

IPCC / ACPO MEDIA PROTOCOL April 2013

1 INTRODUCTION

- 1.1 This protocol has been agreed between the IPCC and ACPO. It confirms guidance issued by the IPCC on communicating with the media and the public where the IPCC is conducting an independent investigation or managing an investigation under the Police Reform Act 2002. It also covers other communication issues such as the naming of officers and publication of reports.

2 MANAGED AND INDEPENDENT INVESTIGATIONS

- 2.1 The police service and the IPCC have a shared responsibility for communication with the media and the public in IPCC independent and managed investigations. This is to ensure public confidence in the investigation and in the police complaints system as a whole.
- 2.2 Silence is not an option but it is important to remember that, in the early stages of an investigation, the information which is available is likely to be incomplete and / or unverified.
- 2.3 Once an investigation has been designated as independent the IPCC will take the media lead, but only in relation to their investigation. It is important that forces establish with the IPCC exactly what is being investigated and by whom. This will clarify who has what responsibility for communications. These facts will be clearly documented by both parties.
- 2.4 There may be circumstances where the police need to comment or brief the media or the public about matters *connected to an IPCC investigation* and this is dealt with in point 2.10.
- 2.5 However, referral to the IPCC does not stop the police commenting or a responding to the media or public. Nor should referral be presented by the police as a reason for a lack of a response to questions.

Examples of information the police may wish to put into the public domain after an incident:

Information on why something has been referred to the IPCC/ reassurance that incident has been referred to an independent body which has deployed its own investigators

Information and circumstances around a pre-planned operation that has led to a referral to the IPCC / IPCC investigation

Factually correct information about – (for example) – why police were in the area or numbers of police in the area

Other matters impacting on local people or wider public interest

- 2.6 The IPCC is responsible for *all* communications in relation to their investigation. The police are also responsible for ensuring that it is clear to the public and media exactly what is being investigated by the IPCC. Not infrequently the IPCC will only be investigating a part of the incident.

Examples:

Following a referral of a shooting during an armed raid, the IPCC may decide to investigate the shooting but not the raid, and questions about the raid should therefore be dealt with by the police.

Following a referral of a death following a police pursuit, the IPCC may decide to investigate whether the police involved in the pursuit followed correct procedures, but not the fatality itself.

- 2.7 The timing of any release will be a matter of judgement in the individual circumstances of each case. The IPCC will aim to ensure that neither the police nor interested parties such as families affected, are 'taken by surprise' as a result of IPCC public statements and, so far as practicable in the circumstances, will notify interested parties of any intention to put information in to the public domain about an investigation.
- 2.8 The police will normally have much greater local contacts and intelligence than the IPCC. This means that the police are likely to pick up local concerns or misinformation much more quickly than the IPCC. If the police identify material misinformation or areas of concern requiring rebuttal, they should immediately bring them to the attention of the IPCC by contacting the Press Office.
- 2.9 The police service is responsible for dealing with public disorder or potential disorder. Where the police are concerned about the impact of information or misinformation and the need for correction they should bring this immediately to the attention of the IPCC Press Office, or on call Press Officer if this occurs outside normal office hours.
- 2.10 The Police will take the lead in communicating with the media and the public on
- i.) community impact, tension or potential disorder arising from an incident;
 - ii.) parallel criminal investigations or ongoing police operations;
 - iii.) the employment status of an officer;
 - iv.) the condition of an injured officer or member of police staff and as appropriate in respect of a deceased officer or member of police staff.
- 2.11 Where as a result of concerns about community impact, tension or potential disorder the police wish to comment or brief the media or the public about matters *connected to an IPCC investigation*, they should provide a copy of the proposed lines / comment to the IPCC in advance. Any briefing or comment should be authorised by a named officer. Unattributed comment or off-the-record briefings should not be given.
- 2.12 The IPCC will not "approve" proposed lines but will object to any comment or speculation about events or individuals which may prove detrimental to a

future criminal or misconduct case or put its investigative strategy at risk. Ultimately however the timing and content of any statement issued by the police is a matter for the police, for which a named senior officer should be responsible.

3 NAMING OF POLICE OFFICERS AND STAFF

- 3.1 Police officers and staff will usually be named in press statements if they are charged or summonsed to answer a criminal offence, as is the case when members of the public are charged or summonsed. Their home addresses will be withheld.
- 3.2 Police officers and members of staff subject to investigation¹ or disciplinary proceedings may also be named and the IPCC will only withhold names if there are reasons to do so under the Police Reform Act 2002, Freedom of Information Act 2000 or Data Protection Act 1998.

4 PUBLICATION OF IPCC REPORTS

- 4.1 The IPCC believes that, as a general rule, investigation reports should be published. This promotes transparency and is an important way of securing public confidence in the police complaint system.
- 4.2 From April 2012, the IPCC publishes all reports of managed and independent investigations (subject to the harm test), although these reports are likely to be subject to some redaction. The IPCC's statutory guidance recommends that appropriate authorities also consider publishing the reports of their Police Reform Act investigations.

5 PUBLICATION OF PROTOCOL AND RELATED GUIDANCE

- 5.1 The IPCC will publish this protocol and any guidance on its website www.ipcc.gov.uk It will also ensure that any updated guidance is published and distributed promptly.
- 5.2 ACPO will advise forces to ensure that all relevant staff are familiar with the provisions of the protocol and any guidance.

¹ i.e. police officers or members of staff to whose conduct the investigation relates, where conduct is described as acts, omissions, statements and decisions (whether actual alleged or inferred) Section 29(1)(b) Police Reform Act 2002