

Recorder rapped for police raid pictures

In an important ruling about privacy and pictures, the PCC has upheld a complaint against the Barking and Dagenham Recorder after it published photographs taken by a journalist who accompanied police on a raid of a woman's home.

The raid had been intended to recover stolen goods but, as the article itself made clear, no stolen items were found by police and no arrests were made. Nevertheless, the story was illustrated by photographs of the property, including a pixellated image of the complainant's 17-year-old son, who had been handcuffed, sitting in his bedroom. The complainant, who was concerned that a reporter and photographer had entered her home and taken photos without consent, said that several people had recognised both her son and the interior of her property. This, she argued, was a breach of Clause 3 (Privacy) of the Code of Practice.

The newspaper said it had been invited to accompany the police and claimed it had taken steps to ensure the complainant, her son and her address were not identified. However, the Commission rejected this defence.

In the Commission's view "taking and publishing the photograph of the inside of the complainant's home was clearly very intrusive, regardless of whether or not [her son]'s face had been obscured in the published picture". Since no stolen goods had been recovered by police and no arrests had been made, there was no public interest to justify the use of that particular image. It was also insufficient to rely on the fact that the journalists had been invited on the raid by the police. As the Commission made clear in its adjudication: "It was the responsibility of the editor, not the police, to get the necessary consent for publication or otherwise to comply with the Code when deciding which material to publish". In this instance, the editor had been guilty of "an error of judgement". To read the full adjudication, which was published by the newspaper last week, click [here](#)

ACPO Guidance on media coverage of police raids

The Commission's ruling on this case is significant in reminding editors that they cannot invade a person's privacy with impunity just because they have the consent of the police. Indeed, the Commission was particularly concerned that this complaint followed so soon after another similar case ([Popple v Scarborough Evening News](#)).

Moreover, while different forces have different protocols for media involvement in police raids, editors should be mindful of the current guidance from the Association of Chief Police Officers, which states:

"Lawful entry on to private premises by media representative/s cannot be authorised by [FORCE NAME].

Entry on to private premises is a matter between media representative/s and the adult householder, owner or lawful key holder and not the [FORCE NAME]. Police will not seek permission on behalf of the media.

If police visit private property whilst media representative/s are with them it is the responsibility of the media representative/s to seek permission from the owner to enter the property before doing so. If permission is not obtained for any reason or is refused by the owner then the media representative/s must not enter. Consent should be in a form which is capable of proof, i.e. in writing, filmed or taped verbal comment."

ACPO's guidance is currently under review but editors should be aware that, notwithstanding potential breaches of the PCC Code of Practice, there may be other considerations to make before accompanying police on raids of people's homes. Local forces should be contacted for further details.

For more information please contact Stephen Abell on 020 7831 0022.

ENDS

28 October 2008