

Metropolitan Police Service Photography Advice

<http://content.met.police.uk/Site/photographyadvice> [Accessed 24th February 2014]

We encourage officers and the public to be vigilant against terrorism but recognise the importance not only of protecting the public from terrorism but also promoting the freedom of the public and the media to take and publish photographs.

Guidance around the issue has been made clear to officers and PCSOs through briefings and internal communications. The following advice is available to all officers and provides a summary of the Metropolitan Police Service's guidance around photography in public places.

Freedom to photograph and film

Members of the public and the media do not need a permit to film or photograph in public places and police have no power to stop them filming or photographing incidents or police personnel.

Terrorism Act 2000

Photography and Section 44 of the Terrorism Act 2000

The power to stop and search someone under Section 44 of the Terrorism Act 2000 no longer exists.

Police officers continue to have the power to stop and search anyone who they reasonably suspect to be a terrorist under Section 43 of the Terrorism Act.

Photography and Section 43 of the Terrorism Act 2000

Officers have the power to stop and search a person who they reasonably suspect to be a terrorist. The purpose of the stop and search is to discover whether that person has in their possession anything which may constitute evidence that they are a terrorist.

Officers have the power to view digital images contained in mobile telephones or cameras carried by a person searched under S43 of the Terrorism Act 2000 to discover whether the images constitute evidence that the person is involved in terrorism. Officers also have the power to seize and retain any article found during the search which the officer reasonably suspects may constitute evidence that the person is a terrorist. This includes any mobile telephone or camera containing such evidence.

Officers do not have the power to delete digital images or destroy film at any point during a search. Deletion or destruction may only take place following seizure if there is a lawful power (such as a court order) that permits such deletion or destruction.

Section 58A of the Terrorism Act 2000

Section 58A of the Terrorism Act 2000 covers the offence of eliciting, publishing or communicating information about members of the armed forces, intelligence services or police where the information is, by its very nature, designed to provide practical assistance to a person committing or preparing an act of terrorism.

Any officer making an arrest for an offence under Section 58A must be able to demonstrate a reasonable suspicion that the information was, by its very nature, designed to provide practical assistance to a person committing or preparing an act of terrorism

It would ordinarily be unlawful to use section 58A to arrest people photographing police officers in the course of normal policing activities, including protests because there would not normally be grounds for

suspecting that the photographs were being taken to provide assistance to a terrorist. An arrest would only be lawful if an arresting officer had a reasonable suspicion that the photographs were being taken in order to provide practical assistance to a person committing or preparing an act of terrorism.

There is nothing preventing officers asking questions of an individual who appears to be taking photographs of someone who is or has been a member of Her Majesty's Forces (HMF), Intelligence Services or a constable so long as this is being done for a lawful purpose and is not being done in a way that prevents, dissuades or inhibits the individual from doing something which is not unlawful.

Guidelines for MPS staff on dealing with media reporters, press photographers and television crews

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Contact with photographers, reporters and television crews are a regular occurrence for many officers and staff. The media influences our reputation so it's crucial to maintain good working relations with its members, even in difficult circumstances.

Following these guidelines means both media and police can fulfil their duties without hindering each other.

Creating vantage points

When areas are cordoned off following an incident, creating a vantage point, if possible, where members of the media at the scene can see police activity, can help them do their job without interfering with a police operation. However, media may still report from areas accessible to the general public.

Identifying the media

Genuine members of the media carry identification, for instance the UK Press Card, which they will present on request.

The press and the public

If someone distressed or bereaved asks the police to stop the media recording them, the request can be passed on to the media, but not enforced.

Access to incident scenes

The Senior Investigating Officer is in charge of granting members of the media access to incident scenes. In the early stages of investigation, evidence gathering and forensic retrieval take priority over media access, but, where appropriate, access should be allowed as soon as is practicable.

Film Unit

The aim of the Metropolitan Police Service Film Unit is to be a central point of contact, to co-ordinate, facilitate and bring consistency to those people filming in London with MPS support.

We work together with Film London and stakeholders of the Film London Partnership to make London accessible, whilst minimising inconvenience to Londoners and increasing the economic benefits of filming.