

NOT PROTECTIVELY MARKED

Procedure owned by OSDG

Social Media - Legal Dos and Don'ts

WARNING - THIS INFORMATION HAS EXPIRED

Please contact the OSDG department

There are several pieces of legislation which govern the release of police held information to the public and if you're posting information on social media sites, you need to be aware of what you should and shouldn't say.

Contempt of Court Act 1981

What is said about an individual pre-conviction can have serious implications for future court proceedings. So while it's important that we tell the public about arrests, charges and convictions, care must be taken at all times to ensure that nothing is published that could cause prejudice to a court case.

The Act was devised to protect judicial processes from outside influences when cases are 'active'. In most criminal cases, the 'active' period starts with the granting of an arrest warrant, the arrest of a suspect, or the issue of a summons.

Once a case is 'active', anything which creates a substantial risk that the course of justice in those proceedings will be seriously prejudiced or impeded will be a contempt of court. This is the case regardless of intent. A serious prejudice might include, for example, the publication of previous convictions prior to a trial, or implying that someone charged with an offence is guilty.

To protect the judicial process different levels of information can be released at different stages of 'active' cases. However, to keep things as simple as possible, we have standardised what should and should not be released.

So, for the purposes of social media sites, when publishing information on arrests, charges and convictions, the same rules will apply. We have outlined these rules below. If you believe more information can or should be included, or if you are unsure in any way, please contact the Corporate Communications Department before publishing any information.

YOUR LEGAL CHECKLIST

DOs

Once a person is arrested / charged / convicted you can release:

- their gender
- their age
- the town or general area they're from
- their name and street name can be given but ONLY once their first court appearance is imminent (next or same day), unless court reporting restrictions are likely or they're a juvenile
- what they've been arrested on suspicion of / charged with / convicted of
- the date and location of any court appearance
- their sentence
- remember to link back to the Force website if a related press release has previously been issued

DON'Ts

- never imply that an arrested or charged person is guilty, unless they've actually been convicted
- never anticipate that charges will follow an arrest
- never include personal details of juveniles, victims or witnesses or any details which could inadvertently identify them
- never mention previous convictions
- never release investigative or operational tactics
- never publish protectively-marked or otherwise sensitive information

If in doubt about ANY of the above, contact the Corporate Communications Department at HQ for advice.

Personal use

When using social networking, blogs and video sharing websites, Staffordshire Police and Staffordshire Police Authority employees are encouraged to use discretion. All staff are accountable for whatever they put into the public domain and inappropriate use may leave individuals subject to disciplinary procedures.

When using private networking, blogs and video sharing websites, no use may be made of the Staffordshire Police crest or visual identity without written permission from the Corporate Communications and

Marketing Unit and consideration must also be given to any other matters of copyright.

Officers and members of Police Staff who use their personal details to contribute to social networking, blogs and video sharing websites should also take into consideration the fact they will be placing personal details into the public domain, which may impact on their own privacy and in particular, may compromise their vetting status or ability to be deployed on certain types of policing, such as undercover or otherwise covert operations.

Staff should never use their personal social media sites to become linked (fans, friends, followers, linked into) to their professional sites as this would provide easy access to colleagues personal pages who may not be aware of the link.