

Guidance around public filming and photography

We continue to see some members of the public filming and taking photos of us and then filming the reaction of officers and staff who challenge them – and testing their knowledge of the law.

There may also be some ‘auditors or bloggers’ who are filming or live streaming our response with the intention of trying to test or provoke us.

We should not stop responding to reports of someone filming outside our properties or elsewhere but, we must do everything we can to be proportionate and follow the correct procedure.

What should I say to them?

If you have cause to speak to any member of the public or media filming or taking photographs please protect yourself by switching on your body worn camera (if available) and ensuring a comprehensive incident log is completed after.

Your first words will often dictate the tone of the rest of the conversation. A professional greeting such as, “How’s it going today?” or “Hello, how are you?” will often work better than, “What are you doing out here?” or “Why are you recording our police building?”

It is acceptable and right to ask what they are doing, why they are recording, and what their purpose is for recording such activities but avoid any coercive, demanding, or aggressive questioning or tone.

What power do we have?

There are no powers prohibiting people taking photographs or filming outside our buildings or in any other public place and they should not be prevented from doing so.

Unnecessarily restricting photography undermines public confidence in the police service. Once an image has been recorded, we have no power to delete or confiscate it without a court order.

People filming frequently ask us if they are being detained, or what the basis is for their detention. 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

If the filming or photography is suspicious?

If you do feel the person(s) behaviour may represent a genuine security risk or risk of personal information of staff being 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.

Section 43 of the Terrorism Act 2000 should be the last resort, and only when reasonable suspicion exists. Consider other possible powers such as the Anti-Social Behaviour Act 2014, if applicable.

Consideration could be given to using powers under s136 Mental Health Act if it’s felt the person is suffering from acute mental ill health and in immediate need of care.

Be sure to discuss an agreed approach with your team and supervisor.