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# NEWS RELEASE

From **Press Bureau** at New Scotland Yard - last updated Mon 14/12/09 16:31  
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## Statement by Assistant Commissioner John Yates

John Yates, Assistant Commissioner Specialist Operations, has today reminded all MPS officers and staff that people taking photographs in public should not be stopped and searched unless there is a valid reason.

The message, which has been circulated to all Borough Commanders and published on the MPS intranet, reinforces guidance previously issued around powers relating to stop and search under the Terrorism Act 2000.

Guidance on the issue will continue to be included in briefings to all operational officers and staff.

Mr Yates said: "People have complained that they are being stopped when taking photographs in public places. These stops are being recorded under Stop and Account and under Section 44 of TACT. The complaints have included allegations that people have been told that they cannot photograph certain public buildings, that they cannot photograph police officers or PCSOs and that taking photographs is, in itself, suspicious.

"Whilst we must remain vigilant at all times in dealing with suspicious behaviour, staff must also be clear that:

- . there is no restriction on people taking photographs in public places or of any building other than in very exceptional circumstances
- . there is no prohibition on photographing front-line uniform staff
- . the act of taking a photograph in itself is not usually sufficient to carry out a stop.

"Unless there is a very good reason, people taking photographs should not be stopped.

"An enormous amount of concern has been generated about these matters. You will find below what I hope is clear and unequivocal guidance on what you can and cannot do in respect of these sections. This complements and reinforces previous guidance that has been issued. You are reminded that in any instance where you do have reasonable suspicion then you should use your powers under Section 43 TACT 2000 and account for it in the normal way.

"These are important yet intrusive powers. They form a vital part of our overall tactics in deterring and detecting terrorist attacks. We must use these powers wisely. Public confidence in our ability to do so rightly depends upon your common sense. We risk losing public support when they are used in circumstances that most reasonable people would consider inappropriate."

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The guidance:

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Section 43 Terrorism Act 2000

Section 43 is a stop and search power which can be used if a police officer has reasonable suspicion that a person may be a terrorist.

Any police officer can:

- Stop and search a person who they reasonably suspect to be a terrorist to discover whether they have in their possession anything which may constitute evidence that they are a terrorist.
- View digital images contained in mobile telephones or cameras carried by the person searched to discover whether the images constitute evidence they are involved in terrorism.
- Seize and retain any article found during the search which the officer reasonably suspects may constitute evidence that the person is a terrorist, including any mobile telephone or camera containing such evidence.

The power, in itself, does not permit a vehicle to be stopped and searched.

Section 44 Terrorism Act 2000

Section 44 is a stop and search power which can be used by virtue of a person being in a designated area.

Where an authority is in place, police officers in uniform, or PCSOs IF ACCOMPANIED by a police officer can:

- Stop and search any person; reasonable grounds to suspect an individual is a terrorist are not required. (PCSOs cannot search the person themselves, only their property.)
- View digital images contained in mobile telephones or cameras carried by a person searched, provided that the viewing is to determine whether the images contained in the camera or mobile telephone are connected with terrorism.
- Seize and retain any article found during the search which the officer reasonably suspects is intended to be used in connection with terrorism.

General points

Officers do not have the power to delete digital images, destroy film or to prevent photography in a public place under either power. Equally, officers are also reminded that under these powers they must not access text messages, voicemails or emails.

Where it is clear that the person being searched under Sections 43 or 44 is a journalist, officers should exercise caution before viewing images as images acquired or created for the purposes of journalism may constitute journalistic material and should not be viewed without a Court Order.

If an officer's rationale for effecting a stop is that the person is taking photographs as a means of hostile reconnaissance, then it should be borne in mind that this should be under the Section 43 power. Officers should not default to the Section 44 power in such instances simply because the person is within one of the designated areas

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