



AUDITORS & SOCIAL MEDIA BLOGGERS – INTERIM GUIDANCE

Background

Auditors and Social Media Bloggers are members of the public who attend police stations, other public/civil service buildings, including Ministry of Defence sites or ongoing incidents, with the purpose of capturing staff on camera and live-streaming the footage 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 staff and premises to provoke staff and site security into potentially embarrassing reactions, often asserting that staff are overstepping legal boundaries. They are also well versed in their own rights and often cite legislation in their interactions with staff.

Auditors and Social Media Bloggers operate in an overt manner and their actions will be, on most occasions, deliberately obvious to officers 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. Hostile reconnaissance will cover and test:

- Security vulnerabilities
- Patrol routes
- Shift patterns
- Layout of a venue
- Security practices

If an officer or staff member suspects that the activity constitutes hostile reconnaissance then they must immediately raise a STORM incident [REDACTED]. The officer or member of staff must also immediately inform their line manager who will ensure that the circumstances are reported to the OCCTU Fixed Intelligence Management Unit (FIMU) without delay on [REDACTED]. Officers/staff must also be mindful of evidential opportunities including CCTV and forensics. If in doubt then guidance should be sought from local CID officers.

How to respond to Police Auditors

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. To that end, staff should aim to:

Engage

It is acknowledged that this may be an intrusive experience for officers and members of police staff 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 an auditor or blogger, 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. 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 absent reasonable suspicion, this type of contact would be considered consensual and 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/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/Bloggers frequently ask if they are being detained or arrested or what the basis would be for this. Absent reasonable suspicion, 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

If an attempt to obtain personal details should be made, the Auditor/Blogger 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, staff should encourage positive dialogue with the Auditor/Blogger. 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 by saying that they 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.

Notwithstanding the foregoing, 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. Notwithstanding, 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/Blogger's behaviour may represent a security risk, or risk to the personal information of 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.

Record of Interactions with Police Auditors

OFFICIAL

On observing or having any interaction with auditors, all Police Officers and Staff must report these incidents to their immediate line management and follow this up with an intelligence report (SID) for information gathering purposes.

A STORM incident must be raised and marked for the attention of the station duty officer or individual with responsibility for the security of the site. Appropriate checks must thereafter be undertaken to identify and address any security vulnerabilities.

The incident must be brought to the attention of the Local Area Commander or departmental equivalent. Depending on the location of the incident, it may be appropriate to notify a Force Operational Security Officer (OpSy), whose remit and contact details are accessible on the SCD Specialist Crime Support intranet page.

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 01786 896000 or NewsDesk@scotland.pnn.police.uk.