

Bust Card

Everyone has a right to photograph in a public place.

ACPO/Met police agreed *Media Guidelines* confirm that the police have no legal power or moral responsibility to prevent or restrict what journalists record.

If challenged by police try to record the conversation. Get witness names and contact details. Also badge numbers of police officers and a receipt for the stop.

Police Powers

Stop & Search - Police and Criminal Evidence (PACE) Act 1984

You don't have to give your details but best to politely cooperate & show a press card if you have one.

Under this act police must:

- Provide ID, name and police station.
- Tell you the object of proposed search.
- Provide a search record (important for any later legal action)

Section 1 PACE allows the police to search you if they have reasonable suspicion that you have an offensive weapon.

s43 - Terrorism Act 2000

- With reasonable suspicion police can stop and search you for anything that may constitute evidence that you are a terrorist.
- A police officer of the same sex must search you.
- Police can seize and retain anything reasonably considered evidence.

s47a Terrorism Act 2000 (replaces repealed s44)

A senior police officer with reasonable suspicion can designate an area where it is thought an act of terrorism might take place. No reasonable suspicion is required to stop and search for terrorism evidence. Police can retain anything found and reasonably suspected of being evidence.

s58a Terrorism Act

It is illegal for a person to elicit or attempt to elicit (collect) information from an individual who is, or has been a member of the armed forces, intelligence services or a constable, which is of a kind likely to be useful to a person preparing an act of

terrorism or publishes or communicates any such information. Equipment can be viewed and seized. Maximum sentence of 10 years imprisonment.

s60 Public Order Act

- Police can authorise a designated area on reasonable belief that serious violence has taken, or may take place.
- Police can search individuals or vehicles in that area with or without reasonable suspicion, for prohibited weapons or dangerous instruments (e.g. sharps).
- Police can require removal of any item used wholly or mainly to conceal identity.
- Journalists could be charged with obstruction if they refuse to cooperate.

s5 Public Order Act

- Using threatening, abusive, insulting words or behaviour within the hearing of someone likely to be harassed, alarmed or distressed.
- An arrestable offense and a fine up to £5000.00 if you actually cause harm or offense.

s14 Public Order Act

- The most senior police officer can place conditions on a public assembly such as place, duration and numbers and can clear an area if he/she believes that serious disorder, threat to property or disruption to the life of the community will occur.
- It is a criminal offense not to cooperate and you can be fined or imprisoned.

Accredited Persons

- A chief constable can set up a community accreditation scheme.
- Traffic wardens, security guards, store detectives etc can apply and get the powers usually associated with the police or Police Community Support Officers. They are issued ID cards.
- Can issue fixed penalty notices for a wide range of minor offenses. They have the power to photograph, take names and addresses of persons they suspect of a crime or anti social behaviour. Offense if you refuse.
- They do not have the power to detain.

- Police Community Support Officer can detain for 30 mins until police arrive

If Arrested

Remain calm, polite and reasonable at all times

- You will be taken to a police station. Police are not entitled to seize journalistic material without a court order of judge.
- Make sure custody record logs your journalistic material (kit/phone/memory cards etc), protected under PACE as 'Special Procedure Material'. Make a note of the seal numbers on the evidence bags, ensure they are listed on the custody record.
- You have the right to inform someone of your arrest, police must ensure this happens swiftly.
- You have a right to free and independent legal advice whilst in custody. A duty solicitor on rota will be available, or better request your own specific solicitor.
- Private Security have no additional rights other than that of an ordinary citizen on public property. Except where they are *Accredited Persons*. You can be asked to leave whilst photographing on private property, you could be arrested and charged with the offense of trespass if you refuse.

Emergency legal numbers (24h) if arrested:

- ***Bindmans LLP - 0207 833 4433***

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