase public safety. Recent cases have illustrated the potential for vigilante action, panic and unwarranted violence. A case of mistaken identity could have devastating consequences.

An offender who is forced out of a community could disappear, severing contact with the police and probation services. Without monitoring or supervision, no stable address and no clue to his behaviour, the likelihood of reoffending is far greater than with someone closely monitored by the authorities.

*Q. Why are the police protecting sex offenders in this way?*

A. The priority of the police service is to protect the public and any arrangements concerning sex offenders are always done with this in mind. In cases where we believe that it is in the public interest to name or identify an individual who could pose a serious risk to the community, we might, in consultation with the relevant authorities, issue details to appropriate audiences.



Q. *How do the police keep track of sex offenders?*

A. Registered sex offenders are required to report to their local police station within three days of being convicted, or on release from prison, to provide details of their address and to allow police to take an up-to-date photograph. Subsequently offenders have to re-register annually and any change of address has to be notified to police within 3 days. Anyone convicted of a sex offence abroad must register if they come to the UK.

Q. *What monitoring is there of sex offenders?*

A. Multi Agency Public Protection Panels, set up in every police force/probation area as a consequence of the Section 67(4) Criminal Justice and Court Services Act 2000, ensure there are systems in place in each area to deal with known dangerous offenders, including sex offenders. The police work with other agencies, including prison and probation services, local authorities, health authorities and youth offending teams, through the panels and hold pre-release risk assessment meetings to evaluate the risk and to make action plans on the release of particular offenders.

Police monitor the whereabouts of offenders for the duration of their registration period with a frequency determined by their level of assessed risk. Where offenders are being supervised by probation, this police monitoring is done in conjunction with them. The arrangements may include their living in a probation service hostel or attending a treatment programme.

By working in partnership and drawing up protocols between the various agencies, police are able to monitor these offenders effectively. Although no guarantees can be made about an offender's future actions, the public is far better protected where he/she is in stable accommodation, in contact with the probation services and complying with any conditions that may apply.

Q. *What else can be done to protect the public?*

A. The Crime and Disorder Act 1998 gives the police power to apply to the courts for Sex Offender Orders against offenders who appear to pose a **serious** risk, whether or not they are registered under the Sex Offenders Act. The orders impose restrictions on the offender's behaviour such as requiring them to keep away from certain schools or areas. Once an order is made the offender must comply with the requirements of the Sex Offenders Act 1997. i.e. register name and address. The court also has powers to impose lengthy periods of post-release supervision for sexual and violent offenders, which in the case of sexual offences can last up to 10 years.

*Q. Why does the police service not support a Sarah's Law which would inform parents if a sex offender moved into their area?*

A. The police service and government do not support this type of disclosure. It is agreed by all agencies that granting such 'controlled access' is likely to hinder rather than help measures to protect children.

The public identification of alleged offenders following the death of Sarah Payne in Sussex showed the potential this had for vigilante action and for undermining the monitoring of offenders in the community, thereby reducing public protection. Individuals who were mistaken for sex offenders and their families were subjected to assault and harassment. In one case, a paediatrician's home was attacked as this word was confused with paedophile.

Sex offenders who had been subject to monitoring left their addresses and went into hiding for fear of their safety with the result that their whereabouts were no longer known to the police.

*Q. MAPPP annual reports detail the people you know about. How many more offenders are out there?*

A. That's impossible to say. We can never eliminate the risks posed by dangerous offenders, but we can do a huge amount to minimise them and protect our communities. That's why multi agency working arrangements exist.

*Q. What can parents do to protect their children?*

A. While teaching the 'stranger/danger' message is important, experience shows that very few children are targeted by strangers and that most abuse takes place within the family or by someone known to the child. Parents should not over-react but it is sensible to know where their children are, who they are with and agree a time when they will be home. Parents should also listen to their children if they raise any concerns about the way anyone is behaving towards them.

*Q. What charges are likely if someone accesses indecent images of children on the internet?*

A. There are currently three offences which may be committed (a fourth, 'grooming' is proposed):

*1) Possession of indecent photographs of children*

Relevant where someone holds images in any format (such as computer files, photographs, videos, DVDs, disks etc) but also includes where indecent images of children have been viewed on the internet and a record has been held in the computer's temporary internet files.

*2) Making indecent images of children*

The action of downloading material onto a computer constitutes 'making' an image as well as small or large scale reproduction of such images in the form of photographs, videos, DVDs, disks etc.

*3) Distribution of indecent images of children*

Circulation, by whatever means, of indecent images of children, for example via email, sharing of files, in magazines, newsletters, videos, DVDs, disks etc.

*Q. Is it illegal to possess adult pornography or view indecent images of adults on the internet?*

A. No.

## Annex 9.

### CSOR information

#### H. Convicted sex offenders in the community

In June 2007, a review into the protection of children from sex offenders was published. Action point four of the review was to:

'Pilot a process where members of the public can register their child protection interest in a named individual. Where this individual has convictions for child sexual offences and is considered a risk, there is a presumption that this information will be disclosed to the relevant member of the public'.

In September 2008, a pilot Disclosure Scheme was launched in four police force areas within Hampshire, Cambridgeshire, Cleveland, and across all of Warwickshire. In the pilot, members of the public were given a formal mechanism to make enquiries about an individual they were concerned about who had contact with children. If an individual was found to have convictions for sexual offences against children and there was reasonable cause to believe that the individual posed a risk of causing serious harm to the child or children concerned, the police may disclose this information to the person best placed to protect the child or children. This is usually the parent, carer or guardian and not necessarily the person who made the enquiry.

In March 2009, the Scheme was rolled out across all four forces after being successfully implemented in the first six months of the pilot.

The Scheme is now being rolled out across a further 20 forces between 1 August and October 2010. Those forces are:

- Bedfordshire
- Cheshire
- Dorset
- Durham
- Essex
- Gloucestershire
- Leicestershire
- Lincolnshire
- Norfolk
- Northamptonshire
- North Yorkshire
- Northumbria
- Staffordshire

- Suffolk
- Surrey
- Sussex
- Thames Valley
- West Mercia
- West Midlands
- Wiltshire

The Home Office is inviting the remaining police forces in England and Wales to consider introducing the scheme by March 2011.

Further information on Child Sex Offender Disclosure Scheme is available on the National Archives website.

<http://webarchive.nationalarchives.gov.uk/20100413151441/http://crimereduction.homeoffice.gov.uk/violentcrime/violentcrime015.htm>

#### **Communications guidance**

The Home Office produced a communications guidance pack, based on the communications lessons learned by the four pilot areas, to help participating forces to increase awareness and understanding of the Child Sex Offender Disclosure Scheme. This pack is aimed at the Single Points of Contact within participating forces who may be unfamiliar with developing and delivering a communications strategy and provides them with basic information and suggestions on the most effective media, key messages and evaluation.

Alongside this, the Home Office has also produced a range of communications materials which forces and partners can use to raise awareness and understanding of the disclosure scheme with the public. They are:

- A7 roll fold keeping children safe leaflet
- A3/A4 single sided disclosure poster
- A5 disclosure process booklet
- A5 general booklet – keeping children safe

The Communications Guidance and supporting materials are available to download from the Home Office website.

<http://www.homeoffice.gov.uk/publications/crime/communications-guidance>

## Annex 10

### IPCC/ACPO MEDIA PROTOCOL

Version 10  
2 March 2009

#### 1. PURPOSE OF THE PROTOCOL

- 1.1 The Independent Police Complaints Commission (IPCC) was established in 2004 as the guardian of the Police Complaints system. Detailed information on the work of the IPCC can be found here: <http://www.ipcc.gov.uk>
- 1.2 While most complaints continue to be handled by the police, the IPCC may independently investigate or manage a police investigation into the most serious incidents such as police shootings or deaths in custody. This protocol covers those cases where the IPCC is carrying out its own investigation (independent investigations) and where the IPCC has direction and control of a police investigation (managed investigations). In both types of investigation the IPCC is responsible for the media strategy.
- 1.3 Supervised and local investigations continue to be handled by the police themselves and are not directly covered by this protocol. However, both the IPCC and ACPO believe the principles of openness and accountability are equally valid for other investigations, and encourage application of the principles outlined in this document more generally.<sup>1</sup>
- 1.4 This protocol exists to ensure that the roles and responsibilities for media handling between the IPCC and the police are clearly understood.

#### 2. KEY PRINCIPLES

- 2.1 The IPCC's core values underpin the principles of this media protocol. We seek to be as open as possible with all interested parties, while preserving the integrity of an ongoing investigation. The IPCC strives to ensure that any information it releases into the public domain is factually accurate.
- 2.2 The Commission meets in public where possible and communicates information about its work and performance widely. We carefully define where we need to

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<sup>1</sup> **Supervised:** These are investigations undertaken by the police service where it is believed some oversight by the IPCC is appropriate. This oversight is at a lesser level than in a managed investigation. The IPCC approves the investigating officer, terms of reference and investigation plan. The police service has the media lead in a supervised investigation. The IPCC would appreciate knowledge of any media statements that are to be issued.

**Local:** The IPCC can decide that it is more proportionate for a matter to be investigated solely by the police service concerned without external assistance. The police service has the media lead and there is no requirement to advise the IPCC of any statements.

maintain confidentiality or secrecy for operational reasons so that we can protect individuals and retain the confidence of other agencies.

2.3 It is however, in the area of promoting confidence in the complaints system as a whole, where the IPCC believes the media have a crucial role to play. Publicity is part of demonstrating both the openness and integrity of the investigation and of the IPCC, although there are constraints on when and how information can be released during an investigation.

2.4 We also recognise that the demands of the 24 news culture mean that law enforcement officers face substantial pressures in managing their relationships with journalists and responding to their demands.

2.5 In adhering to these values the IPCC encourages the police service and agencies covered by this protocol to make appropriate, accurate and timely responses to the media. The involvement of the IPCC does not prevent police spokespersons from disseminating important information to the public where there is an obvious operational imperative to do so, as set out further below in 2.6.

2.6 Responses or comments from police nominated spokespersons/press office or the IPCC should be mindful of the fact that there should be no speculation about events or individuals which may prove detrimental to a future criminal or civil case or put at risk the investigative strategy set by the Senior Investigating Officer (for example, that a witness is being treated for a medical condition or has a criminal record).

### 3. AIM OF PUBLICITY

3.1 Media coverage is both an opportunity and a challenge. It can enable the IPCC to explain the nature and role of a complaints investigation to the public and assist with an investigation particularly when used to publicise witness appeals.

3.2 In managing such coverage the aim should be to meet the **reasonable expectations** of the media without sacrificing the integrity of the investigation or infringing the rights of those affected by it, especially complainants and the law enforcement staff involved.

3.3 The IPCC will consult with the police service and other agencies about the disclosure of potentially sensitive or confidential information prior to it being released to the media. There may be statutory restrictions, (e.g. Police Reform Act 2002, Regulation of Investigatory Powers Act 2000) which specify why information may not be released.<sup>2</sup>

3.4 Where relevant and appropriate and in order to avoid confusion, the IPCC will have regard to the guidelines laid down by the ACPO Communications Advisory Group. These can be obtained from ACPO.

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<sup>2</sup> See the IPCC policy "Making Information Available" which also addresses disclosure to complainants and families

#### 4. IPCC OPERATIONS

##### Referrals to the IPCC

- 4.1 There are two forms of referral – **mandatory** and **voluntary**. A referral can be made following an incident such as an RTI (road traffic incident) when a force immediately refers the matter to the IPCC, or from a complaint made by a member of the public.

##### Mandatory:

- 4.2 There is a statutory duty to refer incidents to the IPCC where persons have died or been seriously injured<sup>3</sup> following some form of direct or indirect contact with the police, and there is reason to believe that the contact may have caused or contributed to the death or serious injury. Other categories are:
- Serious assault by a member of the police service<sup>4</sup>
  - Serious sexual assault by a member of the police service
  - Serious corruption
  - Criminal offence or behaviour aggravated by discriminatory behaviour
  - A relevant offence under the Serious Organised Crime and Policing Act 2005.<sup>5</sup>

##### Voluntary:

- 4.3 Where a complaint or incident does not come under the automatic referral categories, but where there are serious concerns or exceptional circumstances that may have a significant impact on public confidence, police services are encouraged to make a voluntary referral.

##### Call In:

- 4.4 The IPCC has the power to call in particular cases of concern or sensitivity which might not otherwise be referred.

#### 5. MEDIA HANDLING: POST REFERRAL: THE FIRST 48 HOURS

- 5.1 Once an incident has been referred to the IPCC a decision on how, or if, it will be investigated by the IPCC will usually be made within 48 hours. In the case of a death the referral will usually be subject to assessment by IPCC investigators and during this period it may not be clear whether the matter will be dealt with as an independent or managed investigation or passed back to the police service concerned.
- 5.2 If there is a period during which the IPCC is assessing the circumstances and has not yet decided how the incident should be investigated, media handling will

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<sup>3</sup> Serious injury means a fracture, a deep cut, a deep laceration or an injury causing damage to an internal organ or the impairment of any bodily function.

<sup>4</sup> The term 'serious assault' shall be construed in accordance with the charging guidelines agreed between the Crown Prosecution Service and the Association of Chief Police Officers in relation to assault occasioning actual bodily harm contrary to section 47 of the Offences Against the Person Act 1861.

<sup>5</sup> Where the likely sentence is 7 years or more. See article 26 No3389 of the serious Organised Crime & Policing Act 2005.



remain with the police service until it has been decided what level of IPCC involvement is necessary.

- 5.3 The IPCC recognises that in these circumstances, the media may be aware that the matter has been referred, but it is unclear what actual involvement by the IPCC will be. In such instances, the IPCC should be consulted on any statements issued to ensure nothing is said which may impact on any future investigation. If in doubt, check with the IPCC press office which will in turn ensure that the police service knows what the IPCC is saying to the media.
- 5.4 The IPCC does not expect to be notified in advance if an operational statement needs to be made in very specific circumstances. An example of such a circumstance would be an on-going road traffic incident on a busy highway that may need an immediate announcement to the media to control traffic and prevent harm to the public. Clearly such diversions and warnings to drivers are entirely a matter for the police.
- 5.5 Referral to the IPCC does not preclude comment or a response to the media by a police service, nor should referral be presented as a reason for a lack of a response to questions from the media – please see 6.4 below.

## **6. MEDIA HANDLING: INDEPENDENT AND MANAGED INVESTIGATIONS**

- 6.1 Once the MOI (mode of investigation) has been designated as an independent or managed investigation the IPCC is responsible for the communications strategy for the investigation. The IPCC will take the media lead in these investigations and media calls should be referred to the IPCC press officer.
- 6.2 The IPCC, through its press officer, will share all statements, releases and comments made to the media with the police service, where possible in advance of publication. The first point of contact for services will be press officers and on-call press officers. The IPCC expects police press officers, where appropriate, to forward these to any police officers or staff affected. Similarly police force press officers will share all media statements, releases and comments with the relevant IPCC press officer.
- 6.3 There are however some areas in which handling may still fall primarily to the police service:
  - If there is a parallel criminal investigation, or ongoing police operation, this is a matter for the police press office to deal with although the IPCC should be kept informed;
  - The employment status of an officer – Is s/he is under suspension? – the IPCC is not responsible for dealing with enquiries about individual officers.
  - Community impact arising from an incident – the police service should liaise first with the IPCC, which will ensure that any proposed lines will not adversely affect the IPCC investigation.

- 6.4 The IPCC will have regard to the ACPO Media Advisory Group guidance notes for Chief Police Officers which asks officers to consider the following:

*Is the level of media interest so great that controlled briefing is considered desirable in order to divert media attention from witnesses, reduce the fear of crime, minimise distress to victims and/or their families, to aid accuracy of reporting and add context, or to minimise potential damage from ill-informed media speculation?*<sup>6</sup>

- 6.5 For the reasons outlined above, if a police service regards it as necessary to comment or brief the media about matters connected to an IPCC investigation, any such briefing should be attributed to a (named) spokesperson. Unattributed comment does not support the values of openness and honesty and should be avoided. The IPCC on-call press officer should be notified of the intention to issue or make a statement, and a copy of the statement should be sent to the IPCC. The IPCC does not envisage any circumstances where it would not be possible to inform the IPCC when a statement is made, and expects the IPCC on-call press officer to be the first point of contact.

## 7. OWNERSHIP AND CO-ORDINATION

- 7.1 Independent and managed investigations can attract considerable media attention regionally and nationally. Within the IPCC, the Commissioner responsible for the case is the public face of an investigation and is directly responsible for setting the media strategy in consultation with the senior investigator. Professional advice on media handling and the communications strategy is provided by the IPCC press officer.
- 7.2 Timing of statements will depend upon:
- The degree of expected media interest
  - When material information which is likely to be in the public domain (for example from eye witness reports) will be available from the investigation
  - Whether misinformation already in the public domain, or likely to be in the public domain needs to be corrected in the public interest, or to help prevent public unrest or disorder.
- 7.3 Although the timing of any release will be a matter for the individual circumstances of each case, the IPCC undertakes to ensure that police services and agencies are not 'taken by surprise' in the media as a result of IPCC public statements (see 6.2). It is normal practice for the IPCC to issue a statement at the start and end of an investigation. Long investigations may also involve updates in response to media interest on progress or the publication of interim reports.

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<sup>6</sup> ACPO Media Advisory Group Guidance Notes (February 2002), section 3, para 2.1.

## 8. PUBLIC COMMENT DURING AN INVESTIGATION

8.1 A police press office or spokesperson may comment on matters surrounding the IPCC investigation with the prior agreement of the IPCC (see 6.5 above.) In considering any request the IPCC will give due regard:

- to the integrity of its investigation (which will normally preclude comment on evidential matters within the IPCC investigation)
- the rights of those affected by it (especially families and police officers involved); and
- the need for a police service to ensure that local communities understand the context of the IPCC investigation.

8.2 The police service remains responsible for media strategy for all other matters connected with police operations. In its own media strategy the police service should ensure that any information put out is factually accurate and keep records of all media briefings, whether on or off the record.

### Incidents Involving Community Impact

8.3 Events involving high community impact, or which carry the potential for public disorder, will attract immediate media attention. They may also encourage 'eyewitness' accounts which may be reported by the media without verification by either the police or the IPCC. The IPCC expects to work with the police service if necessary to ensure that the public are reassured that the facts of the incident will be fully and properly investigated.

8.4 The IPCC may, on a case-by-case basis, agree with a police service that information should be released to the media which corrects any inaccuracies or rumours which could impact upon the integrity of an on-going investigation. These will be statements attributable to individual officers or IPCC Commissioners.

## 9. PUBLICATION OF IPCC REPORTS

9.1 Publishing reports in an organised and consistent way helps the IPCC to promote transparency, and therefore public confidence, in the police complaints system. This is important with all groups, but is particularly important in helping the IPCC to reach those most likely to lack confidence in the police complaints system.

9.2 The IPCC has agreed a set of criteria which it will use to assess whether an executive summary or final report will be produced and made available via the IPCC's external website.

- The case raises major issues concerning policing and/or public confidence which it is in the public interest to publish.

- There is substantial public and media interest in the case, demonstrated for example through high volume of coverage over a sustained period, or through significant direct representations to the IPCC from stakeholder or community groups.
  - There is a need to demonstrate the detail and context of an investigation, rather than just its outcome, in order to maintain and increase public confidence in the police complaints system and/or the work of the IPCC.
- 9.3 All managed and independent investigations into fatalities where the case meets the 'confidence' criteria set out above will usually be published in executive summary form. They will contain a brief description of the background to the investigation; an outline of the investigation; conclusions; recommendations; and good practice. If appropriate, a summary of any inquest/trial/discipline hearing outcomes will also be included.
- 9.4 Publication of findings should only take place *after* any prosecution, inquest or disciplinary hearing, unless there are exceptional circumstances which warrant publication earlier in the process. (Exceptional circumstances might include, for example, the need to publicise recommendations to minimise the risk of a flawed force practice being repeated, or to prevent public disorder due to inaccurate information being disseminated).
- 9.5 Where interim reports are released during an investigation, publication will follow the same procedures set out above. Media handling of reports will follow the principles set out in 6.2 above

## 10. MISCONDUCT HEARINGS IN PUBLIC

- 10.1 The IPCC having directed<sup>7</sup> a police service to hold a misconduct hearing in public will liaise with the police service in question to ensure a transparent process for disseminating information about the proceedings. The focus for the public information issued via the media in relation to a misconduct hearing in public is not to vilify police officers who are the subject of the hearing it is to demonstrate to the public and interested parties that the hearing is fair and transparent.
- 10.2 The police service may issue news releases and public information as part of the overall media handling plan for the hearing. It is likely that both the police service and the IPCC will have their own handling plans, but if possible there should be close liaison and agreement on the overall strategy for handling the media.
- 10.3 The IPCC will work with the police service to ensure that any information supplied to the media pays due regard to the status of the officers facing the hearing and will take a measured approach befitting a hearing **in public and not a public hearing.**

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<sup>7</sup> Regulation 32, The Police (Conduct) Regulations 2008

**11. NAMING OF OFFICERS AND POLICE STAFF IN PUBLICATIONS**

- 11.1 Police officers and members of police staff will usually be named in press statements if charged or summonsed to answer a criminal offence, as for members of the public in similar situations. Their home addresses will be withheld and police station or unit will be given instead.
- 11.2 Officers and members of police staff facing disciplinary proceedings will not usually be publicly named by the IPCC unless their identity has entered the public domain via other proceedings (eg criminal or civil proceedings).
- 11.3 The names of police officers and staff will normally be redacted in published reports unless they are otherwise in the public domain.

**12. DISTRIBUTION OF MEDIA PROTOCOLS**

- 12.1 A current copy of the media protocols will be available on the IPCC's public website: [www.ipcc.gov.uk](http://www.ipcc.gov.uk) Individual police services should undertake to ensure that all relevant staff are aware of this protocol. The IPCC will also ensure that any updates or amendments to the protocols are distributed promptly.

**13. REVIEW PROCESS**

- 13.1 The IPCC will review this protocol with ACPO to ensure that it remains fit for purpose. However, any emerging issues with the operation of the protocols should be raised with the IPCC when they arise. [see contacts]

**14. RESPONSIBLE PARTIES**

- 14.1 The IPCC will liaise with the ACPO Communications Advisory Group in the first instance to review and update this protocol. IPCC responsibility for the protocol rests with the IPCC Deputy Chair responsible for Investigations and the IPCC Head of News. Any comments or suggestions about the protocol, or problems with its operations should be directed in the first instance to the IPCC's Head of News.

**15. MORE INFORMATION**

- 15.1 Details of the statutory guidance for the police complaints system can be found here: <http://statguidance.ipcc.gov.uk/>

Links to other useful documents:

Making information available:

[http://www.ipcc.gov.uk/makinginformation\\_available121108.pdf](http://www.ipcc.gov.uk/makinginformation_available121108.pdf)

Protocol with ACPO etc.

**16. CONTACTS**

**IPCC**

**Director of Customer Services & Communications**  
Head of News  
Corporate Press Officer

Judy Clements  
Charlotte Phillips  
vacant

**Regional Communications Officers**

North  
Central  
Wales & the South West  
London & the South East

Ian Christon  
Ash Bower  
David Nicholson  
Trish Keville

**ACPO**

**Chair of ACPO Communications Advisory Group**  
**Staff Officer ACPO Communications Advisory Group**  
**ACPO Director of Communications**

DCC Andy Trotter  
Insp Robin Edwards  
Oliver Cattermole

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## ACPO GUIDE TO POLICE SERVICE PUBLICATION SCHEME

### For Introduction: 1<sup>st</sup> October 2011

LAWFUL REQUIREMENT ICO POLICE SECTOR DEFINITIONS DOCUMENT	ACPO MINIMUM STANDARDS TO ENSURE COMPLIANCE	SCHEDULE	GUIDANCE NOTES
	<p><b>Forces are required to publish the following information only if it is held.</b> Information or parts thereof listed below may be withheld from publication if exemptions apply</p> <p>Terminology is as generic as possible but there may be local variations</p> <p>The information published on 1 Jan 09 will be that which is in existence on that date. E.g. if your Business Interest Register was last updated on 1 July 08 that is the version to publish. If you are creating information in order to publish it, it should be up to date as of 1 Jan 09</p>		
<p><b>Who We Are and What We Do</b> <i>Force structure</i></p>	<p>i. Map of the force area with the ability to identify the geographical area covered by each Safer Neighbourhood Team</p> <p>ii. Organisational Chart showing Chief Officers areas responsibility and the generic Department titles, e.g. Finance, ICT, Scientific/Forensic Services</p> <p>iii. Officer and police staff establishment at force level</p>	<p>i. &amp; ii. Updated when changes occur</p> <p>iii. Updated quarterly</p>	<p>ii. Do not include details of sensitive units</p>
<p><i>Profiles of chief and senior officers</i></p>	<p>Photograph and brief career outline. All senior officers down to head of BCU/OCU/Borough/Dept as per Force Structure above</p>	<p>Updated within 3 months of changes occurring</p>	<p>Should be links within force structure to this information if possible.</p>
<p><i>Identity of senior police staff</i></p>	<p>Minimum details to include name, post title, brief outline of role and duties for heads of departments as listed in the force structure. This must include as a minimum HR, Legal Services, Finance, Corporate Communications, Estates and Facilities and Procurement or Equivalent Post.</p>	<p>Updated when changes occur</p>	<p>Include photographs of those heads of department whose role/responsibilities are public facing and those who deal with external agencies or authorities</p>

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<p><i>Location of police stations (including mobile units) and public opening hours</i></p>	<p><b>i.</b> Addresses and opening hours <b>ii.</b> Mobile police stations – dates, times, location</p>	<p><b>i. &amp; ii.</b> Updated when changes occur</p>	<p><b>i.</b> Should be links to and from map of force area if possible.</p>
<p><i>Contact details</i></p>	<p><b>i.</b> Emergency and non-emergency telephone numbers <b>ii.</b> Text number for general enquiries <b>iii.</b> Email address for general enquiries <b>iv.</b> Postal Address for general enquiries <b>v.</b> Contact details for local SNT <b>vi.</b> How to report a crime <b>vii.</b> How to make a complaint <b>viii.</b> Firearms Licensing <b>ix.</b> Freedom of Information requests <b>x.</b> Subject Access requests</p>	<p>All updated when changes occur</p>	
<p><i>Relationships with other authorities</i></p>	<p><b>i.</b> List the authorities/agencies, the force's relationship and where possible provide a link to a relevant web-site. Examples are: <b>ii.</b> Crime &amp; Disorder Reduction Partnerships <b>iii.</b> Local Criminal Justice Board <b>iv.</b> Local Safeguarding Children Board <b>v.</b> MAPPA <b>vi.</b> Casualty Reduction Partnership <b>vii.</b> Collaborative arrangements <b>viii.</b> Information sharing arrangements (subject to redaction to protect tactical/operational information where necessary) – Guidance Section 6 of MOPI <a href="http://www.npia.police.uk/en/docs/MoPI_refreshed_Guidance.pdf">http://www.npia.police.uk/en/docs/MoPI_refreshed_Guidance.pdf</a> <b>ix.</b> Police Authority</p>	<p>Updated when changes occur</p>	
<p><i>Arrangements for special constables and civilian volunteers</i></p>	<p>Link to force's information/recruitment pages.</p>	<p>Updated when changes occur</p>	
<p><i>Sponsorship arrangements with business</i></p>	<p><b>i.</b> Link to force policy on sponsorship arrangements (policies and procedures). <b>ii.</b> List any private company who provides sponsorship, what that sponsorship entails, and its monetary value (See ACPO Income generation Guide).</p>	<p>Updated when changes occur</p>	



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<i>What We Spend and How We Spend It</i>	All of the below may be subject to exemption/redaction to protect commercial and law enforcement interests where appropriate (purchase of covert equipment).		Must comply with Transparency Agenda Guidelines (insert link when available)
<i>Annual Statement of Accounts</i>	<ul style="list-style-type: none"> <li>i. Normally available on the Police Authority web-site</li> <li>ii. If not, force to publish</li> </ul>	Audited accounts for last 3 financial years	
<i>Force budget (as agreed by Police Authority or Board)</i>	<ul style="list-style-type: none"> <li>i. Link to Police Authority web-site</li> <li>ii. If not on Authority website, force to publish</li> </ul>	Budget for current and previous 2 financial years	
<i>Procurement procedures</i>	<ul style="list-style-type: none"> <li>i. Force policy and procedure on procurement (link to policies and procedures)</li> <li>ii. Link to sites where your force advertises contracts for tender</li> </ul>	Updated when changes occur	
<i>Details of contracts currently being tendered</i>	Link to sites where your force advertises contracts for tender or framework solutions exist e.g. Catalist (OGCbuyingsolutions.gov)	Current information provided	
<i>List and value of contracts</i>	Contracts that have been through the formal tendering process, to include: <ul style="list-style-type: none"> <li>i. The service provided</li> <li>ii. The name of the supplier</li> <li>iii. The value of the contract</li> </ul>	Updated when changes occur	Removed s.31, 41, 43
<i>Expenses paid to chief officers</i>	All Police Officers of Supt rank and above and all Police Staff listed under 'Identity of Senior Police Staff' Only relates to personal spend when on official business. Will include amount claimed for re-imburement and spend on corporate credit card. Should be broken into categories headed: <b>Travel, Accommodation, and subsistence.</b> Should be total amount spent in each category by month with clear indication as to whether the published amounts include VAT.	Published quarterly – last four quarters to remain	Not to be routinely broken down into individual claims as this will require the level of detail to be assessed ensuring no-one is placed at risk. e.g disclosure of a regular hotel used. Bear in mind Transparency Agenda £500 threshold
<i>Evaluation of police use of resources.</i>	<ul style="list-style-type: none"> <li>i. Any reports additional to the Annual Statement of Accounts, evaluating how the force spends it budget.</li> <li>ii. Provide link to HMIC website.</li> </ul>	Reports covering the last 3 financial years	
<i>Support for the provision of Police Community Support Officers</i>	<ul style="list-style-type: none"> <li>• Your annual budget and source for the funding of PCSOs</li> </ul> Home Office ring-fenced funding, local authority schemes where another agency, public body or private company have provided funding for the provision of PSCO's.	Current and previous 2 financial years	
<i>Financial regulations</i>	List of regulations police forces are subject to. (Confer with Finance Depts.)		

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<i>What Our Priorities Are and How We Are Doing</i>	All of the below may be subject to exemption/redaction to protect operation and covert activities.		
<i>Strategic Plan</i>	Force Strategic Plan.	For current and previous 2 financial years	
<i>Annual Policing Plan</i>	Annual Policing Plan/Force Control Strategy	For current and previous 2 financial years	
<i>Area Policing Plans</i>	Policing plans/Control Strategies to OCU/BCU/Borough level.	For current and previous 2 financial years	
<i>Chief officer's Annual Report</i>	Chief Officer's Annual Report (may be published by Police Authority in which case, a link should be provided).	For current and previous 2 financial years	
<i>Police performance assessments</i>	<ul style="list-style-type: none"> <li>i. Assessment of performance against the policing plan and performance indicators for current and 2 previous financial years.</li> <li>ii. HMIC Reports</li> </ul>	<ul style="list-style-type: none"> <li>i. For current year, quarterly reports as soon as possible after completion</li> <li>ii. For previous financial years, the end-year assessment</li> </ul>	ii. Link to force reports on HMIC website is recommended.
<i>Police force statistics</i>	<ul style="list-style-type: none"> <li>i. Publish in accordance with the Home Office Crime Mapping Project.</li> <li>ii. Link to the Home Office police service strength report.</li> <li>iii. Link to Home Office annual crime figures &amp; British Crime Survey.</li> <li>iv. Any other statistical information produced by the force that is suitable for public release.</li> <li>v. Provide links to statistical information published by the Police Authority as part of Committee papers and minutes.</li> </ul>	<ul style="list-style-type: none"> <li>i. Link to <a href="http://www.police.uk/">http://www.police.uk/</a></li> <li>ii. Provide current link</li> <li>iii. Provide current link</li> </ul>	
<i>Neighbourhood policing arrangements</i>	Links to Safer Neighbourhood Policing Teams areas of force website.	Updated as changes occur	
<i>Reports from independent custody visitors</i>	<ul style="list-style-type: none"> <li>i. Link to information published on their Police Authority website. If not currently published, forces should arrange for this with their Police Authority.</li> <li>ii. Provide link.</li> </ul>	Reports for most recent financial year and previous two financial years	

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<i>Monitoring record of 'Stop and Account' and Stop and Search'</i>	i. May be published by the Police Authority, in the force Annual Report. ii. Statistical breakdown by OCU, to include number of stops under PACE and ethnicity monitoring.	i. & ii. Minimum annually	ii. Ensure publication of the use of terrorist related powers conforms with the currently agreed levels of disclosure
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<p><i>How We Make Decisions</i> <i>Agenda and minutes for the senior decision making committee</i></p>	<p>i. ACPO executive meetings and senior management team meetings of those departments listed in the organisational chart.</p> <p>ii. Minutes from Neighbourhood Policing Team Meetings (Senior Management Level) which highlight significant changes in Neighbour hood policing.</p>	<p>i.&amp; ii. Publish within 1 month of being agreed at the next subsequent meeting Minutes from the current and previous two financial years ii. Should appear on NPT pages</p>	<p>i. &amp; ii. Should comply with FOI Minute Takers Guidance</p>
<p><i>Feedback from public consultation and surveys</i></p>	<p>i. For example, public opinion surveys, customer satisfaction surveys and any other public feedback reports. ii. Published results should not include personal data.</p>	<p>Published as reports become available</p>	

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<i>Policies and Procedures</i>	<b>All policies should be suitable for publication on the force website. However, a case-by-case review of procedures must be undertaken to protect law enforcement and health and safety considerations</b>		
<p><i>For the conduct of police force business</i></p> <p><i>For the provision of policing services</i></p> <p><i>About recruitment and employment of staff</i></p>	<p>Policies are why we do things and procedures are how we do them.</p> <p>i. All policies must be published.</p> <p>ii. Procedures should be published where it is safe to do so.</p> <p>iii. Forces that produce combined policy and procedure documents have to publish the policy section but assess the procedure part to ensure no sensitive information is published</p> <p>iv. Current vacancies in the organisation.</p>	i.-iv. Updated as changes occur	<p>i. Policies should be assessed by authors to ensure there is no sensitive information and any redactions indicated on the published version. This would be the exception rather than the norm as publication is a legal requirement.</p> <p>ii. Procedures that contain sensitive information need not be published as there is no legal requirement to do so.</p> <p>iii. Combination of above. Remembering there is no requirement to show procedure redactions, simply remove from the published article.</p>
<i>Records management and personal data policies</i>	<p>i. Policies in accordance with requirements under the Code of Practice for the Management of Police Information.</p> <p>ii. Copy of Code of Practice.</p>	Updated as changes occur	

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<p><i>Customer service standards and complaint procedure</i></p>	<ul style="list-style-type: none"> <li>• How to make a complaint.</li> <li>• Link to the IPCC.</li> <li>• Handling requests for information.</li> <li>• Charter Mark procedures.</li> <li>• Response times.</li> <li>• Cost recovery policy.</li> <li>• Other Local Initiatives</li> </ul>	<p>Updated as changes occur</p>	
<p><i>Charging regime and policies</i></p>	<p>Any service for which the public are charged, including the rates and how they are calculated, e.g. road traffic collision reports, subject access requests, police officer interviews/statements, and any local charging regimes.</p>	<p>Updated as changes occur</p>	

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<i>Lists and Registers</i>			
<i>Information held in registers by statute</i>	Currently there are no registers that the police service is required to publish by statute.		
<i>Asset registers and information asset register</i>	<p>i. Where forces already hold an Asset Register, after careful consideration of sensitive operational issues, this should be published. There is no requirement to create new information if not already held.</p> <p>ii. Producing an Information Asset Register is a requirement under the Code of Practice for the Management of Police Information and the Community Security Policy. After careful consideration of sensitive operational issues, this should be published.</p> <p>iii. Your Police Authority may hold information subject to the Re-Use of Public Sector Information Regulations, and you could provide a link to that information.</p>	i. & ii. Updated at least annually	i. & ii. Locally assess and remove information where sections 23/24/30/31/38/44 would normally be engaged.
<i>Register of interests</i>	The Force Register of Business Interests, to include the type of business and the number of staff registering this type of interest, but not to a level that would identify individuals. Do not include business names, locations, or staff names and use generic groupings/headings, e.g. children's entertainer, consultancy.	Updated at least annually	Subsequent requests for more detail will need to be assessed on a case by case basis.
<i>Register of gifts and hospitality provided to senior personnel</i>	All persons who's expenses are published should be included in this section	Updated at least annually	As per force policy definition of what constitutes a gift. If recorded in register it should be published
<i>FOI disclosure log</i>	<p>i. It is an ICO and ACPO best practice recommendation that all forces should operate and publish an FOI disclosure log. The level of detail held in the log will be a matter for each force.</p> <p>ii. Forces are encouraged to work towards the publication of a Disclosure Log by Jan 2012</p> <p>iii. ACPO will be issuing guidance on the management of a FOI disclosure Log.</p>	Updated at least quarterly	

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<i>Services Provided by the Police Force</i>			
<p><i>Advice and guidance for the general public</i></p> <p><i>Firearms and explosives licensing, firearms dealers licensing, abnormal loads escort, keyholder services</i></p> <p><i>Police college or learning centre</i></p> <p><i>Ceremonial duties</i></p> <p><i>Museum</i></p> <p><i>Local campaigns</i></p> <p><i>Media releases</i></p> <p><i>Details of the services for which the police force is entitled to recover a fee together with those fees.</i></p>	<p>Forces will be expected to provide information or links to information relating to local initiatives and service provision, for example:</p> <ul style="list-style-type: none"> <li>i. Links to local campaigns, e.g. drink driving, road safety, crime prevention, weapons amnesties.</li> <li>ii. Link to processes for obtaining licenses or services provided to the public.</li> <li>iii. Provision of any training services to the public.</li> <li>iv. Policing of events and the fees charged – link to ACPO policy and any local arrangements. Forces would be expected to publish details of events for which they have provided policing resources in excess of 300 officers, excluding VIP and Royalty protection, royal visits and security at sensitive locations such as military establishments. Would include community events such as football matches, fairs &amp; fetes, processions.</li> <li>v. A link should be provided to all press releases.</li> </ul>	<ul style="list-style-type: none"> <li>i. Remove once campaign has ended</li> <li>ii. Updated as changes occur</li> </ul>	<ul style="list-style-type: none"> <li>iv. Reminder of the need to refer any requests for more detail of VIP/Royalty protection regardless of previous disclosures.</li> </ul>