

OFFICIAL



Auditors & Social Media Bloggers

National Guidance

Owning Department:	Professional Standards
Version Number:	1.00
Date Published:	01/04/2022

OFFICIAL

1. Purpose

The purpose of this document is to provide guidance to Police Service of Scotland (hereafter referred to as Police Scotland) police officers and staff who may find themselves interacting with Auditors and Social Media Bloggers. This document has been created following the guidance previously issued in [Force Memo PS 086/13](#) which relates to the recording, filming, taking photographs etc., of officers on duty.

2. Background

Auditors and Social Media Bloggers are members of the public who attend police stations, other public / civil service buildings or ongoing incidents with the purpose of capturing officers or staff on camera and live-streaming to social media platforms or uploading with edited content.

There has been an increasing number of reported incidents within the United Kingdom whereby Auditors and Social Media Bloggers have used security concerns and limited preventative measures surrounding the filming of officers or staff and premises to provoke officers or staff and site security into potentially embarrassing reactions, often asserting that officers or staff are overstepping legal boundaries. They are also well versed in their own rights and often cite legislation in their interactions with officers or staff.

Auditors and Social Media Bloggers operate in an overt manner and their actions will be, on most occasions, deliberately obvious to officers or staff and members of the public. This group should not be confused with hostile reconnaissance (focussed observations intended to collect information to inform the planning of a hostile act against a specific target) which by its nature is covert. S30(c), S31(1), S35(1)(a)&(b)

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

OFFICIAL

3. How to respond to Auditors and Social Media Bloggers

Guidance for Officers

We must acknowledge that citizen journalism is a feature of modern life and police officers are now photographed and filmed more than ever. Unnecessarily restricting photography, whether for the casual tourist or professional has potential to undermine public confidence in the police service.

It is important therefore that our policing tone and style reflects the need for positive engagement and that common sense needs to be applied by everyone. Officers should:

Engage

It is acknowledged that this may be an intrusive experience for officers however it is important to remain calm and professional if responding to a situation where someone is recording a public / civil service premises and / or staff. Officers should consider preparing an appropriate response in anticipation of being questioned by Auditors and Social Media Bloggers in the knowledge that an inappropriate response or unlawful arrest may be the desired outcome.

Officers are reminded that their opening conversation will influence the level of engagement, tone and subsequent interaction. Early verbal engagement can quickly de-escalate a situation and a professional greeting such as, "How's it going today?" will often work better than, "What are you doing out here?" or "Why are you recording our police building?" Inappropriate or offensive language must not be used.

Remember that when reasonable suspicion is absent, this type of contact would be considered consensual. Coercive, demanding or aggressive questioning should be avoided.

Explain

Although footage can legitimately be recorded in public areas, the right to record within police premises must be balanced against the operational security of the building, the safety and security of police officers / staff and the privacy of the public frequenting the premises.

Auditors and Social Media Bloggers may attempt to enter the curtilage of police premises during the course of their activities, therefore it is important that adequate signage is displayed on the perimeter of police premises, particularly around parking areas, making the boundary clear to members of the public.

Auditors and Social Media Bloggers frequently ask if they are being detained or arrested or what the basis would be for this. If reasonable suspicion is absent, an appropriate response would be to tell the person(s) that they are:

- Not being detained or arrested;
- They are free to leave at any time;
- They are free to continue with their activities.

OFFICIAL

OFFICIAL

If the officers deems it to be necessary they may request the person's personal details. The Auditor and Social Media Blogger/s must be informed that there is no legal requirement for them to provide this information. The exception to this is if there are reasonable suspicions an offence is taking place.

Encourage

As far as possible, officers should encourage positive dialogue with the Auditor and Social Media Blogger/s. This will assist in establishing sufficient information to allow an informed decision on what action, if any, requires to be taken in the circumstances.

Other law enforcement agencies have confronted such groups having received a call of suspicious behaviour by these persons. These groups immediately respond by asking what is suspicious about their behaviour. Be honest - if responding based on a call of suspicious persons, it is appropriate to say why you are there.

If there is nothing suspicious about their behaviour, it is perfectly acceptable to respond as such. It is also acceptable to ask them what they are doing, why they are recording, and what their purpose is for recording such activities.

It is especially important to note that when a call taker is receiving and generating a call concerning a suspicious subject or suspicious activity, that the call taker obtain facts from the reporting party that articulate what is suspicious. It is of equal importance that dispatchers relay these facts to responders.

Enforce

Officers have no powers to stop members of the public filming or taking photographs of them in the course of executing their duties in public places i.e. where the member of the public has a legal right to be.

However, if it is considered that the filming is impeding or obstructing an officer in the lawful execution of their duties the individual may be committing an offence under [Section 90\(2\) of the Police and Fire Reform \(Scotland\) Act 2012](#), or potentially [Section 38 Criminal Justice & Licensing Act 2010](#).

The decision on whether such an offence is being committed will depend on the particular nature of the incident officers are responding to and the manner in which the filming is being carried out. Once an image has been recorded, the police have no power to delete or confiscate it. This, of course, does not affect an officer's powers to seize items where they suspect there is evidence of criminality.

If it is considered that the Auditor and Social Media Blogger/s behaviour may represent a security risk, or risk to the personal information of officers or staff to be misused, officers should be clear and confident of the powers at their disposal, and **clearly articulate** why they are using them. Do not seize a camera or phone unless it is deemed to be evidential.

[Section 43 of the Terrorism Act 2000](#) should be relied upon only when reasonable suspicion exists. Officers are reminded of the additional assistance any digital technology (e.g. CCTV, bodycams) may be able to provide to corroborate their actions.

OFFICIAL

OFFICIAL

Guidance for Staff

There is a reasonable expectation of staff employed by the Scottish Police Authority (SPA) whether within SPA Corporate, SPA Forensics or under the direction of the Chief Constable, or who utilise police premises for work purposes, not to be photographed or filmed by a member of the public.

Should a member of staff be confronted by an Auditor and Social Media Blogger/s they should firstly assess their own safety. There is no evidence that the Auditor and Social Media Blogger/s wish to cause harm however Police Scotland recognises that this may be a stressful situation for a member of staff. Returning to the police building should be the first option considered. Contact should then be made with a uniformed officer on duty reporting the circumstances of the interaction.

Engage

There is no requirement for the member of staff to engage with the Auditor and Social Media Blogger/s however it is important to remain calm and professional. The member of staff may inform the person/s that they are returning to the Police premises in order to have an Officer attend to speak with them.

Action

All interactions with Auditor and Social Media Blogger/s by members of staff should be reported to their Line Manager or the on duty officer in charge (see section 4). Any wellbeing concerns should be recorded and addressed by the Line Manager.

4. Record of Interactions with Auditors and Social Media Bloggers

On observing or having any interaction with an Auditor or Social Media Blogger, all police officers and staff must report these incidents to their immediate line management ^{S31(1), S35(1)(a)&(b)}

A STORM incident must be raised, either via the local police station or by contacting the Area Control Room, and marked for the attention of the station duty officer or individual with responsibility for the security of the site. ^{S35(1)(a)&(b)}

OFFICIAL

Depending on the nature of the incident, but particularly around police buildings, officers and staff should also give consideration as to whether the incident constitutes an Information Security Incident. This would be where there is a risk to information, or there is an actual loss of information. This may occur where images are being recorded inside a police office, or in such proximity that police information is captured and compromised. Guidance can be found in [Information Security Handbook](#) (Section 14). Where appropriate, such incidents should be reported to Information Security ^{S30(c)} [REDACTED]

The Corporate Communications Department should be notified of any incidents to support any subsequent public confidence issues and responses that may be required. The News Desk can be contacted on ^{S30(c)} [REDACTED]

Officers and members of staff, in consultation with their line management or the on duty officer in charge, must ensure that all such interactions are recorded and notified, as detailed above.

5. Other Considerations

Disability

Due to the diverse nature of our communities, guidance and instruction cannot be provided for every circumstance. Each person must be considered as an individual with relevant needs specific to their particular circumstances, health and condition. Individuals must be treated with fairness and respect ensuring that their fundamental human rights are maintained.

Further guidance which may be of assistance can be found in the:

[Mental Health and Place of Safety SOP](#) and the [Appropriate Adult SOP](#).

Children & Young Persons

Officers and staff should be aware that United Nations Convention on the Rights of the Child (UNCRC) and the National Guidance for Child Protection in Scotland 2021 define a child as being a child or young person under 18 years of age.

Officers and staff should be mindful of the potential for a child or young person to be identified as an Auditor and Social Media Blogger. Further guidance which may be of assistance in these circumstances can be found in the [Offending by Children Divisional Guidance](#).

6. Wellbeing

Line Managers have a responsibility to ensure the wellbeing of staff. Following a report of an interaction having taken place with an Auditor and Social Media Blogger/s by an officer or member of staff a wellbeing check should be carried out.

OFFICIAL

OFFICIAL

Further advice can be obtained from HR and the Employee Assistance Programme, Scottish Police Federation or Unions can be contacted to support the individual if required.

7. Key Contacts

Professional Standards Department

S30(c)

A solid black rectangular redaction box covers the contact information for the Professional Standards Department.

OFFICIAL

Compliance Record

Equality and Human Rights Impact Assessment (EqHRIA) Date Completed / Reviewed:	28/03/2022
Information Management Compliant:	Yes
Health and Safety Compliant:	Yes
Publication Scheme Compliant:	No

Version Control Table

Version	History of Amendments	Approval Date
1.00	Initial Approved Version	01/04/2022