

## Directorate of Professional Standards



# MEDIA & COMMUNICATION STRATEGY INC. DPA GUIDELINES

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## **Introduction**

The primary role of the Metropolitan Police Service (MPS) is to deliver a policing service to make our communities safer by preventing and reducing crime and the fear of crime. Communicating information to these communities quickly and accurately is essential to enhancing the public's understanding of the MPS and the incidents we are required to deal with. As part of this process it is important the public has a clear understanding of the steps taken by the MPS through the Directorate of Professional Standards (DPS) to ensure the police service is ethical and honest. It is central to maintaining the confidence of the community and our own staff that the MPS can demonstrate a commitment to police fairly, with integrity and with the minimum possible use of force.

The purpose of this DPS Media Strategy is to establish a clear and consistent approach to communicating information about professional standards issues across London, and to ensure that a corporate DPS image is clearly marketed across the Metropolitan Police Service. In recent years it has become increasingly apparent that there is a continuing need to reassure officers, staff and the general public that our methods, including that of media handling, are fair, proportionate and even-handed. Striking a consistent balance with strong underlying messages requires a strategic and planned framework which people can work within.

It is hoped that producing this Media Strategy will ensure consistent standards are maintained and increase the confidence of police officers and press officers when communicating with the media about these difficult and complex issues.

## **Key Aims**

This media strategy is intended to reinforce the key aims of the MPS professional standards strategy, in particular:

- To provide an accountable and transparent process for communicating about complaints and other issues where it is believed misconduct or wrongdoing may have occurred without prejudicing an investigation or subsequent hearing.
- To increase confidence and trust within the MPS and the general public in the ability of the DPS to investigate these matters in a fair, impartial, proportionate and timely way.
- To develop pride amongst all officers and staff in making their contribution towards creating a MPS that is truly intolerant of unprofessional behaviour, malpractice and dishonesty.
- To increase the fear of detection amongst officers and staff engaged in corrupt or unethical behaviour and to make them aware of the serious criminal or disciplinary sanctions taken against those found guilty of

offences.

The strategy also compliments the existing aims of the MPS Media Policy and is intended to be consistent with current media guidance issued by Association of Chief Police Officers (ACPO).

### **Objectives**

1. To use every available opportunity to promote the work and successes of the Directorate of Professional Standards in order to increase public confidence in the professionalism of the MPS.
2. To honour our role as a publicly accountable police service by being as open and transparent as is possible when informing the public and the media about these sensitive investigations.
3. To prevent wrongdoing by publicising the standards of professionalism and integrity expected of all police officers and staff.
4. To deter wrongdoing and those who may seek to corrupt our officers and staff by communicating successful DPS police operations and investigations.
5. To reassure staff that the DPS will establish the integrity of honest officers and staff and exonerate those who may be the subject of untrue or malicious allegations of misconduct or wrongdoing.
6. To place cases of misconduct and corruption within the context of the vast majority of our officers and staff who deliver a professional policing service with integrity and dedication.
7. To demonstrate that the DPS is working with partners in other organisations, authorities and community groups to develop best practice, challenge processes and provide scrutiny of investigations.
8. To show that the DPS works to meet relevant targets and achieves best value from their resources in providing a professional, competent and fair investigative resource which adds to the overall success and efficiency of the Service.

These objectives should influence all dealings with the media by the DPS.

### **Responsibility**

Responsibility for the overall success of this media strategy rests with the Director of Professional Standards. Other members of the DPS SMT will have responsibility for implementing the strategy within their particular areas of work. Support can be expected from the lead press officer for DPS issues and other Directorate of Public Affairs (DPA) staff as appropriate.

## Principles

The MPS Media Policy re-iterates the service's commitment to being open and honest in our dealings with the media. As a public service, we recognise that we have a responsibility to keep people informed about issues, events and crimes that are in the public interest. We will work on a presumption that information should be made available to the public, but recognise that sometimes this has to be balanced against other interests, including those of security, due legal process and the rights of individuals involved.

We will not disclose information that would prejudice an investigation or the right to a fair trial and will seek to balance the rights of an individual and victim against the wider public interest. In judging what information should be disclosed to the media we will pay due regard to relevant legislation including the Human Rights Act, Data Protection Act, PACE and the Contempt of Court Act. The MPS is rightly constrained in what it can say about internal matters and must be mindful of its duties as both an investigative body and as an employer.

It is in the public interest to demonstrate the efforts that are made to combat and limit internal corruption and wrongdoing amongst staff and officers. By providing information about the incidents that are uncovered and demonstrating the action taken to address the problem we aim to increase public confidence in the integrity and quality of the police service. We also encourage staff and public to report wrongdoing and corruption.

There is no one set legal definition of the public interest. The code of practice adopted by the UK newspaper and periodical industry and ratified by the Press Complaints Commission, and as quoted in ACPO media guidelines, defines the public interest as:

- detecting or exposing crime or a serious misdemeanour;
- protecting public health or safety;
- preventing the public from being misled by some statement or action of an individual or organisation.

We believe that the public has a right to know that a police officer has been charged with a serious offence and that the MPS would not be transparent and honest were such information to be held back. It also should be recognised that there is a deterrent factor in promoting successful enforcement action against criminality and is why press statements about internal investigations should also be made available for publication in internal MPS media.

Officers or police staff members under investigation should be given a copy of the agreed press statement and/or 'if asked' press lines by the DPS senior investigating officer or other appropriate DPS officer before the details are given to the media. The officer or police staff member under investigation

should also be advised as to when and where an article or story concerning their investigation may appear if that is known. This should include proposed articles in The Job and on the Intranet.

An offer of support and advice regarding media handling issues should also be made by the DPS and a contact within the Human Resources Directorate Press Office given to fulfil this role.

Officers or police staff members who are alleged victims in either criminal or misconduct cases being investigated by the DPS should be given the same access to media lines as those under investigation.

An offer of support and advice regarding media handling should also be made by the DPS. This role would be fulfilled by the press officer within the DPA who is responsible for the media handling of a particular investigation and their contact details should be given to the victim.

There are occasions when officers or members of police staff are accused of wrongdoing or misconduct and the allegation is subsequently found to be mistaken, untrue or malicious. If the matter has been made public, either by the MPS or by a third party, we will take steps to ensure that the outcome of an investigation exonerating those concerned is also made available to the media.

### **Method – External Media**

Each potentially high profile internal investigation or resulting court case should be brought to the attention of the DPA at the earliest opportunity. It is the responsibility of every officer and member of staff in the DPS to ensure that potentially positive good news is maximised and the impact of difficult issues minimised by maintaining good communication with DPA staff.

Each incident expected to generate significant media interest or raises critical issues should have a bespoke media strategy drafted by a press officer and approved by the Senior Investigating Officer or Gold Group. This will then be reviewed when necessary to allow flexibility in responding to events. In many cases the preparation of media statements and responses will be sufficient but in particularly protracted or complex matters there are clear benefits to a written document. Each case or investigation has to be considered on an individual basis but while a wide range of varying factors will be involved all press strategies will reflect the objectives and principles outlined in this document. In preparing statements on particularly complex legal matters advice may be sought from the Directorate of Legal Services.

Police officers and staff who are arrested and processed within the criminal justice system should be subject to the same MPS media handling as members of the general public. This prevents accusations of preferential treatment by the MPS to its own staff, ensures fairness and demonstrates openness and transparency. Usual DPA policy will be followed in these cases, with any charges being offered to the media, while arrests will be

offered subject to any operational or other interests that dictate they should only be confirmed if we are asked. Further details are contained in DPA Press Bureau Instructions at Appendix 1 to this document.

Under the MPS Media Policy all officers and staff of Inspector or equivalent may speak to the media in appropriate circumstances. Whilst good relations with the media are encouraged DPS staff must remain mindful of the sensitive nature of the enquiries they may be involved in. It is essential that those who intend to speak to the media inform the DPA beforehand to seek advice if needed, or to clarify current media lines or interest on the issue involved. If this is not possible, the DPA should be contacted as soon as possible afterwards so a consistent approach can be portrayed to other journalists who may enquire about the story.

Where the opportunity exists, investigating officers should be encouraged to participate in broadcast media interviews to reach the widest possible audience and provide clear reassuring information to the public. Those conducting interviews will be supported and advised by the DPA. In high profile cases an appropriate spokesperson should be identified in advance to allow preparation and training if required. Where possible the same spokesperson should be used throughout to ensure consistency of message and presentation.

On occasions the media will produce articles we believe to be based on inaccurate or misleading information, or to be an unfair interpretation of the facts available. We aim to correct these articles as swiftly as we can, while taking care not to prejudice any proceedings or other principles outlined in this strategy.

We will also keep the media informed of the general direction of DPS activity and the overall view of the ethical health of the organisation. It is important that the specifics of individual cases are understood and portrayed within the overall context of our strategy and that the preventative aspects of DPS work are also promoted to the media. This information may be communicated by news releases or appropriately timed briefings to reporters. These opportunities should be used to discuss general areas of concern, such as a shift of emphasis from organised corruption to individual use of IT systems or the use of intelligence led integrity testing.

Matters of ethical behaviour and wrongdoing within the MPS are also often raised through other legal processes, such as civil actions, inquests and employment tribunals. It is important these matters are monitored and suitable media responses put in place to address proceedings and critical issues which may arise from them. The DPA co-ordinates a media response to these matters by participating in the DCC Risk Management process but it remains important that case workers maintain contact with press officers identified to provide support on individual cases.

## **Method – Internal Media**

Internal media remain a vital method for communicating key messages across the MPS, although it must be remembered that many of our staff also take their information from general external media. Information released to the external media will also be made available to internal media such as the MPS Intranet and The Job newspaper to ensure our own officers and staff are informed of important information directly by the MPS.

Any changes in policy relating to misconduct and wrongdoing must be well publicised so all staff have a clear understanding of the expectations placed upon them. All poster material will continue to be clearly badged by the DPS logo 'Integrity is Non-Negotiable'. This creates a clear link between different individual campaigns focusing on a particular issue (e.g. substance misuse or information usage) and the central principles that underpin them all.

The DPS Communication Action Plan identifies several ways that communication can be improved within the Directorate itself and the wider Service. This strategy endorses and compliments these plans, particularly the appointment of a new DPS Communications Manager to oversee this process. The use of the DPS intranet site has greatly improved general accessibility to key documentation, good practice and advice to all members of the MPS. It is recommended that a review of this site should be given high priority to ensure that information given remains up to date and to add a section that can collate news releases put out to the media on DPS cases, helping to remind those interested in the unit's successes.

Internal communication via the intranet, posters and internal newspapers and newsletters should be used to reinforce rather than replace good internal briefing systems. Many issues of integrity and professionalism require clear, visible leadership and for many officers and staff the right messages are most clearly given in direct communication by line managers.

## **Community**

The impact upon geographical and cultural communities following a critical incident or serious complaint should be fully recognised by the DPS investigation and addressed in any statements or media strategies. The effect on confidence in the police in local communities should be taken into account and necessary steps taken to maintain support and co-operation. Possible rumours or allegations of a police 'cover-up', which might lead to tensions in the community should be dealt with swiftly. We should attempt to explain quickly, factually and accurately what has happened. Further details on dealing with deaths in custody and similar incidents are contained in DPA Press Bureau Instructions at Appendix 3 to this document.

It should be noted that while individual incidents can have a serious impact on community attitudes to policing further concern could be created by the cumulative effect of a number of incidents that in themselves may be considered minor. It is important attempts are made to gauge community

feeling to critical incidents and any suggestions on how best to communicate to particular audiences are carefully considered.

Certain investigations or events may dictate that information or appeals should be directed to a section of community or specialist trade media. The DPA can advise on relevant publications and use of translation services or other support to facilitate targeted communication.

Some internal investigations may disproportionately affect officers and staff from one particular section of the policing community, for instance a certain unit or a minority ethnic, religious or cultural group within the organisation. Staff associations can play a vital role in supporting vulnerable staff and also in assisting with the passing of information and correction of inaccurate rumours. Where possible particular concerns created by an investigation ought to be considered in media statements and if appropriate specific briefings conducted to address issues at an early stage.

## **Partnership**

It is important that the DPS demonstrates that it works in partnership with other agencies and organisations when it is appropriate to do so.

Media lines that directly impact on government departments, other law enforcement or criminal justice agencies and other partner organisations should be shared with them in advance of release where this is practicable. In long-term investigations or enquiries where we are working with other agencies or authorities it may be appropriate to consider a formal information sharing protocol. In some circumstances it may be appropriate to consider joint news releases, media briefings or press conferences. However we must always be mindful of maintaining the independence and integrity of the MPS as an investigative body.

Through the DPA all organisations that request current media lines will be given them and we will expect such information to be reciprocated on request. We will build on our existing good working relationships with press offices from partner organisations, notably the MPA and CPS. We hope that we will be able to build a similar positive relationship with the Independent Police Complaints Commission which will be important partners in the investigation of serious wrongdoing.

## **Training**

The DPS will encourage relevant staff to seek media training and advice where appropriate. This is particularly necessary for senior officers who are likely to have to conduct broadcast media interviews on difficult subjects or cases. A range of training is available through the DPA and include one-to-one broadcast interview training and bespoke half-day workshops to increase knowledge of media issues likely to impact on the DPS and training to increase awareness of what might create media interest in an issue.



## **Media Monitoring**

The DPA conduct regular monitoring of national newspapers and television media and will seek to provide any materials required by officers to support their cases. The DPA will also use media monitoring to bring unfair or inaccurate reporting to the attention of relevant officers.

Please note that the DPA is unlikely to be able to obtain items more than three months old unless they have previously been requested or relate to an existing high profile case and kept on file.

## **DPA Support**

The DPA will provide support for critical incidents, individual complaints and other matters through its local press offices. These are divided to reflect the MPD sectors and provide direct support to borough based policing. Individual APPOS (Area Press & Publicity Officers) have a good working knowledge of their area and particular community concerns and provide 24 hour on call availability for support regarding critical incidents.

The local press offices are supplemented by the 24 hour Press Bureau based at New Scotland Yard. Press Officers are on shift throughout the day and night, including weekends, and should be the first point of reference for urgent DPA support. If assistance is needed at an incident the Press Bureau will contact relevant APPOs and draft holding statements if necessary.

There is also a designated Press Officer with responsibility for co-ordinating DPA support and policy on DPS issues who is based in the Corporate Press Office. This press officer acts as a central point of contact to advise on media responses to ensure consistency of approach across the MPS and provide direct support on anti-corruption command operations, internal investigations raising significant policy issues or those matters where there is no other clear portfolio or geographical DPA lead.

The DPA is there to provide support and advice on media management regarding all issues affecting the MPS. APPOs have specialist experience and knowledge and can draw on additional support, resources and information. If any officers are confronted with issues that are likely to create high levels of either positive or adverse media interest they should be encouraged to contact the DPA at the earliest possible opportunity. The earlier contact is made the better the opportunity to maximise a good news message or to devise an appropriate and timely response to balance potentially negative coverage.

The 24 Hour Press Bureau offers advice and help to police officers and can be contacted on:

Tel. 7230 3300 (x63300 police line only - not for press or public use).

Press Bureau can provide contact details for local press officers. In the event

of a major or critical incident where a press officer is needed to attend the 24hr Press Bureau can page the on-call APPO.

The DPS lead press officer is currently:

Dan Maskell  
Corporate Press Office  
Room 1302, NSY.  
Tel. 020 7230 (6) 1446

## **Explanatory Note on Appendices**

These appendices are included here for ease of reference by DPS officers and staff. They contain detailed advice on media handling procedures for matters relating to the work of the Directorate of Professional Standards. The notes are also included as part of the detailed written guidance for DPA press officers and contained in a document commonly referred to as Press Bureau Instructions.

### **GLOSSARY OF TERMS OR ABBREVIATIONS USED**

#### **Classifications of Information Logged in DPA Press Bureau**

**FOR OFFER** = Information that is actively promoted to the media, either through news releases, written statements or more commonly now by email. Information classified this way will also be given to any media asking for stories or inquiring about relevant issues in calls to press officers.

**IF ASKED** = Information that will be given to media asking about a particular incident or who already demonstrate some existing knowledge about a story. This is a responsive statement or answer to a question from a media representative and lines are not 'offered' to the media.

**IF ASKED SPECIFICALLY** = Particular answers to more detailed questions, usually on matters we would confirm but see no benefit or justification to placing in the main statement. Often used for supplementary answers to support a general statement either offered or given if asked to the media.

**NOT FOR PUBLICATION** = Information given to the media for their guidance but not intended to appear in publications or broadcasts. Commonly used examples may be some basic explanatory background on a case when charge details are given or to invite media to a forthcoming event such as a press conference.

**NON ATTRIBUTABLE** = Information which may be given by Metropolitan Police press officers to assist the media with stories but is not actually owned by the police service. Examples are commonly verdicts in court cases or news releases from other organisations such as ACPO, MPA or Home Office.

**APPO** = Area Press and Publicity Officer. DPA Press Officer attached to one of the satellite offices with particular responsibility for a number of BOCUs.

**CPO** = DPA's Chief Press Officer and head of News Branch.

**DPA** = Directorate of Public Affairs. Unit of Metropolitan Police responsible for providing professional advice on media and publicity issues to officers and staff within the MPS. Also listed as DCC3.

**ACPO Rank** = In the MPS officers of Commander rank and above.

BRS = Bureau Recording System. Specialist software used by the DPA to record media lines and log media interest in an incident or investigation. Use of the system is restricted to DPA staff and enables co-ordination and consistency of our response to the media on any case or particular issue.

## **Appendices: DPA GUIDELINES & BUREAU INSTRUCTIONS**

### **APPENDIX 1**

#### **Pro-Active Operations**

Operations involving the Anti-Corruption Command or pro-active investigations conducted by Internal Investigations Command will have access to DPA support by the designated DPS press officer based in the Corporate Press Office.

All arrests involving police officers or police staff must be confirmed if we are asked by journalists.

At the discretion of the investigating officer, and in consultation with the DPA, operations may be offered out to the media in a statement. This includes arrests made as a result of intelligence led integrity testing. The release of this information should be done to demonstrate to the public the MPS' commitment to preventing and removing corruption, to deter wrongdoing within the MPS and those attempting to corrupt our officers and staff, or to prompt further information by way of an appeal to the public through the media.

The information given should be consistent with that given by the press office to the media in the case of any other arrest. Officers or staff must not be named at arrest, but may be referred to by their age, rank or grade, gender and the BOCU or section in which they work. Lines must be carefully phrased not to effectively identify those arrested to the general public (e.g. gender should not be given if there is only one female PC at a particular station).

If officers are charged with a criminal offence after an internal investigation their details will be offered to the media in line with DPA policy. The details given are name, date of birth, occupation (including rank), details of the charge and the court they will appear at. Due to the unique nature of policing our policy is not to give the home address of officers charged and to substitute this with the station or borough at which they are based. However officers or staff charged with offences should be made aware by investigating officers that this will not necessarily prevent their home addresses being read in public at court. If the home address is confirmed to have been read in court the DPA may subsequently log it on an 'if asked' basis subject to the agreement of the officer in the case and DPS SMT.

Cases where officers or staff have been charged with offences by other police forces must also be confirmed on an 'if asked' basis. It remains a matter for the investigating force to deal with the case and media questions regarding it should be referred to them, but we should confirm that one of our officers or police staff have been arrested or charged, and the nature of the offence given on a non attributable basis if known.

Offences not resulting from pro-active DPS operations but involving serious

criminality or matters that could seriously damage the reputation or integrity of the MPS should be considered by the Chief Press Officer for being offered to the media. Offences leading to a charge that involve relatively minor matters should be confirmed to the media if asked but not offered out. The guide should be whether we would normally offer out such a charge if it involved a member of the public and may exclude the offering of minor assaults off-duty, drink driving etc. In making this judgement some consideration may be given to the rank or grade of the individual concerned and any issues raised by the offence that relate to their particular role in the organisation (e.g. an officer in CSU accused of a racist offence).

The individual concerned should be given a copy of the agreed press statement and/or 'if asked' lines by the DPS senior investigating officer or other appropriate DPS officer before the details are given to the media. At this stage, the offer of media handling support and advice from the Human Resources Directorate Press Office should also be made.

Court cases involving allegedly corrupt employees should be dealt with in the same way as other high profile trials with the charge details and date of the trial starting being offered to the media. We should always seek to publicise cases where criminals are alleged to have attempted to corrupt police employees.

Consideration should be given to providing an officer to be interviewed by the media at the conclusion of the trial with statements prepared for guilty or not guilty verdicts. The media lead on such matters would normally be provided by the DPS but involve consultation with the accused's Operational Command Unit (OCU) head. Other material may be offered to the media to highlight the investigative work conducted in bringing about the prosecution, (e.g. stills of evidence or scene, surveillance footage etc.). Consideration should also be given on a case-by-case basis to releasing custody pictures of convicted police officers, but these must be justified according to DPA guidelines, approved by an ACPO officer and pay due consideration to the proportionality of this action under the Human Rights Act.

As with other cases where there is a high degree of media interest consideration should be given to offering a pre-verdict briefing. The decision to hold a briefing and its timing must only be made in consultation with DPA SMT, MPS Solicitors and DPS ACPO. Factors to be taken into account include balancing the benefits such a briefing provides, giving reporters an opportunity to correct errors and obtain further detail, against the potential dangers of offering criticism of an officer who if found not guilty may return to a position within the MPS.

If a pre-verdict briefing is conducted it should be recorded for potential future disclosure with a list taken of all those attending. All media organisations news editors and reporters must be required to sign an agreement (pro-forma on DPA intranet page) confirming they understand it is given on the basis that it is for use only once all criminal proceedings are completed and only if a guilty verdict is returned.

## **Appendix 2**

### **Complaints, Misconduct and Internal Investigation**

Complaints will normally be dealt with on an 'if asked' basis but may be 'offered out' in exceptional circumstances where an incident is already generating media enquiries or where information may lessen community concern or tension.

We must confirm if a complaint has been received by police. We do not normally identify the subject of a complaint by name, but should give their rank and place of work. We must confirm if an officer has been suspended, but again we would not normally name an officer in this position. We may state, on a case by case basis, if an officer is on restricted duties of any sort. However, especially in the case of senior officers, the press may already have the officer's name - consequently (after consultation with CPO and/or APPO and/or DPS) we may name the officer on an IF ASKED or IF PUT CORRECTLY basis. If we decide to name an officer in this position we MUST take appropriate steps to inform the officer involved through either the investigating officer or the officer's line management.

An officer subject of a complaint investigation is served with a Regulation 9 notice informing them they are being investigated. Many in the media are aware of this process and we may confirm IF ASKED how many such notices have been served but again would not normally identify individual officers.

The individual concerned should be given a copy of the agreed press statement and/or 'if asked' lines by the DPS senior investigating officer or other appropriate DPS officer before the details are given to the media. At this stage, the offer of media handling support and advice should also be made.

We NEVER identify a complainant but may wish to distinguish between those made by the public and those from internal sources. We do not normally discuss the details of the complaint but we may discuss the basic outline and the incident from which a complaint has arisen. The facts of the incident - e.g. nature of incident, number of arrests, charge particulars - should be given but we should NOT directly discuss/admit/deny police action which gave rise to the complaint.

If it is known, we should offer who will investigate the complaint - either Borough Support DPS, or central DPS or an outside police force. If a complaint is being supervised by the IPCC this fact should be included in any lines.

If the inquiry leads to criminal proceedings against police officer(s) (e.g. charge of assault or charge of conspiracy to pervert the course of justice) these charges should be offered in the usual way. Any disciplinary aspects of a case are considered at the conclusion of criminal proceedings and this should be made clear in any statements. Please see above for further advice

on handling criminal cases involving police officers or staff.

The MPS is planning to increase its use of the fast-track discipline process under which officers accused of serious criminal matters may be dismissed prior to a criminal hearing. We should not offer information on such actions prior to the criminal case being completed at court as to do so may be considered prejudicial to the trial. Instead guidance may be given if requested on a not for publication basis, together with a request that reporters do not publish any material that could potentially prejudice a trial.

Before a misconduct hearing takes place only basic information of the issue involved and the subsequent charges are made available so as to avoid the MPS being seen to pre-judge a case. Further details would only be released if a reporter has inaccurate information regarding a case that needs to be corrected to avert unfair damage to the officer's reputation or the misconduct process, or if such information may lessen community concern or tension. Otherwise we normally confirm on an if asked basis that a hearing is to be held, the number and outline of the charges faced and the date of proceedings. We may disclose at our discretion if the board is to involve legal representation, which signifies if dismissal from the service is a possible sanction if the case is proven. We should make it clear we are unable to go into further detail on the case at this point using a phrase such as: "As parliament has stated that the police discipline process is dealt with confidentially we cannot discuss these matters further at present."

Press Bureau has standard lines logged explaining the general police misconduct process and these may also be given to the media expressing an interest in a particular case. We do not disclose the identity of the officers forming the misconduct board. From April 2004 any misconduct boards resulting from public complaints will include a trained lay member sitting with two senior officers. We will confirm if a lay member was part of the board but would not identify them.

At the conclusion of a misconduct hearing we will confirm if an officer has had misconduct charges found to be proven or not proven and the sanction involved (dismissal for service, required to resign, demotion etc.). The correct terminology should be used, charges are found proven rather than officers found guilty and sanctions rather than sentences imposed. If the officer involved has previously been named and the misconduct board offered to the media, or has attracted widespread publicity, the result of the hearing MUST be offered to the media regardless of the outcome. If a case without previous media interest involves matters of particular public interest and results in dismissal the DPS should be asked to consider offering details of the investigation and misconduct hearing to the media.

If we have not already named an officer before a hearing, we may do so afterwards if matters are proven and they are required to resign/dismissed. An officer facing a lesser sanction would not normally be named. It should be noted that if disciplinary matters follow a court case the press will know the officer's identity already.



If an officer appeals against the tribunal's decision or sanction to either the Commissioner or Misconduct Appeals Board, this should be included when we discuss the result. Note that an appeal does NOT preclude discussion of the result/sentence being appealed against.

If an appeal is successful and leads to a decision being made to reinstate an officer after a previous sanction of dismissal or requirement to resign we should reflect this in updated lines. If the result of the misconduct board had previously been offered to the media or the matter resulted in publicity then we should also offer out the result of the appeal.

Matters of misconduct are internal and each case must be decided on its own merits and take into account a number of particular circumstances including existing media interest. However, the above rules are a useful guideline and in many cases it is in our interest to be as open as we can about the disciplinary process. APPOs and/or the DPS lead press officer should be informed of any press bureau entries involving local officers and may advise on what should be logged.

Matters of alleged misconduct involving **ACPO officers** are overseen by the MPA Professional Standards Committee and should be referred to the MPA to discuss. From April 2004 these matters will also be overseen by the IPCC.

We do not discuss matters of **informal discipline** & certainly do not name any officer who has been subject of informal discipline. The following 'If Asked' response should be given regarding informal discipline against any officer:

"We are NPTD details of any informal discipline.

There has been in existence for a number of years a recognised informal disciplinary system involving cases where it is decided the circumstances do not justify formal disciplinary proceedings. Under this system a senior police officer can decide that an officer involved in a complaint investigation should be spoken to about the matter. However, because this system is not subject to the full process of a formal misconduct hearing - i.e. no plea is taken and there is not a full hearing of evidence from both sides resulting in charges being proven or not - and because the officer has no right of appeal, the outcome must be considered as a confidential matter between the police service and the individual concerned."

Under the IPCC greater emphasis will be placed on the early resolution of complaints at a local level and on occasion this may involve mediation with the complainant involving principles similar to restorative justice. These cases will have to be handled on their own merits but in general should be seen as a private matter similar to informal discipline and not discussed with the media.

The misconduct and discipline system for police staff is conducted separately from that for officers and is not subject to the same statutory regulation.

However where possible the media lines should reflect the same principles as those outlined above for officers.

If a media enquiry is received about a **Fairness at Work** issue we can merely confirm that the process is under way. We will not discuss names or any further details with the media.

## **Appendix 3**

### **Deaths in Custody or on Police Contact**

Deaths in custody, including apparent suicides, must be offered to press at the earliest possible opportunity. Incidents involving armed police will be dealt with in much the same way as a death in custody and the general principles outlined for these incidents should be followed in cases where police use of firearms result in death or serious injury.

Deaths in custody categorised as Home Office level 3 or 4 (e.g. those who die having been in custody or following contact with police, often incorrectly called 'technical' deaths in custody) need not be offered in every circumstance, but often should be offered to avoid any misunderstanding or community tension.

Police Collisions involving death or serious injury should normally be offered to the media and may involve some of the wider issues touched upon in this section. See the end of this entry for further details.

When Press Bureau are made aware of a death in custody (or potential death in custody when the prisoner is critically ill) we must:

- inform either the CPO or on-call DPA SMT member and the relevant APPO (In most cases an APPO should attend the relevant police station);
- liase (either directly or via APPO) with the police station concerned;
- liase (either directly or via APPO) with the IPCC press office.

A decision on whether attendance by an APPO at a police station is necessary will be made by CPO or on call SMT member in discussion with the APPO.

If attending the APPO should go to the host police station to liase with the Borough Commander, DPS and IPCC. Subject to risk assessment and the level of media interest, consideration should be given to sending a second press officer to liase with media at the incident scene, if different from the host police station.

It is important that where incidents may create community concern a statement confirming the incident and known details should be offered to the media at the earliest possible opportunity to offer reassurance and prevent a dangerous information vacuum from forming. It is vital that the Metropolitan Police Service issue a media statement as soon as possible as this may be the only opportunity for us to provide the media with accurate information from a police perspective.

The IPCC either directly investigate, manage or supervise investigation of all deaths in police custody. In most circumstances the initial statement regarding an incident will remain the responsibility of the MPS but if public

statements are inaccurate or misleading this may itself become part of a subsequent IPCC investigation.

In some situations (e.g. a suspect collapsing during arrest) only junior ranking officers are available to provide initial information. At all times the Bureau must be mindful of any elements of sensitivity or concern and should seek fuller details from a senior officer and/or DPS detective as soon as possible and before releasing a statement.

**Any statement we intend to issue must be cleared in advance by a member of the relevant BOCU senior management team and/or ACPO team (ie 'Borough Commander' or above) and the DPS senior investigating officer.**

Every effort should be made to reach agreement on statements and all matters of fact should be carefully checked as detailed below. However, if there is disagreement about the wording of the statement, the Borough Commander and APPO will have primacy in such cases. The most likely scenario where this might happen is where there is a considerable likely impact on the local community and significant community tension or public disorder is feared. Whilst considering the views of other agencies, the Borough Commander and APPO may agree use of a statement in these circumstances.

**If they have attended the police station, APPOs or relevant press officers must see, where applicable, documented evidence to support any statement.** Anything in the statement that contains detail rather than the broad facts must be evidenced by the CAD message.

**Press Bureau statements on deaths in custody should be agreed in principle with the IPCC press officer.** If this is not possible within reasonable time the statement should be issued on the authority of the officers who have cleared the statement contents. The MPS statement should then be made available to the IPCC at the earliest possible opportunity.

Each incident must be considered on a case by case basis. As many facts as possible, within the constraints of the investigation, should be released but no assertions of responsibility for the death should be made or accepted.

In general terms the IPCC have agreed that the following information may be given in an initial statement or confirmed on an if asked basis:

\* how, when and where police came into contact with the Death in Custody victim. Was police action part of a planned operation, call from the public or another reason. These details should be compared with transcripts of the original 999 call if relevant, any CAD messages, custody/charge sheets.

\* which officers were involved (local officers supported by armed officers or a specialist unit operation. No officers should be named.)

\* age/home area for the deceased. We should issue name & full address when we have formal identification and have informed Next of Kin (NoK). If we believe we know the identity and are in the process of contacting NoK we should state this.

*In UK law the rights of a deceased transfer to their family. Thus name/full address may be withheld at request of NoK unless there is an over-riding justification for declining their request – which must be noted. NB: personal details cannot be withheld after the inquest has opened. We may state if details are being withheld at the request of NoK.*

\* details of the alleged offence on suspicion of which the person was arrested - these must be confirmed from the custody sheet (should one have been created).

\* whether or not CS spray/batons are believed to have been used in detaining the suspect (lines on these subjects are usually on an IF ASKED basis - although they may be offered if appropriate, or we may decline to discuss them if they are directly subject to an investigation)

\* if the incident occurred at a police station, whether or not an FME was called or attended. Times of any calls to LAS or further medical assistance requested.

\* date/venue of PM examination and its result; date/venue of inquest opening

\* whether or not any officers have been suspended/moved to another station. We would usually give gender/rank but not identity of the officer. Lines on these subjects are usually on an IF ASKED basis (though they may be offered if appropriate).

\* if the incident happened in public or began with an arrest in public we may wish to consider an early appeal for witnesses to come forward.

\* whether or not an inquiry is being conducted by DPS (managed or under the supervision of the IPCC), directly by the IPCC or by officers from another force; name of the SIO if known.

\* if a death has occurred it is normally appropriate to offer condolences and express regret that a death has taken place. Care should be taken that this is not phrased in such a way as to suggest police accept or deny responsibility for the death.

All contact with the IPCC and authority to clear and release statements must be clearly recorded on BRS either directly or via the APPO dealing with the incident. All statements and cleared 'if asked' lines must also be recorded.

It is likely that officers from DPS will attend to secure the scene initially before an IPCC member arrives to take over the scene or assign the investigation to an outside force. If, as is usually the case, the media gather at the scene of

an incident, an APPO should attend the scene and facilitate a senior officer briefing the media, using the agreed media statement. Care must be taken to ensure the officer does not expand on the agreed details. If media interest is considerable a press conference should be considered.

Consideration should also be given to providing additional relevant information such as the role of custody staff, how cells are designed to prevent such cases, or the professionalism and level of care provided by police officers and other staff. This should seek to reassure the community about general police procedure and place an incident in a wider context, but not seek to directly address the circumstances of the death.

Internal communication issues should be addressed with statements made available to relevant OCUs and officers closely involved in the case should be made aware of what has been said publicly.

In such critical incidents a 'Gold Group' is often called to oversee the investigation and community issues. These are good opportunities to gather information and agree media statements. In most cases the DPA should be represented by the relevant APPO to advise on media issues. However, such meetings are often held some time after the critical incident and an initial statement will often need to be cleared for release to the media before the Gold Group can be gathered.

In the aftermath of the incident the Borough Commander may find that the local community will expect them to attend meetings to explain events surrounding the incident. Subject to the agreement of the IPCC it is usually appropriate to use the agreed media statement as it can be anticipated that the media will attend any public meeting. It may be helpful for the APPO to accompany the Borough Commander to such meetings.

Follow-up media enquiries should be dealt with by the original APPO (wherever possible) in consultation with the Borough Commander and IPCC. This will ensure a consistency of message and provide the Borough Commander with details of any developments. In most cases where death or serious injury has occurred it is likely the IPCC will take direct control of all subsequent statements about the investigation and the MPS will not release further statements without reference to them.

Once an IPCC investigation has been concluded the process will move to either a trial, misconduct process or inquest and a bespoke media strategy should be prepared to deal with any issues that may arise.

## **POLICE COLLISIONS RESULTING IN SERIOUS INJURY OR DEATH**

There is sustained public and media concern regarding collisions involving police vehicles. The general principles involving these incidents are those used to deal with all other incidents where police contact plays a role in death or serious injury.

All incidents where police vehicles are directly involved in collisions involving death or serious injury should be offered to the media at the earliest possible opportunity. Those that are 'vicinity only' collisions or involve only damage or minor injuries need not always be offered to the media but should still have 'if asked' lines prepared.

Where death or serious injury has occurred the IPCC may either manage or supervise the investigation. If so a statement should be cleared through the IPCC, or, if not possible in reasonable time, the statement should be issued on the authority of the Borough Commander or SIO who have cleared the statement contents and then made available to the IPCC at the earliest possible opportunity.

Issues to be considered in a statement include

- \* time, location and circumstances of the incident. Description of the vehicles involved, including if the police vehicle was marked or unmarked.
- \* if the police vehicle was using its siren and blue lights at the time of the incident.
- \* confirm any injuries, including those to police officers.
- \* a witness appeal for those who may have seen the incident.
- \* if any officers have been suspended or temporarily removed from driving duties
- whether or not an inquiry is being conducted by DPS (under supervision of the IPCC), directly by the IPCC or by officers from another force; name of the SIO if known.

Following any death in police custody or on police contact, the initial agreed press statements should be shown to all the officers involved in the incident at the earliest opportunity. It is the responsibility of the DPS to set this process in train although the actual conduit for the information may be either the DPS, the officers' senior management or The Police Federation.

If the subsequent investigation focuses on the actions of specific officers, then any press statements issued by the MPS will be given to those officers by the DPS senior investigating officer or other appropriate DPS officer before the details are given to the media. At this stage, the offer of media handling support and advice should also be made.

However, in cases where the IPCC is itself investigating or has appointed an outside force to investigate, the media handling and support for officers under investigation remains the responsibility of the IPCC.

## **Appendix 4**

### **Independent Police Complaints Commission**

The IPCC is an independent statutory authority which replaced the Police Complaints Authority in April 2004 and is responsible for all police complaint processes in England and Wales. It has a wider remit and greater legal powers than the PCA and its main responsibilities are:

- \* to directly investigate the most serious complaints and police incidents using its own investigators who have power of arrest and power of entry to police premises
- \* to supervise or manage the investigation of other serious complaints and police incidents by outside police forces or by their own professional standards units
- \* to ensure the quality of all internal investigations, acting with HMIC to conduct reviews and share good practice, and to act as an appeal body for those involved in police complaints

The IPCC can decide to either directly investigate, manage or supervise investigations.

- In directly investigated cases the IPCC will effectively conduct the entire process and have primacy in all aspects including the media strategy. In these cases the MPS will have no involvement at all once an initial statement is issued.
- Managed investigations see the IPCC directly run a team of police investigators with one of their commissioners acting as SIO. If this police team is from an outside force the DPA will have no involvement once an MPS initial statement is released. However the managed investigation team may be formed of DPS officers and in these cases the DPA may provide further media handling support and release further statements in conjunction with the IPCC SIO.
- Supervised cases are similar to those previously overseen by the old PCA with the IPCC approving the appointment of the investigating officer and directs the conduct of the inquiry, including approving the general media strategy. In these cases the DPA will continue to be involved in the case in conjunction with the IPCC.

In all cases the CPS will decide if criminal charges should follow and the IPCC would then decide whether or not to bring an internal police disciplinary charge.

**Press Bureau statements on matters involving the IPCC should be agreed with the IPCC press office prior to issue.**



**Similarly, where possible, the IPCC should inform the Press Bureau of any statements they intend to issue.**

This is to ensure uniformity of release between the two organisations, and highlight at an early stage any elements of particular sensitivity or concern.

The initial statement regarding an incident will remain the responsibility of the MPS but if public statements are inaccurate or misleading this may form part of a subsequent IPCC investigation. The IPCC may be able to offer advice on the wording of an initial statement although the content is a matter for the MPS. However, specific details about, for instance, why the MPS were called to an incident such as a death in custody, must reflect the original call to police.

Similarly the reason for an arrest must reflect the details on the custody sheet. In the unlikely event of any disagreement, refer to CPO or on-call DPA SMT for advice.

Each contact with the IPCC should be logged.

On occasions it may be necessary to issue a statement on a matter to be investigated under IPCC supervision either without an agreement or before one can be sought from the IPCC's press officer.

This could happen, for example, when public order considerations necessitate the issue of an immediate, more detailed statement or where communication difficulties prevent contact with the IPCC press office. In these cases, refer to CPO or on call DPA SMT for advice, and log reasons for issuing an immediate statement.

**Press Bureau statements on matters involving supervision by the IPCC should be agreed with an officer of appropriate rank prior to issue.** If it is not possible to contact the IPCC in reasonable time the statement should be issued on the authority of officers who have cleared the contents. This should be at least an Inspector in the first instance but a member of the relevant senior management team/ACPO team and/or relevant DPS detective before issue. The MPS statement should be made available to the IPCC at the earliest possible opportunity. If in doubt, seek advice of the CPO.

The IPCC Press Office is contactable on: 020 7166 3068/3212

And provides 24 hour on call cover on: 07717 851157 (mobile)

The issue of any further statements after our initial response should not be considered without full consultation with the IPCC. In most serious cases involving IPCC direct investigation or management it is likely that all further statements regarding the incident and subsequent investigation will be issued by the IPCC.

In cases where the IPCC are themselves investigating or have appointed an

outside force to investigate, the media handling and support to officers under investigation remains the responsibility of the IPCC.

## **Appendix 5**

### **Employment Tribunals (ETs)**

We would normally discuss the name and station of the officer or staff member bringing the action, the date and location of the hearing, and the nature of the allegation. We will state if we intend to defend the action but will not give details of our case until the ET has been completed.

When the result of the tribunal has been communicated we will confirm this and if appropriate may respond to the findings. When considering publicising the result of an ET due consideration must be given to the impact of any statements on the individual concerned and their reintegration back into the Metropolitan Police.

In some circumstances an ET may lead to further investigation of misconduct by police officers or staff. If an internal investigation is being conducted we should state this in our response.

## **Appendix 6**

### **Civil Actions**

It is not unusual for the MPS to be sued for damages in the civil courts. These proceedings are matters of public record and we should always confirm if we are aware of an action against the MPS and give brief details of the matter involved. If it is possible we should give an indication of our position regarding the case, i.e. if we intend to defend the case or are attempting to negotiate a settlement.

Matters involving civil actions are often very complex and subject to legal restrictions including confidentiality of negotiations and settlements. In all cases press officers should consult with MPS Solicitors and/or the DPS Civil Actions Unit.

If a civil action is successfully defended we should seek to offer the details to the media as this deters other spurious actions and demonstrates our determination to defend the reputation of the MPS. However, if the failed civil action has been brought by an employee of the MPS consideration should be given to the impact of any statements on the individual concerned and their reintegration back into the Metropolitan Police.

It has been known for informants or protected witnesses to issue civil actions against the MPS. In these cases we must be careful not to compromise their safety and would not disclose their names or, if real names are used and not protected at court, we must not confirm that those involved are informants.

In some circumstances a civil action may lead to further investigation of misconduct by police officers or staff. If an internal investigation is being conducted we must state this in our response. In some cases civil actions may be lost or settled after a complaint was made but not substantiated as the complainant decided to instead pursue their case in the civil court. It is important to explain the practical difficulties this presents the MPS in pursuing such a complaint without being seen to blame the victim for their actions.

Consideration should be given to the following wording as part of a statement:

"Whilst a complaint was received in connection with this incident the complainant subsequently declined to assist police in the investigation or provide a further statement to us. As with any investigation it is not possible to ascertain if any criminal or disciplinary offences may have been committed by any of the officers involved without supporting evidence from the complainant or other independent witnesses who could substantiate the allegation.

"The Metropolitan Police Service takes allegations of misconduct by police officers extremely seriously and it is disappointing and frustrating when we are unable to proceed with an investigation because a complainant is unwilling to co-operate with investigating officers."

## Appendix 7

### **Diversity: Race, Religion, Culture and Sexuality issues**

Matters relating to faith, race, gender, disability, age, sexual orientation are covered in the main DPA 'Bureau Instructions' but are repeated here. It is vital these matters are sensitively handled in the context of an investigation following an incident involving death or injury to a member of the public as failure to do so may exacerbate an already difficult situation. It is also vital we recognise the diverse needs of all our staff when considering matters relating to internal investigations or other internal matters.

This policy was confirmed following publication of the MPA Viridi Inquiry Report of December 2001.

#### General Principles

We only mention someone's race, religion or sexuality if it is strictly relevant. For example, it is clearly relevant when giving the description of a suspect being sought or discussing a racially or homophobically motivated incident.

We would not normally discuss the ethnic appearance code or sexuality of a person under arrest unless it is justified by the context of the inquiry, (e.g. the inquiry concerned a racially-motivated offence).

In race-specific and high profile cases, the Bureau must liaise with a senior member of the DPA and/or the appropriate APPO re: adopting a press strategy that uses learning from critical incident training, does not compromise the principles of natural justice, and reflects the principles contained in the National Union of Journalists Guidelines on Race Reporting, which state:

- = only mention someone's race if it is strictly relevant. Would you mention race if the person was white?
- = do not sensationalise race relations issues
- = do not make assumptions about a person's cultural background – whether it is their name or religious detail.

Following concern that a disproportionate number of visible ethnic minority officers are subject to internal investigations it has become commonplace for the MPS to be asked for the race of any officer subject to internal investigation or suspension. The race of an officer should not be 'offered' to the media but may be confirmed if asked as a specific question and if to do otherwise may frustrate legitimate scrutiny of the disproportionality issue.

#### Terminology

Terminology frequently changes. If there is uncertainty about what term or expression to use (e.g. when describing a victim), where possible the individual should always be asked by the Senior Investigating Officer or Family Liaison Officer or as appropriate the Diversity Directorate, how they would prefer to be addressed. The Press Bureau will then adopt their guidance.