



Guidance on the release of wanted images and CCTV by Cumbria Constabulary

January 2009

Introduction

This document acts as a guide only, and is not a legally binding document. Its purpose is to aid officers and the Press Office decide whether the release of images to the media is justified and proportionate.

The document provides step-by-step advice to follow before approving the release of images or CCTV footage held by Cumbria Constabulary.

The main legal consideration to take before releasing an image or CCTV footage is the Human Rights Act, to ensure a balance is struck between an individual's right to a fair trial and a private life versus public interest and the prevention of crime and disorder. You need to consider whether release of the image is lawful, proportionate and necessary?

Images held by the police are regulated by the Data Protection Act, which must be complied with. There is an exemption in the act which allows for the release of images where we would prejudice the prevention or detection of crime by not releasing them.

Material which features individuals whose identity is unknown to the police is not currently regarded as 'personal data' under the Act.

Image release **MUST** be approved by Chief Inspector rank or above and **MUST** be released to the media by the Press Office. In sensitive cases it may be advisable to seek advice from CPS to ensure that a case is not jeopardised. Document this advice.

This document relates to the ad-hoc release of images or footage. Contact the Press Office direct if you are approached by a documentary maker or similar.

For further information or guidance contact the Press Office on 01768 217009.

Releasing images of UNNAMED suspects to the media

Follow these steps before releasing an image or CCTV being used to detect a crime, or of an unnamed suspect. All images must be released by the press office with approval from Chief Inspector rank or above.

| | | |
|--|------------|-----------|
| Enter details of image or CCTV footage below: | | |
| Crime number/Log number: | | |
| Date captured: | | |
| Location: | | |
| Description: | | |
| Consider the following question. If you answer yes, then release of the image is not advised. If you answer no, continue to follow this guide. | Yes | No |
| Is release of this image or footage likely to seriously prejudice future legal proceedings? | | |
| Consider the following question. If you answer no, then release of the image is not advised. If you answer yes, continue to follow this guide. | Yes | No |
| Have you exhausted all other reasonable options to locate/identify this wanted person? | | |
| Consider the following questions. If you answer yes to any of them, then release of the image may be justified with approval from Chief Inspector level or above. | Yes | No |
| Will release of this image or footage encourage witnesses to come forward? | | |
| Will release of this image or footage encourage victims to come forward? | | |
| Will release of this image or footage discourage offenders? | | |
| Will release of this image or footage reassure the law-abiding public? | | |
| Is this person a danger to the public? | | |
| Will release of this image or footage offer road safety and/or crime prevention advice? | | |
| Will release of this image or footage dispel rumour or speculation which is threatening public disorder? | | |
| Chief Inspector approval. | Date: | |
| Sign here: | | |

What next?

1. Complete the above form and forward to the Press Office with an electronic copy of the image or a DVD containing the footage. This must be edited BEFORE being passed to the Press Office.
2. Draft a written appeal for information to be issued with the image or footage (See 'Wording' below).
3. Ensure that the identity of victims, witnesses, innocent bystanders and police personnel are disguised, unless approval can be sought from them to be identified.
4. Nominate a spokesperson to undertake interviews with the media and provide background to the incident/investigation if required.
5. Press Office will release the image or footage in conjunction with the relevant licence agreement, which details conditions and terms of use.
6. Inform the Press Office if the person is located, or if there are any significant updates in relation to the investigation.
7. Keep a copy of this form for your records.
8. Consider obtaining financial reimbursement for outlay if significant time and effort has to be expended to locate and provide images or footage.

Wording

Care must be taken over the wording that accompanies images of suspects or unnamed wanted people. You must **not** imply guilt where someone has not been convicted. You must state on facts. **Never speculate.** Contact the Press Office, CPS or Press Complaints Commission for advice if required.

Example:

"Cumbria Police are keen to speak to this person in connection with an incident of criminal damage in Carlisle on Sunday 1 July.

"At around 5am on Main St, rocks were thrown at eight vehicles causing in excess of £6,000 worth of damage.

"Anyone who recognises the individual, or has any information about the incident, should call Cumbria Police on 0845 33 00 247."

Note: *It is the responsibility of the investigating officer, with approval from Chief Inspector or above, to identify and authorise the release of images. Justification must be clearly documented in policy books in case the decision for release is questioned during legal proceedings or internal audits. The Press Office can offer advice only, but cannot authorise release. The decision making must also document a risk assessment, particularly where the person being sought might be vulnerable, or made vulnerable by the release.*

Releasing images of NAMED suspects and WANTED people to the media

Before choosing to release such an image to the media you must consider whether its release is lawful, necessary and proportionate?

All images must be released by the press office with approval from Chief Inspector rank or above.

Use the same form as above, but also make the following considerations:

- Does the need to warn the public about a dangerous offender outweigh the possibility of jeopardising any subsequent court hearing? Consult with CPS before making this decision. If yes, then release of the image may be justified.
- Will release of the image provide the named suspect with an opportunity to come forward and eliminate themselves from the inquiry? If yes, then release of images may be justified.

NOTE: *It is the responsibility of the officer who releases the image to ensure that the media is updated on any movement in the related investigation via the Press Office. If a wanted person is arrested, the images should be removed from publication immediately.*