

Document information

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FOI:	npcc.request@foi.pnn.police.uk
Author:	Helen Maunder
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Auditors/Social Media Bloggers – Initial Guidance

The National Police Chiefs Council has agreed to these guidelines being circulated to and adopted by Police Forces in England, Wales & Northern Ireland.

Guidelines produced by the NPCC should be used by Chief Officers to shape police responses to ensure that the public experience consistent levels of service. The implementation of all guidance will require operational choices to be made at local level in order to achieve the appropriate police response. The purpose of this guidance is to assist force personnel to conduct themselves accordingly when interacting with self-proclaimed Auditors and Social Media Bloggers. This guidance will be updated and re-published as necessary.

Any queries relating to this document should be directed to either the author detailed above or the NPCC Business Support Office on 020 7084 8959/8958.

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1. Auditors/Social Media Bloggers

- 1.1 There is an increasing number of reported incidents within the United Kingdom regarding Auditors and Social Media Bloggers. The Auditors/Bloggers are members of the public who attend police stations, other public/civil service building including Ministry of Defence sites

or incidents with the purpose of capturing staff on camera and live-streaming to social media platforms or uploading with edited content.

- 1.2 Auditing/Blogging is a behaviour that has common practice in the USA for a number of years and is developing a growing community of auditors, subscribers and viewers throughout the United Kingdom.
- 1.3 The Auditors use security concerns surrounding the filming of staff and premises, alongside limited powers to prevent it. They appear 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. Any perception they are under police surveillance is likely to be challenged robustly and, potentially publicly.
- 1.4 Auditors/Bloggers should not be confused with hostile reconnaissance 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 you have reasonable suspicion that it is hostile reconnaissance please report into your regional counter terrorism unit.

2 ACPO Guidance for Photographers 2010

- 2.1 Auditors/Bloggers have referred to the ACPO Guidance for Photographers 2010 document during some of their recordings. For the purposes of this guidance document, the following points taken from the ACPO guidance for Photographers 2010 will continue to act as the guiding principles.
 - There are no powers prohibiting the taking of photographs, film or digital images in a public place. Therefore, members of the public and press should not be prevented from doing so.
 - We need cooperation with the media and amateur photographers. They play a vital role as their images help us identify criminals.
 - 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 is unacceptable and it undermines public confidence in the police service.
 - Once an image has been recorded, the police have no power to delete or confiscate it without a court order.
- 2.2 The College of Policing also has guidance that can be accessed through the Media Relations APP and the Public Order APP, which Chief Constables and local commanders may wish to use alongside this guidance.

3. How to respond to Police Auditors

- 3.1 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. Their first interaction could be with anybody in policing, but is likely to be front counter staff. It is equally important to have an

appropriate response if questioned by these groups, with the knowledge that they are looking for an inappropriate response by police, or to be unlawfully detained.

- 3.2 When contacting such groups, remember that your first words will often dictate the remainder of the contact, as with any other contact. 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?"

Remember that absent reasonable suspicion, this type of contact would be considered a consensual contact, and to avoid any coercive, demanding, or aggressive questioning.

- 3.3 These individuals frequently ask if they are being detained, or what the basis is for their detention. Absent reasonable suspicion, an appropriate response would be to tell the person(s) that they are:

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

- 3.4 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 do so. The exception to this is if there are reasonable suspicions an offence is taking place or as part of a force's Track and Trace process if they enter a police premises.

- 3.5 Some Auditors/Bloggers also respond by saying they feel threatened or intimidated by staff. If they do, it is acceptable to ask them:

- How your presence is threatening to them;
- Explain what are you doing to make them feel threatened;
- You can also reinforce that you are simply asking them questions, and that they are not being detained.

- 3.6 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 for service of suspicious persons, it is appropriate to say why you are there. Such a response might be similar to the following:

- "Someone called regarding your activity. I would like to ask you a few questions about what you are doing out here. You are not being detained, and are free to leave at any time."

- "Some people find it suspicious and concerning that you are recording our premises and staff. I would simply like to find out what you're doing out here and also be able to reassure our community about what's happening."

- 3.7 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.

- 3.8 It is especially important to note that when a call taker is receiving and generating a call for service concerning a suspicious subject or of 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.

- 3.9 If the event is generated by a member of staff's observations, it is important that the primary responder clearly communicate the circumstances to other responders. Doing so will help prevent a detention being unnecessarily imposed, in the event that reason for a detention did

not exist. Effort should be made to capture these individuals with Body Worn Video (BWV) in the event identification becomes necessary and to provide evidence of behaviours should a complaint be made.

4 Powers

- 4.1 If you do feel the Auditor/Blogger's behaviour may represent a genuine security risk or risk to the personal information of staff to be misused, be clear and confident of the powers at your disposal, and CLEARLY ARTICULATE why you are using them. Do not seize a camera or phone unless you deem it evidential.
- 4.2 Section 43 of the Terrorism Act 2000 should be a LAST RESORT, and only when reasonable suspicion exists. You should consider other possible remedies such as the Anti-Social Behaviour Act 2014, if applicable.
- 4.3 Consideration could be given to using powers under s136 Mental Health Act if it was felt the individual was suffering from acute mental ill health and in immediate need of care and control. It is suggested to seek the advice of a clinician in advance to ascertain if the individual is known to local mental health services and receiving care or treatment.

5. Circulation of Guidance

- 5.1 All staff should be briefed on this guidance. There have been incidents when unsuspecting members of staff have been approached when entering or exiting various parts of the building. Auditors/Bloggers will also notice any unintentional indiscretions such as defective car, uniform etc., all of which can be uploaded onto their channel. Staff should not use any type of inappropriate or offensive language when interacting with Auditors/Bloggers.
- 5.2 Staff should report all incidents to local intelligence teams for information gathering purposes.
- 5.2 All first line managers of those who are recorded should be informed to help manage any welfare issues that arise.
- 5.3 The force's Corporate Communications Department should be notified of any incidents in order to support any subsequent public confidence issues and responses that may be required.