

Police force UK broadcasters to hand over footage from London riots

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UK television broadcasters—the BBC, ITN and Sky News—are in the process of handing over hundreds of hours of untransmitted video footage from the riots in London in August to the Metropolitan Police (Met).

In a major attack on democratic rights, including press freedoms, the Met successfully obtained a court order for disclosure earlier this month under the Police and Criminal Evidence Act 1984.

The order demanded the disclosure of “any broadcast or unbroadcast video or still pictures” from the disturbances, which were triggered by the police killing of 29-year-old father of four Mark Duggan in Tottenham, north London on August 4.

The Met and other police forces—including West Yorkshire and Greater Manchester—were reported to have earlier unofficially approached media groups asking for voluntary disclosure that “could show crime in action”.

The broadcasters had initially said they would not release the material. The BBC, ITN and Sky News said they had a policy of not giving unbroadcast footage to the police unless a court instructed them to do so.

But under the Police and Criminal Evidence Act, a judge can weigh public interest in a free press with the interests of the police, and force disclosure.

The BBC stated that it requires “requests for untransmitted material to be made through the courts. A production order requiring footage of the riots was served on the BBC and a court agreed that the material should be supplied.”

The *Guardian* quoted a “senior insider” at one of the broadcasters as stating, “It is very, very rare that we are served with a court order to hand over footage like this. We don’t hand over material willy-nilly because it compromises the security of our journalists on the streets. Clearly we don’t want them being seen as an

evidence-gathering arm of the police.”

Jon Snow, newsreader for Channel 4, also criticised the move. “Media [is] now regarded as in concert with police in all public-order clashes”, he said.

In the *Independent*, Barry Fitzpatrick of the National Union of Journalists argued, “We are there to report news for the public, not to be used as a source of evidence for the police to prosecute people.”

The newspaper reported several instances in which journalists and photographers were attacked during the disturbances, as youth involved sought to prevent their identities being recorded.

CCTV and broadcast film footage has already played a major role in the state repression being meted out against working class youth. Hundreds of police officers are reported to be examining 40,000 hours of CCTV footage from across the country. In London alone, 20,000 hours of CCTV images are being studied.

These recordings have enabled the police to carry out mass arrests. Some 3,000 people—mainly aged between 16 and 24 years of age—have so far been arrested. Some 1,700 have appeared before kangaroo-style court hearings, many receiving prison sentences for the most menial offences.

Emails obtained by the *Guardian* under the Freedom of Information Act make a mockery of judicial independence. They confirm that the courts have been instructed to ignore legal sentencing norms, and dispense “summary justice”.

The two emails were circulated to justices’ clerks—who provide guidance on sentencing law to magistrates—by a senior justices’ clerk in the London regional office of Her Majesty’s Courts and Tribunals Service.

The *Guardian* reported that the first stated, “I should be grateful if you would ensure that the following

advice is cascaded to every member of your legal team as soon as possible.

“The sentencing guidelines cannot sensibly be used to determine the sentence in cases arising from the recent disturbances/looting. When the guidelines were written nothing like this was envisaged.”

It advised that, “if in doubt”, magistrates should “commit to the crown court” those arrested for looting. This is because crown courts can hand out significantly longer sentences than magistrates.

The second message read, “Apologies for the fact that the email ... sent yesterday is confusing and frankly incoherent. The intention was that you should advise magistrates to commit to the crown court cases of commercial burglary, or handling ... or violent disorder arising from the recent disturbances.

“There is a general acceptance that what occurred earlier this week is not covered by the sentencing guidelines and it will be very much the exception that such cases are sentenced in the magistrates courts.”

In the last weeks, young people have been imprisoned for six months for petty offences, such as stealing an ice cream cone from a looted shop, or bottles of water.

Next week, the first appeals against the sentences already handed down are to be heard. They include Jordan Blackshaw, 20, and Perry Sutcliffe-Keenan, 22, who separately were sentenced to four years imprisonment for postings on the Internet calling for riots, even though their messages did not actually lead to any disturbances.

Sally Ireland, from the civil liberties group Justice, told the *Guardian* that the emails were “disturbing”. “The application or disapplication of sentencing guidelines should be a matter decided on a case by case basis”, she said.

Paul Mendelle QC told the newspaper, “The idea that established Court of Appeal authorities can be set aside or ignored by the secret advice from an anonymous civil servant strikes me as undemocratic at best and unconstitutional at worst.

“Blanket advice to magistrates to deal with all cases in one particular way—commit to crown court—regardless of the facts of the individual cases might be seen as an unlawful fetter on their discretion.”

The emails confirm that a politically motivated witch-hunt against young people has been sanctioned by the powers that be.

The political establishment and the media are united in insisting that the riots were not the result of pent-up anger over police brutality and social deprivation, much less the austerity measures now being imposed by the Conservative-Liberal Democrat government.

Instead, they insisted that “feral youth” and a “criminal underclass” are to blame. The aim of this is to justify the abrogation of civil liberties and democratic norms, and sanction class retribution against young people.

The Met’s production order against news broadcasters came after Prime Minister David Cameron demanded the media take “responsibility” and hand over film footage to the police.

As the *World Socialist Web Site* has noted, only in the last week the Met had sought a production order, under the Police and Criminal Evidence Act, to force the *Guardian* to hand over its sources for stories it had published exposing phone hacking and other illegal activities by Rupert Murdoch’s now defunct *News of the World* tabloid.

Its action made clear that the Met was continuing its efforts to bury any real investigation in Murdoch’s news group so as to cover up nefarious relations between the tabloid, politicians and police officers themselves. Not a single executive from Murdoch’s media empire has been prosecuted, nor has any police officer accused of bribery and corruption been identified. Instead, the Met targeted those it held responsible for exposing the scandal.

The Met was forced to back down in this instance. Nonetheless, the broadcasters agreement to hand over footage from the riots clears the way for the arrests of hundreds more young people and strengthens the repressive powers of the police more broadly.

A production order against a daily newspaper for their unpublished images and footage from the riots is said to be pending. The *Daily Telegraph* is reported to have already handed over its material to the Met.



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