

# THE POLICE AND THE MEDIA

REPAIRING THE RELATIONSHIP

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## INTRODUCTION

The College of Policing's independent external review of Lancashire Constabulary's operational response to missing person Nicola Bulley published in November 2023 found the 'wider relationship between the police and the media to be fractured' and identified that 'action needs to be taken on all sides to help build trust'.

This document provides a joint response from the Crime Reporters Association, the Society of Editors and the Media Lawyers Association. It is intended to help rebuild the vital relationship between police and the mainstream media, with both local and national journalists. A successful working relationship between police forces and reporters remains essential to public confidence and policing legitimacy in the UK.

The key to re-establishing that relationship is building trust. As a foundation, there should be mutual recognition and respect for the central roles the media and police both play in our democratic society.

The College of Policing review emphasised the changes and deterioration in communication between police forces and mainstream media in recent years, in particular fewer background briefings by the police and the rise of social media commentators to fill the information vacuum. It emphasised that a case like that of Nicola Bulley was not wholly unprecedented and that it was likely other forces would face similar circumstances.

The review raised a number of concerns:

- A failure to brief the mainstream media on a non-reportable basis and to adequately fill the information vacuum, which allowed speculation to run unchecked
- A failure to distinguish between the mainstream media and social media commentators
- Media handling and communication of information to the public, and the management of this by the leadership team, led to a breakdown of public confidence

The report made a number of recommendations including:

- The College of Policing and the NPCC should consider how confidence between the police service and the media can be rebuilt
- Establishing non-reportable media briefings where there is a policing purpose
- The impact of social media on police investigations is a serious and growing problem, which must be addressed by forces across the UK and policing centrally.

This document contains a series of proposals to improve all contacts between police and the media, from the moment a journalist picks up the phone to speak to a force for the first time, to the conclusion of the criminal justice process.

Although these recommendations are made by the Crime Reporters Association (CRA), the Society of Editors and the Media Lawyers Association, the proposed changes are designed to help forces deal with all reporters, including those who may have no prior experience of crime reporting.

We believe these proposals would be beneficial for policing and ultimately the public.

**Rebecca Camber, Chair of the Crime Reporters Association**

**Dawn Alford, Executive Director of the Society of Editors**

**John Battle, KC, Chair of the Media Lawyers Association**

March 2024

## THE CRIME REPORTERS ASSOCIATION (CRA)

The CRA is a historic body formed in late 1945 with the then Met Commissioner Sir Harold Scott. We are a group of highly experienced, specialist journalists covering crime, policing and home affairs for the national media. We represent all the national broadcasters, newspapers and most of the websites.

The CRA offers police a single point of contact for all national media organisations.

## SOCIETY OF EDITORS

Formed in April 1999 following a merger of the Guild of Editors and the Association of the British Editors, the Society of Editors is a campaigning industry body for editors, journalists and leaders in news media.

## THE MEDIA LAWYERS ASSOCIATION (MLA)

The Media Lawyers Association is the industry association for in-house lawyers advising editors and journalists on compliance with the law and industry regulations. Its members include lawyers from all the major news outlets of the UK, print, broadcast and online.

## SUMMARY OF RECOMMENDATIONS

1. Police forces should advertise their press office phone number and email address clearly on their website, including any out-of-hours provision if applicable.
2. All forces should be prepared to answer the phone to respond to press queries.
3. Press officers should identify themselves by name on the phone so that professional relationships can be forged with the media
4. Press officers should be empowered to provide as much guidance as possible to reporters. There should be provision in the APP to allow press officers to make their own 'reasoned judgements in individual cases' when confirming details of investigations
5. Forces should continue to use emailed press releases as a primary form of communication with the media rather than simply placing information online.
6. Consideration should be given to a mechanism for informing the national media about stories, whether this is a simple contact email list or software that can deliver email alerts.
7. Police should consider providing guidance in major incidents (on a reportable and non-reportable basis) to prevent panic caused by social media speculation, misinformation and rumour
8. Police should be able to discuss case details where people have been dealt with by cautions, fines, out-of-court disposals, SJP and other fixed penalties.
9. The NPCC, College of Policing and staff organisations need to work together on training for all ranks to promote a better professional relationship between police and the media
10. The police and press must work together to ensure that officers feel more confident and comfortable speaking to the media.
11. The current College of Policing Authorised Professional Practice (APP) guidelines around counter-corruption are damaging officers' perception of the media and are in urgent need of revision
12. Police must be prepared to act when threats are made to journalists' safety including online threats and in-person stalking.
13. It is essential that press conferences are for accredited media only.
14. Officers should seek to have a trusted dialogue with journalists and aim to provide regular updates in major investigations providing both reportable and non-reportable background briefings.
15. Forces should endeavour to provide the media with charge details as soon as possible. The media should be afforded advance notice of cases to allow them to attend the defendant's first appearance at magistrate courts.
16. Forces should consider pre-trial or pre-verdict briefings to help the media to understand a prosecution and inform reporting at the end of the case

17. Press offices should endeavour to release pictures and video material shown in court on the same day as shown to the jury throughout a prosecution.
18. Press releases containing mugshots and other relevant information should be sent out as soon as possible on the day of the verdict, not after a sentence.
19. Police should release mugshots for all custodial sentences. Forces should be aware that releasing mugshots, CCTV, body worn video or other picture material from the case such as images of the weapon or exhibits heightens the chance of publication. Without images, some stories won't be published.
20. The CRA, MLA and Society of Editors would like to work with the NPCC and the College of Policing to understand how we could improve the handling of media approaches to victims and relatives.
21. It should always be the choice of the victim or relatives whether to speak to the media. If families do wish to speak to the media, providing as much information and photographs as possible can increase the prominence of reporting about their case and provide opportunities for follow-ups which may be useful publicity in cases such as a missing person or a manhunt. If families do want to speak, don't wait for sentencing.
22. Interviews by police press officers of witnesses and victims should be discouraged, they are no substitute for an independent interview by an accredited member of the media.
23. Policing needs to consider a robust strategy to tackle some of the risks to investigations posed by social media.
24. Reporters face challenges in verifying information appearing on real time on social media and we anticipate that the relationship with the police will prove ever more crucial in establishing the truth. Forces must understand the need to move quickly to respond with guidance in the face of speculation, misinformation and correct information posted by witnesses.
25. In recent times there has been a series of cases where members of the public have posted footage from arrests and police searches which have led to highly critical commentary of the officers involved. Forces should consider providing more guidance about the circumstances of incidents and/or the release of police body worn footage to ensure that the public has a balanced view of what happened.
26. We would like to work together with the College of Policing and the NPCC in a review of the Authorised Professional Practice to reflect the recommendations above.

## FIRST CONTACT

The telephone remains a vital tool for journalists, often under pressure to quickly obtain information or check facts in the public domain. Yet since the pandemic, there has been a worrying trend of police press officers being unwilling to speak on the phone about cases.

Despite the National Police Chiefs Council (NPCC) Chair Gavin Stephens seeking a formal assurance from the Communications Advisory Group, that ‘at least one phone number is answered during working hours and there is a willingness to discuss cases and operational activity via a phone call’, journalists find that some forces are still unwilling to do this.

It is also concerning that the telephone number for the press office has disappeared from many force websites.

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### TALKING TO REPORTERS

Police forces must advertise their press office phone number and email address clearly on their website, including any out-of-hours provision if applicable.

All forces should be prepared to answer the phone to respond to press queries. We understand that a follow-up email may be necessary, and it can be helpful for both the reporter and press officer to set out any issues and specific questions in writing. However, press officers should always be prepared to discuss queries on the phone.

A default response of ‘can you just email in’ will do nothing to build relationships or engender trust.

We recognise that communication teams may be under huge pressure at times of major news stories, but in our experience, having a conversation can be a vital opportunity for the force to offer guidance and accurately set out the position in times of breaking news when speculation is often rife on social media.

In recent years, many forces have had to reduce press office capacity. As a consequence, press offices are often understaffed and there may not be anyone available on call at the weekends or evenings. In some forces, there isn’t a force duty inspector available to approach. However, in this era of rolling 24-hour news coverage, many stories can’t be held until someone is back in on Monday morning. This means stories are being published without the opportunity for police to comment or clarify matters. Forces should consider whether to provide emergency contact details to reporters in the event of a major breaking story to ensure that the story is accurate.

It is important that communication teams have a strong understanding of how the media works. Many press officers are highly experienced and do a great job, sometimes in very difficult circumstances. But the service provided remains highly variable across the country.

The foundation for all conversations between journalists and police press officers should be mutual respect, professional courtesy and cooperation. Press officers should seek to accommodate media requests where possible, including respect for exclusives. Some forces have complained of abuse from frustrated media when requests are denied. At all times, journalists should behave in a professional manner and never resort to abuse.

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## WHO'S WHO?

Press officers should identify themselves by name at the outset of the conversation. It may sound like a simple thing, but this enables reporters to build relationships with press officers and crucially to know who they spoke to for follow-up queries.

It would be beneficial if forces could provide on request a brief organisation chart or list with the names of all press officers, which may include their email address, direct phone number and details about specific force area responsibilities.

While many forces rely on a central newsdesk number, letting journalists know the name and email address of those working there would be a simple step towards building relationships.

The NPCC produced a list for the CRA some years ago of every head of communications in England and Wales. Consideration should be given to making this a regularly updated document released to trusted media on a not for publication basis.

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## GUIDANCE

All press officers should be empowered to provide as much guidance as possible to reporters. We recognise that sometimes junior members of staff may lack the experience or confidence to stray from prepared lines, but it should always be possible to speak to someone who can answer background questions, making it clear what is reportable and what is not.

Police and press officers should seek to agree the terms of the engagement (see box below) with a journalist when offering guidance so it is clear what is reportable and what cannot be published. We believe this step is crucial to building up trust between members of the media and the police. In the past, there has been some concerns raised by forces about reporters potentially breaching the rules, but in our experience this has never occurred.

Any breach of confidentiality by a reporter would be considered an extremely serious matter by the CRA which may result in that member being expelled from the organisation, resulting in a potential ban from forthcoming police briefings and media opportunities. Journalists are subject to the Editors Code of Practice and the Ofcom Broadcasting Code. Any breach of trust or wrongdoing by a reporter can have significant consequences for a reporter on a professional level. Complaints to IPSO, Ofcom and managing editors about errors in a story are taken very seriously.

## UNDERSTANDING THE JARGON

It is vital to be clear on what basis information is being given to a reporter. Sometimes a journalist or press officer can use a phrase such as 'off the record' without being sure what this means. It is up to both parties to the conversation to define the basis on which it is taking place. We would advise against using phrases such as 'off record' to avoid any confusion. Phrases such as 'reportable', 'non-reportable' or 'for use but non-attributable' are clearly understood by reporters

### **'Reportable' / 'On the record'**

The information can be published with no caveats, quoting the source by name. When providing information in a briefing, be sure to make it clear when the 'reportable' section ends.

### **'Off the record'**

Information from a source that cannot be attributed, but can be published as long as the source is not identified.

### **'Non-attributable'**

Information which may be published but cannot be attributed to the source.

### **'Non-reportable'**

This information cannot be reported. This is clearly understood by reporters and is the ideal basis to give journalists an understanding of a case for background purposes.

## COMMUNICATING WITH THE NATIONAL MEDIA

Currently, most forces rely on emailed press releases to communicate with the media. However, arrangements vary by force, with some areas advising reporters to check their website or Twitter feeds for updates. While a local reporter may be able to periodically check a police force site, it is unreasonable to expect a national reporter to keep tabs on 43 forces in this manner.

It is perhaps understandable that communications staff are not able to have a relationship with the national media, because they do not speak to them regularly. But that does not mean that establishing contact with the national media and developing relationships should not be a priority

Many forces have described how the national reporters descend during a major story and by that time there is little time or opportunity for establishing trust. The Nicola Bulley investigation review exposed the perils of such an approach. One press conference was attended by conspiracy theorists and so called 'TikTok detectives' who went unchallenged as no one checked for press accreditation.

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## KNOW WHO TO CONTACT

To rebuild trust it is essential that press officers know not only the local reporters they may speak to every day, but they also have a list of national media to contact. This works both ways, allowing forces to inform the right person about newsworthy stories on their patch of national significance and it also enables forces to swiftly contact a representative of a media organisation in the event of a correction required or complaint.

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## PRESS RELEASES

The primary method of communication for most police forces is to email press releases. We strongly support this model. It is universally accessible and can be speedily forwarded to the news desk and other reporters working on the story for their information.

Wherever possible, the name and number of the press officer who can deal with questions about the matter should be included in the press release.

In recent years at least one force has moved to a model where press releases are no longer emailed and instead details of incidents are updated online. The feedback for North Yorkshire Police after it changed its media policy was telling. Only 6 per cent of respondents rated the force as 'highly responsive' and 14 per cent scored the force as 'not at all' responsive.

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## A NATIONAL MECHANISM

We believe that forces should set up a mailing list for national media that is separate to their mailing list for local media. The CRA can provide a list of members who represent every major newspaper and broadcaster in the UK. Yet few forces have taken up this opportunity, preferring instead to continue with a system whereby only journalists who contact the press office asking for updates receive such emails. Those that sign up often receive all press office emails, which may be about entirely irrelevant matters such as local road closures. It is unreasonable to expect a national journalist to sift through emails from every police press office in the UK for stories of national significance.

Although communications are handled differently in each force, consideration should be given to a national mechanism for informing the national media about stories, whether this is a simple contact email list or software that can deliver email alerts.

Such a system could also be used to inform media about upcoming briefings, reporting restrictions, guidance about ongoing investigations and also deliver documents such as pre-verdict disclosure agreements and trial material.

## MAJOR INCIDENTS

When major incidents happen, both the police and the media are under immediate pressure. In the event of a terror attack, the current media protocol appears to be to direct media to 'check on the force Twitter/X'. This approach does not allow for any guidance or refuting inaccurate speculation. In the hours after a terrorist attack or critical incident, getting accurate information to the public is vital, yet social media platforms can allow false narratives to spread causing confusion and panic. It may be difficult to establish all the facts in the immediate aftermath of an attack, but often press officers are reluctant to offer any guidance or take a common-sense approach to questions.

If a national mechanism for informing the media was established, guidance to reporters could be quickly disseminated to prevent falsehoods being repeated in online reports. Sensible guidance could include warnings that an incident is not as it appears using phrases such as

'We have no information to suggest that this has happened'.

'This is not for publication at the moment, but it looks like this suspect package might not turn out to be a threat'.

It is crucial for reporters covering major breaking stories to guide their news desk on the prominence and direction of a story.

### THREE MAJOR INCIDENTS

In the wake of **Valdo Calocane's** attacks, a false rumour began trending on X that a bomb had gone off in Nottingham. Some nine hours after the attacks, press officers were still refusing to answer questions, including whether the bomb claim was true.

When **PC Keith Palmer** was murdered in 2017, lobby reporters in the press room at Parliament witnessed events unfold through the window. Yet when reporters rang the Met to ask for guidance saying they could see a uniformed officer had been killed, the response was 'just look on Twitter for updates'. This was a missed opportunity for the Met to ask reporters to hold off on publishing this fact until his family were informed. In the event, nothing was published until an official announcement was made, but only because the reporters concerned acted responsibly.

In 2018 an incident at **Oxford Street tube station** led to it being evacuated. At the same time witnesses noticed a car back-firing and others came across a minor traffic collision. The three incidents were interpreted by police, the media, and the public as a potential marauding attack and there was a major police response. Things escalated when a celebrity tweeted that he had heard gunshots in a department store. Eventually reporters on the ground noticed that firearms officers were standing down but it was some time before police guided reporters that the incident was not as it seemed.

## PROVIDING INFORMATION ABOUT INVESTIGATIONS

The Authorised Professional Practice says: 'The media need to provide details sufficient to allow that arrest or incident to be traced, including location, date and type of offence.' We understand the need to establish a standard response criteria across forces for requests for information. However, what is understood by that formula appears to vary wildly between forces.

In some instances, reporters are being asked to specify where and when a victim has reported the offence, even though reporting to a police station is increasingly rare. Journalists have also been asked to provide exact dates of historic offences, even though the victim may not even be able to recall that level of detail. Members often report difficulties in accessing information from individual forces.

This is an area which can often lead to tension between journalists and press officers.

Under College of Policing guidance, forces are advised not to discuss a suspect by their name pre-charge, unless there is a 'policing purpose' in naming the suspect. But we believe there should be a provision in the APP to allow press officers to make their own reasoned judgements in individual cases.

We believe the addition of this clause would provide a practical solution when the individual circumstances of the case mean that fulfilling the criteria set out in the APP is impossible for the requesting media.

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### SUMMARY MATTERS AND THE SINGLE JUSTICE PROCEDURE (SJP)

The public deserve to know how justice is done and victims have the right to raise issues of concern. Press officers should be able to discuss all crimes, regardless of seriousness. These may be regarded as lesser crimes, but they remain offences and the public have a right to know how they are being dealt with in the criminal justice process.

It is a matter of concern that identities of people dealt with by cautions, fines, out-of-court disposals, SJP and other fixed penalties are often not being released or confirmed.

Met Commissioner Sir Mark Rowley has said he is enthusiastic about the use of more out-of-court disposals to reduce the court backlog. The public deserve to know how justice is being meted out and victims have the right to raise concerns about the administration of justice. For this reason, we believe firmly that press officers should be able to discuss all crimes, regardless of the sanction.

The SJP has allowed more minor criminal matters to be dealt with quickly, but there is no press or public scrutiny of proceedings, which has resulted in some miscarriages of justice. During the pandemic, there were numerous cases where people were prosecuted under the wrong Covid laws. More recently, a newspaper investigation revealed how people with dementia were wrongly being prosecuted for minor crimes and written appeals from the vulnerable and elderly are not routinely looked at by prosecutors in SJP cases. In order to shine a light on this secret corner of the justice system, forces must be prepared to discuss such cases.

To inform the public about the work of policing, a successful working relationship between the police service and the media is vital. Media reporting not only helps solve crimes, but it also helps bring offenders to justice, keeps communities safe and promotes trust in the rule of law. The review into the Nicola Bulley investigation highlighted the deterioration in press/ police relations in recent years. The problem is that many in policing don't trust the media and increasingly, journalists feel the same about the police. Officers at even the most senior level are nervous about engaging. The prevailing message throughout the ranks appears to be that officers should avoid the media who cannot be trusted. The walls have gone up.

The Leveson Inquiry and the subsequent restrictions brought in by the Filkin Report had a chilling effect on police and press relations. But the recent slew of scandals, prosecutions and misconduct cases which have withered public trust and battered officer morale has worsened the situation because there is a perception that the media is to blame for constant negative coverage.

Last year the Chair of the Police Federation of England and Wales, Steve Hartshorn told rank and file officers: 'I genuinely believe the public see through the negativity of the British media, whose obsession appears to be to reflect the bad and worst in society at the expense of the good.' He went on: 'Constant negativity and doubt about policing does nobody any good. Only those who wish to benefit from a lawless society prosper in such circumstances.' This sent a damaging message to rank and file officers that the press are out to undermine policing and suggested the media seeks to benefit from lawlessness. The NPCC, College of Policing and staff organisations need to develop training for all ranks to counter this false narrative that the media is the enemy out to get officers.

In 2021, the Superintendents Association commissioned a survey looking at media coverage of policing in a month. It found 67.5 per cent of newspaper stories were either positive or neutral, compared to 32 per cent of stories being negative. In the broadcast media, over 70 per cent of stories were positive or neutral about policing. The notion that the media are only interested in bad news is false.

Every day the media report the outcome of criminal prosecutions showcasing the excellent detective work which has led to criminal convictions. But there is a huge amount of work by officers which goes unreported and much more could be done to highlight brilliant police investigations and innovative practice.

The Nicola Bulley investigation review correctly identified that officers feel under immense pressure during major stories and can be reluctant to engage with reporters, feeling 'vulnerable and exposed' by media scrutiny. The police and press must work together to ensure that officers feel confident and comfortable speaking to the media. We readily acknowledge that the media's behaviour has a large part to play here in enabling that change of perception and building trust. But with the support of police leadership in changing the narrative, we believe rebuilding this relationship is vital for public confidence.

## OFFICER PERCEPTIONS

When **Baroness Casey** surveyed nearly 7,000 Met police staff and officers asking why they think the reputation of the Metropolitan Police has worsened, 93 per cent answered 'negative media coverage'. Baroness Casey told reporters: 'Basically the Met blame the media. Who do they essentially blame for their reputation nose-diving. They blame you.'

Last year the **Chair of the Police Federation of England and Wales, Steve Hartshorn** told rank and file officers: 'I genuinely believe the public see through the negativity of the British media, whose obsession appears to be to reflect the bad and worst in society at the expense of the good... Constant negativity and doubt about policing does nobody any good. Only those who wish to benefit from a lawless society prosper in such circumstances.'

## ARE REPORTERS JUST INTERESTED IN BAD NEWS?

In 2021 the Superintendents Association commissioned a survey looking at media coverage of policing in a month. It found 67.5 per cent of newspaper stories were either positive or neutral, compared to 32 per cent of stories being negative. Over 70 per cent of stories broadcast were positive or neutral about policing.

Paper	Positive	%	Neutral	%	Negative	%
Daily Express	19	19.5%	59	60.8%	19	19.5%
Telegraph	13	13.4%	51	52.5%	33	34%
Daily Mail	12	13.4%	51	57.3%	26	29.2%
The Sun	19	13.1%	86	55.8%	40	27.5%
The Mirror	11	9.9%	69	62.1%	31	27.9%
The Times	6	5.8%	60	58.2%	37	35.9%
Guardian	3	3.75%	36	45%	41	51.25%

	Positive		Neutral		Negative	
BBC News	5	15.1%	19	57.5%	9	27.2%
Sky News	2	5.7%	27	77.1%	6	17.1%
ITV News	4	12.5%	14	43.7%	14	43.7%

## 'CORRUPTION RISK'

The current College of Policing Authorised Professional Practice (APP) guidelines around counter-corruption are damaging officers' perception of the media and are in urgent need of revision. Since 2015 APP guidance on counter-corruption has required forces to include 'journalists' alongside 'criminals' within a list of notifiable associations that require disclosure by officers nationwide.

The ongoing inclusion of 'journalists' within this national guidance is contributing to the wrongful perception that the media is associated with the very corruption and wrongdoing it seeks to expose. In 2022 the CRA and the Society of Editors complained about this policy, it is a matter of concern that this matter has still not yet been resolved.

## JOURNALIST SAFETY

Journalists have a fundamental role to play in holding power to account on behalf of the public. Those who wish to avoid such scrutiny can resort to threatening journalists with physical violence or other forms of intimidation in order to censor their reporting.

In the UK, journalists are increasingly subjected to threats and intimidation on social media. In 2019, journalist Lyra McKee was murdered in Northern Ireland. More recently counter-terrorism police have investigated threats from hostile states like Iran.

In 2023 it was announced that police officers would be given more training on how to deal with the media and protect journalists doing their job. This welcome initiative to provide more training around public order law and protecting journalists covering protests followed a series of incidents where journalists were arrested while covering demonstrations.

We are encouraged by this step. But in order for effective action to be taken, it is vital that we rebuild this relationship because journalists will only have the confidence to report threats if they trust police and the CPS to take them seriously.

In one recent worrying case, a reporter was subjected to death threats when investigating a notorious criminal known for intimidation, theft and anti-social behaviour. The individual proceeded to make a series of threats to his family after seeking out the reporter's address, workplace and photographs of his child. But when the reporter rang police, he was told it was not a 999 matter and he should call 101. After 45 minutes of waiting for his call to be answered, he was told to leave a voicemail. The threats, recorded by the reporter, were investigated but the case was later closed with no further action taken against the perpetrator.

More needs to be done to protect journalists, including establishing a designated person within each force who can be a go-to person for issues relating to the safety of journalists, whether in person or online. This is a commitment police have been asked to make in the National Action Plan for the Safety of Journalists.

A joint letter was recently sent from organisations including Women in Journalism and Reporters Without Borders to national police leads on the Committee for the Safety of Journalists and the Secretary of State for

Digital, Culture, Media and Sport, Lucy Frazer highlighting the need for a greater focus on journalists' safety. It revealed that three-quarters of women working in the UK journalism and media industries had experienced rape or death threats, harassment, stalking, misogyny or sexual approaches online in connection to their work. The consortium made a number of recommendations which we support including

- Improve the recording of crimes against journalists. Accurate reporting - including clearly recording when attacks are related to a journalist's work - is essential if we are to understand the scale of the problem, formulate effective responses and hold social media platforms to account.
- National-level guidance for police on online violence against journalists, and training on the gendered nature of online violence, the connections between online and physical violence, and best practice in dealing with such crimes.
- Improved dialogue between police and the industry. Police forces should establish direct and effective channels of communication with journalists and representative bodies to ensure attacks can be quickly reported, effectively dealt with and perpetrators are held to account.

## PRESS CONFERENCES AND BRIEFINGS

### ACCREDITATION

It is essential that press conferences are for accredited media only. The Nicola Bulley investigation review exposed the perils of not identifying the difference between bona fide news reporters and third parties such as social media influencers or bloggers. One press conference was attended by conspiracy theorists and so-called 'TikTok detectives' who went unchallenged as no one checked for press accreditation.

Police cannot hope to brief the media in a meaningful way about an investigation if press conferences are open to the public. It stands to reason that officers cannot be expected to give guidance or context on sensitive aspects of an investigation if members of the public are present

It may not be easy to define who is a bona fide reporter when bloggers or social media influencers are claiming to be journalists. But the established method is to ask for accreditation, specifically the UK Press Card. This is issued by the Press Card Authority which is overseen by the UK's newspaper associations, broadcasters, press agencies, periodical publishers, media trades unions and professional associations. It is issued only to their respective employees or members who are professional newsgatherers – reporters, photographers, video camera operators, and other technical staff involved in the business of gathering news. In the United Kingdom, the UK Press Card is the only national press card. In circumstances where a card has been lost or stolen, a letter or email from an editor or manager can be provided to prove UK Press Card membership.

In recent years there have been attempts by various bloggers to access press conferences and courts, claiming to be journalists. But we believe that access should be reserved only for those with press accreditation. In one worrying case, a blogger working for Tommy Robinson obtained access to the Old Bailey press bench with the sole aim of identifying who was reporting on his case so that they could be targeted for attack when they left court.

Press conferences should be used as an opportunity for police to provide information and for journalists to seek clarity and guidance. It is often helpful if press officers are on hand afterwards to answer outstanding queries, for example, 'When you said this in the press conference, did you mean this?' This can also help police prevent any misconceptions and understand how the story may be reported.

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## NON-REPORTABLE BRIEFINGS

Officers should seek to have a trusted dialogue with journalists and aim to provide regular updates in major investigations. There should be regular briefings, both reportable and non-reportable background briefings, so officers have the opportunity to offer guidance as well as information for publication. It should be normal for officers in high-profile cases to hold background briefings, taking journalists into their confidence to privately explain what they were thinking, providing insight about the direction of their investigation. Strictly not for publication, but it helps crime journalists understand the difficulties of the investigation and informs reporting.

If Lancashire Police had been able to have a non-reportable briefing with reporters at the outset about the direction of the investigation, this would have prevented some of the speculation that dogged the Nicola Bulley investigation.

Police forces need to understand that in a vacuum of information there will be speculation. There is no use in complaining about speculation, forces should address it by informing the individual reporter concerned or the media as a whole, either by issuing a statement clarifying the position or providing non-reportable guidance.

The growth of social media and online reporting has only increased the appetite for information and accelerated the speed with which a story can develop. Although the mainstream media cannot control what goes on social media, there is no question that the press has an influence and responsible reporting can quickly quash rumours circulating.

If officers take journalists into their confidence, there are real benefits for policing as these cases below demonstrate.

There may be concerns from some that the media will break the rules. But the Crime Reporters Association has been in existence since 1945 and to our knowledge there has never been a case where a member has breached the terms of any briefing.

If officers don't know or trust the media present, they can request journalists to sign legal waivers in the same way forces currently proceed in a pre-trial briefing.

When considering providing a briefing, police should always strive to provide as much information as possible for publication. Non-reportable briefings should never be used to gag the media from revealing sensitive or potentially damaging information about a force. These briefings should not be used as a means to exert editorial control over the media.

If officers are short of time in a fast-moving case, forces can also use telephone or zoom/teams briefings as an alternative to in-person briefings.

## BEST PRACTICE

In 2022 the Met had a major missing persons case which threatened to become a huge PR problem for the force when the public questioned why detectives were looking so hard for these fugitives. It was a case that the SIO acknowledged without the media's help would likely never be solved. The SIO held a press conference when he gave the journalists an off-record, strictly non-reportable briefing on the background to their disappearance, answering questions on sensitive matters relevant to the case. Then he updated the media on record about the search. Crucially, he listened to the journalists in the room about how he could ensure publicity for the case. This common sense approach killed off that speculation which was hindering the search and the fugitives were found as a direct result of the publicity.

Many years ago, Surrey Police held a non-reportable briefing about a suspect in the Milly Dowler murder. It turned out that this person was not responsible, but more than a decade on, no one has ever reported anything from that briefing. More recently the same force held a non-reportable briefing about a group of murder suspects who had fled the jurisdiction which was very useful for the media to understand the background to the case.

## CHARGES

Forces should endeavour to provide the media with charge details as soon as possible. The media should be afforded advance notice of cases to allow them to attend the defendant's first appearance at magistrate courts.

Officers must be reminded of their obligation in this regard as it is an important principle of open justice.

There have been instances where the media have been informed about high profile cases, which have the potential to damage the reputation of a force, too late to attend hearings. In 2019 two officers were charged with killing Dalian Atkinson, but the media were not notified in advance about the magistrates court hearing, nor were the officers named as the CPS anticipated that 'lawyers representing them will apply to the court for their clients to remain anonymous.' This meant reporters were not in court to challenge a reporting restriction made and it took days before a judge dismissed the order saying there was no justification for this interference to the principle of open justice.

Police forces should not seek to censor names of those charged or delay releasing information just because there is a chance a defence barrister may make an application for anonymity at a later stage. Seeking to prevent the media from naming the officers charged in the Dalian Atkinson case had the effect of reinforcing perceptions that somehow police officers sit above the law, and that a different set of rules apply to them.

The culmination of the criminal justice process is a key moment for police to showcase their work to keep the public safe. In a time of dwindling resources and increasing time constraints, it is no longer possible for reporters to attend every day of a trial.

It is critical that forces are able to inform journalists in advance about cases. This ensures that not only is the work of officers recognised and understood, but it reduces the risk of legal mistakes which threaten to damage a prosecution.

### PRE-TRIAL AND PRE-VERDICT BRIEFINGS

Pre-trial and pre-verdict briefings can be enormously helpful for media to understand a prosecution and inform reporting at the end of the case. They provide an opportunity for officers to answer questions and explore potential issues well in advance of the end of a case, instead of leaving it to verdict when there may be little time for press officers to seek answers before publication.

For broadcast media in particular, the verdict in a case can be 'on-air' within seconds, therefore all material must be prepared in advance.

For this reason, we would always ask for pre-verdict, not post-verdict briefings.

Pre-trial briefings also enable forces to understand the likely demand from the media when the case opens so that material can be provided without delay. Press offices should endeavour to release pictures and video material shown in court on the same day as shown to the jury throughout a prosecution. If they are not going to provide material in a case they should notify in advance so that the media can consider whether to make representations.

#### BEST PRACTICE

In 2021 Kent Police faced a horrifying case with enormous challenges for its officers. When investigating a double murder in the 1980s, detectives discovered the killer had sexually abused around 100 bodies at two mortuaries. Officers faced the difficult task of speaking to the families of the deceased who could be identified from videos and images kept by the defendant.

Informing the families meant there was a risk of information being released to the media which might affect the trial. Kent Police decided to hold an in-depth briefing in advance of the prosecution. Local and national media attended and officers were able to fully inform journalists of the circumstances of the case. The resulting reporting was respectful and restrained. The coverage focused on the difficult and disturbing work the officers had done.

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## HANDLING THE VERDICT

We believe strongly that press releases containing mugshots and other relevant information should be sent out as soon as possible on the day of the verdict, not after a sentence. The same principle should apply whether it is a jury verdict or a guilty plea to all charges at a pre-hearing.

Forces sometimes withhold investigation information and refuse to release mugshots at the point when guilty pleas are entered, preferring to wait until the case reaches a sentencing hearing. This does not necessarily prevent media reporting, but limits the impact those reports can have and ultimately reduces the chance of the public learning about the case.

In serious cases where a custodial sentence is assured, delaying the publication of mugshots until after a sentence can mean that the case receives no publicity at all if sentencing happens late in the day. This means valuable opportunities to reassure the public about justice being served and the chance to recognise officers' hard work on a case are lost.

Releasing information on verdict means there are two opportunities for police to tell the public about that case and recognise officers' work because the media will often cover the case on both verdict and sentence.

In order to illustrate the story, the media needs pictures. If there is nothing to illustrate that story, often an investigation will receive less or no publicity. This is a missed opportunity to reassure the public and educate them on the work police do.

We believe that police should provide the media with mugshots for all custodial sentences.

Earlier this month, Thames Valley Police decided to reduce their threshold for releasing pictures which had been a custodial sentence of 18 months. Following a successful trial, the force decided to provide mugshots for all custodial sentences, excluding suspended sentences. To help prevent further offences, the force also opted to provide custody photos of defendants who are given Criminal Behaviour Orders. Photographs are now published proactively via the force website and social media channels. The force received positive feedback from both journalists and its internal ethics board. It resulted in 'widespread coverage of criminal justice outcomes, reaching millions of people', the force concluded, adding: 'It is an important part of our criminal justice system that justice is not only done, but seen to be done. Internally, our officers and staff have also been positive about the trial. For example, members of our Ethics Board stated that publishing custody photos of defendants acts as a deterrent to other criminals. Further, the board commented that it sends out a positive and powerful message for victims and their families that justice is done for them.' This is an excellent model that other forces should follow.

Releasing mugshots, CCTV, body worn video or other picture material from the case such as images of the weapon or exhibits heightens the chance of publication. Some forces cite research saying that the release of weaponry glamorises violence, but we would argue that the publication of images such as zombie knives can have the opposite effect in galvanising public opinion and persuading politicians to ban the sale of certain weapons.

## VICTIMS, RELATIVES AND WITNESSES

Victims and their families can feel understandably overwhelmed by media attention. Forces play an important role in helping families manage contacts with the press.

In some cases, families do not wish to speak to the media which is then communicated by the force. But there are also instances when relatives do wish to speak, but are advised not to by family liaison officers. There have also been occasions where families have not been properly consulted due to a presumption made on their behalf. We believe it should always be their choice.

Social media often accelerates the pace at which information becomes available to the public and the individual families concerned. This is also a challenge to media and means there is often a rapid requirement for forces to say whether information is accurate, particularly when deceased victims are named online.

It should never be assumed that families do not wish to speak to the media. Talking about the life of a loved one can be a comfort to grieving families. Some local newspapers have closed, the opportunity to publish an obituary celebrating the life of a relative may not exist locally.

Publicity can also help solve crimes. Press officers do their best putting out regular appeals to catch offenders, but they may not receive widespread coverage. The BBC's Crimewatch is no longer prime time TV and some local news outlets have shut. But a family tribute can be a powerful way of gaining media coverage, thereby informing the public about a case which may lead to new witnesses coming forward.

There is a positive role that the press can play in raising awareness of campaigns on behalf of families or fundraising. For example, the Manchester Evening News raised £1,000,000 for an emergency appeal following the arena bombing in 24 hours. More recently £300,000 has been raised for the family of PC Harper. As a result of media coverage, a mental health campaign honouring Brianna Ghey has raised £50,000 and led to a House of Commons debate on mindfulness in schools. Her mother has also worked with the media to raise concerns about children using smartphones with social media apps.

Forces should be mindful that some bereaved relatives may wish to speak about the handling of their case. Care should be taken to ensure that families feel free to express their own independent views. The Nicola Bulley investigation review found: 'Every family and member of the public has the absolute right to comment on a police investigation and related activity that they have been subject of or to.' The families of the victims of Valdo Calocane recently complained that the press had been 'gagged' and criticised Nottinghamshire Police for holding a non-reportable briefing about matters which they believed should be in the public domain.

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### APPROACHING PEOPLE INVOLVED IN CASES

The CRA, Society of Editors and MLA would like to work with the NPCC and the College of Policing to understand how we could improve the handling of media approaches.

In the past, some forces have been unwilling to pass on emails or letters from media, leaving reporters no choice but to approach directly. We believe there is more that could be done to protect families from an onslaught of media approaches.

The Angiolini Inquiry recently raised concerns about approaches to complainants from reporters. Dame Elish concluded: 'It is inappropriate and unethical that any victim of crime should be further victimised by being the

recipient of unwanted attention from reporters following court proceedings.’ She noted: ‘The Inquiry heard evidence which assumed that personal information (including names and workplace information) referred to in court may be used to help in tracking down and making contact with complainants in order to obtain more information about their experiences.’

However, the inquiry failed to consider that some complainants may wish to speak about their experiences and should not be denied that opportunity to speak to the media. Recent high profile cases such as the murder of Brianna Ghey and the Valdo Calocane killings, suggest that some families are very keen to speak to the media about their experiences of the criminal justice system. If reporters were to be banned from making such approaches, we fear that victims and relatives would be denied an important voice, which could have serious consequences for public confidence in the criminal justice system. The British media has a history of doggedly investigating wrongdoing and exposing miscarriages of justice, but many of those cases have only come to light as a result of concerned victims, relatives and witnesses speaking to reporters who knock on their door.

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## GUIDANCE TO THE MEDIA ON VICTIMS

Providing guidance to the media can prevent a reporter inadvertently knocking on a door before a family has been informed. If relatives are unhappy about images being taken from Facebook and other social media, consideration should be given as to whether other photographs could be provided that the family are happy with.

The press regulator IPSO has become a recognised route by which families can inform the press about issues such as whether they are seeking privacy and would prefer not to receive media approaches. These notices are advisory, but are very effective. It provides a consistent and clear route for the families to communicate.

If families do wish to speak to the media, providing as much information and photographs as possible about their loved one, not simply a short statement describing their grief, can increase the prominence of the reporting about their case and provide opportunities for follow-ups which may be useful publicity in cases such as a missing person or manhunt.

Media interest can vanish very quickly, but in many cases there will be renewed interest at key points such as the conviction of an offender, sentencing and criminal appeals. Forces should encourage families to consider whether they want to speak to the media at these stages. They may not have wanted to initially when their loved one died, but they may want to speak out now. If they do want to speak, don’t wait for sentencing. News is unpredictable and something else may make headlines on the day, which means that the family lose their opportunity to have their say.

If families do want to speak to the media, they could consider granting an interview in advance of the verdict on an embargoed basis til the end of the case. The day of the verdict is often an emotional time for many families and there is an obvious benefit of providing an embargoed interview or statement prior to this time.

If relatives wish to speak to the media but do not want to give multiple interviews, consider whether they would grant an interview on a pooled basis to a journalist from print and/or broadcast outlets who have experience in crime reporting and dealing with victims.

## PRESS OFFICERS CONDUCTING INTERVIEWS

In recent times there has been a trend for press officers to interview witnesses and victims before releasing video footage to the media. This should be firmly discouraged. In terms of public scrutiny and fulfilling police obligations of transparency, an interview by a police press officer is no substitute for an independent interview by an accredited member of the media.

Broadcasters will generally refuse to broadcast interviews not carried out by a journalist.

A national broadcast pooling agreement exists which allows for a single interview with a victim of crime which is then shared. The terms of the agreement ensure that signatories do not benefit from providing the pool, and that the material is shared in a timely fashion. Material for newspapers can be provided by including the Press Association in the pool.

### POLICE ACTING AS REPORTERS

In the case of Asad Bhatti, Counter Terrorism Policing South East released an interview with a key witness which resembled a promotional clip. The computer shop owner read out key counter-terrorism messages urging the public to report suspicious matters. This was a terrorism case which had received national media attention and this witness had previously been happy to speak to local media.

This story would likely have gained far more coverage had the interview been facilitated and pooled by the national media. This was a missed opportunity for CTPSE as this story would likely have gained far more coverage, thereby spreading that useful messaging.

Coverage in mainstream media is likely to result in far more reach than a clip on a police social media channel. When witnesses are being asked whether they would consider an interview, it is worth stressing this point.

## SOCIAL MEDIA

Social media has transformed reporting in recent years. It has provided new opportunities for journalists to engage with their audience, but it has also brought huge challenges including the spread of fake news, disinformation and some may argue that it has contributed to the erosion of traditional journalism standards.

Social media poses serious challenges to policing and justice, yet there appears to be little appetite for holding platforms to account. On mainstream media platforms like X the names of victims, witnesses, suspects including those underage can easily be found. Within minutes of an arrest, teenage murder suspects are being named online, rape victims are being publicly named and trolled sometimes while their perpetrators are still on trial. These are serious criminal offences, yet these posts remain up there.

We recognise that forces have limited resources and are not there to police the web. But there is no question that such posts are damaging policing and criminal justice outcomes and much more could be done to

challenge these risks. Worryingly, there is also a growing conspiracy theory narrative being spread online by influential figures that the mainstream media is denying the public such information about crimes. It is not difficult to see a time whereby defendants will be able to weaponize social media posts in order to spread mistrust and sway public opinion, which may influence jurors. Policing needs to consider a robust strategy to tackle some of these risks.

We are concerned that police forces often conflate social media and mainstream media. When it comes to attributing blame, it is often 'the media' at fault. This was demonstrated at the conclusion of the Nicola Bulley investigation when a highly critical family statement was drafted with the assistance of family liaison officers and issued by the force. In the statement, the mainstream media was wrongly blamed for falsehoods on social media. The review later concluded: 'It was not appropriate for the police spokesperson to deliver criticism of the media on behalf of the family. This created a risk of it being regarded as the view of the police.'

Officers have rightly complained when they have received commentary, criticism and abuse online about their personal appearance following press conferences and other public appearances. This is likely contributing to an ongoing reluctance from officers to speak to mainstream media. The solution to this problem is not simple, but there needs to be an understanding that social media is often to blame. There must be a recognition of the distinction between mainstream media and social media.

Reporters face challenges in verifying information appearing on real time on social media and we anticipate that the media relationship with the police will prove ever more crucial in establishing the truth. Forces need to understand the need to move quickly as information is posted by witnesses and the ability to respond with guidance can be crucial in such situations.

In recent times there has been a series of cases where members of the public have posted footage from arrests and police searches which have led to highly critical commentary of the officers involved. In order to counter the one-sided view, forces should consider providing more guidance about the circumstances of the incident to reporters and/or the release of police body worn footage to ensure that the public has a balanced view of what happened. We recognise there may be evidential challenges in doing so due to possibility of a forthcoming prosecution. But some of these instances represent summary only offences where there is no prospect of a jury trial. Being more open with media on such occasions may enable the public to understand more about officers' work and prevent reputational damage to the force.

Not so long ago at a NPCC meeting with the CRA, a number of chief constables expressed the view that forces can now communicate directly with the public on platforms like X and may no longer need to have a relationship with the mainstream media. But putting updates on X does not fulfil policing obligations of openness and transparency, and should not be confused with offering public scrutiny.

It is true that readership of newspapers and viewing figures of news broadcasts have fallen, but audiences online have increased rapidly and it would be a mistake to dismiss the influence of the mainstream media. Younger generations may get their news via social media but these outlets do not employ journalists. The news in mainstream media shapes the news on social media. While mainstream media cannot control what goes on those sites, it can have an influence and that is why a relationship with forces is so critical.

## CONCLUSION

In the wake of the Leveson Inquiry there was a reckoning for the media and police, but the pendulum has swung too far. The relationship between the press and police is broken and must be rebuilt. The Nicola Bulley investigation review revealed for the first time that this isn't just an issue for journalists, it is a problem for police and ultimately the public who have lost faith in ordinary officers who put their lives on the line every day to keep us safe. That investigation proved that shutting out the media is ultimately to the detriment of policing.

There are major benefits for forces in opening up and being more transparent about officers' work. Fundamentally, the police and the media need to start talking to each other again, trusting each other, telling the public about some of the heroic, often thankless work police do, day-in day-out.

We need to change the perception from chief constable to PC level that it is the media who are the problem.

We believe the media could be part of the solution for policing if we work together to rebuild the public's trust and confidence.