

STANDING ORDER (GENERAL) 156

MEDIA COMMUNICATION IN THE SOUTH AFRICAN POLICE SERVICE

1. Background

- (1) The Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) entrenches the right to freedom of expression within certain limitations which are provided for in the Constitution itself. The Constitution also determines the objectives of the Service and requires the National Commissioner to control and manage the Service in a manner that will ensure that these objectives are achieved.
- (2) The South African Police Service Employment Regulations, 2000, requires the National Commissioner to determine a policy on how employees must communicate in the *media*.
- (3) In order to balance the constitutional right to freedom of expression with the constitutional obligation on the Service to achieve certain objectives, and, at the same time, to comply with the obligation to determine a policy on how employees must communicate in the *media*, the following Instruction is hereby issued.

2. Definitions

In this Instruction, unless the context otherwise indicates —

- (a) “*Ambassador*” means the accredited diplomat representing a foreign state and who acts as the official channel of communication between his or her home state and South Africa and includes a High Commissioner who represents a state that forms part of the Commonwealth;
- (b) “*Consul-General*” means an official appointed by a foreign state to protect the interests of that state and its nationals in South Africa;
- (c) “*embargo*” means a request to an editor not to *publish* information before the stated date and time;
- (d) “*foreigner*” means an individual who is not a citizen nor a resident of the Republic of South Africa, but who is lawfully present in South Africa;
- (e) “*foreign mission*” means any embassy, office of a High Commission, consular office, trade mission or a liaison office of an international organisation;
- (f) “*media*” means the main means of mass communication (including the printed -, electronic - and broadcasting *media*) and includes any

representative of the *media*;

- (g) “*media communication*” means any act of communicating with the *media*;
- (h) “*media liaison official*” means a person appointed or designated by the National Commissioner, a Deputy National Commissioner or a divisional -, provincial - or area commissioner as *media liaison official* and includes a spokesperson;
- (i) “*member*” means any person employed by the Service, irrespective of rank or position;
- (j) “*off the record*” means the provision of confidential information to the recipient but which is not intended for publication;
- (k) “*photograph*” means any picture, visually perceptible image, depiction or any other similar representation of a person or building;
- (l) “*publish*” in relation to a *photograph* or sketch, includes exhibit, show, televise, represent or reproduce; and
- (m) “*source*” means a person who gives information to the *media* on condition of anonymity.

3. General principles

- (1) *Members* must view *media communication* as a potentially constructive means to promote the Service and lobby community support for the activities of the Service. The marketing of the Service in the *media* as a credible, committed, but not necessarily faultless organisation, has a crucial part to play in achieving the objectives of the Service.
- (2) The strategic objectives of the Police Plan of the National Commissioner (policing priorities and objectives) should continuously be promoted in the *media*.
- (3) The nature of the different operations and successes achieved, must receive prominence in statements issued and must specifically be linked to the strategic objectives of the Police Plan (policing priorities and objectives).
- (4) Management at all levels must continuously bear in mind the *media* implications of their decisions and consult with *media liaison officials* in developing pro-active communication plans.
- (5) All national, divisional, provincial, area- and station management meetings must be attended by the relevant head of communication and liaison services or a designated spokesperson. The communication

impact of decisions taken at such meetings and the approach to be taken by Communication and Liaison Services in this regard, must remain a standing point on the agenda of all such meetings.

- (6) No *member* may —
 - (a) without sound reason, obstruct communication between his or her station, unit, section, component, division, *media liaison official*, etc., and the *media*; or
 - (b) prevent a *media liaison official* from obtaining relevant and requested information where such information will not detrimentally affect the Service in the performance of its functions.
- (7) A commander or project manager must consult with the relevant *media liaison official* during the planning of a major operation or project to ensure that the publicity that may be generated by the operation or project will be properly co-ordinated and will receive due exposure. Information concerning the operation or project may, subject to paragraph 8(4)(a), only be disclosed to the *media* with the approval of the commander or project manager.
- (8) *Media liaison officials* must endeavour to communicate dedicated efforts by *members* to combat crime to ensure that the community is informed of such efforts and that *members* receive due recognition for such efforts.
- (9) A *media* release must be issued in English, although it may also be issued in another official language if it is reasonably possible to do so. The Head: Communication and Liaison Services may prescribe the format of *media* releases or statements.
- (10) A *media* release must be issued by the office of the National Commissioner or a divisional, provincial, area- or station commissioner and must, simultaneous with its release, be forwarded to the Communication and Liaison Services Planning Centre at Head Office at complan@sapa.org.za.
- (11) Continuity in *media* liaison must, subject to paragraph 9, be maintained where possible. Where a *member* makes a statement to the **media**, all other statements or enquiries on the same subject or topic must, wherever possible, be dealt with by the same *member*.
- (12) *Members* must refrain from making “*off the record*” statements as these do not prohibit the *media* from using the information.
- (13) Information must only be *embargoed* when this is really necessary. *Members* must refrain from using *embargoes* for the sake of using them. Information must only be *embargoed* to alert editors of a newsworthy matter while allowing the Service sufficient time for publication thereof at

an opportune moment and to allow for representatives of the Service to deliver such information officially before the premature publication thereof. A *media* release stating “*embargoed* for immediate release” is contradictory in itself and should never be used.

- (14) A *member* must consult the relevant *media liaison official* before making, on his or her own initiative, official statements to the *media* to ensure that the Service receives the maximum benefit from the exposure.
- (15) A *member* must immediately after having communicated with the *media*, inform the National, Divisional, Provincial or Area Communication and Liaison Services of what was communicated to the *media* to enable the monitoring thereof and, where necessary, to implement an appropriate strategy should the circumstances demand it.
- (16) A *member* or *media liaison official* must evaluate the information they intend to supply to the *media* and ensure that no sensitive information or information that may expose the Service to litigation, is communicated to the *media*.
- (17) A *member* must request a *media* representative to quote him or her by name, stating his or her rank and the office he or she is attached to.
- (18) Only a *member* who is designated as an official spokesperson for the National Commissioner, a Deputy National Commissioner or a divisional, provincial, area or station commissioner, may be quoted as the official spokesperson of such a commissioner.
- (19) Only a *member* holding the rank of Director or a higher may, in communicating with the *media*, refer to himself or herself as a senior police officer or official.
- (20) In the case of an initiative or event where the *media* expect the attendance of the National Commissioner, a deputy national commissioner, a station, area, provincial or divisional commissioner, the commander, project or event manager, or *media liaison official* involved in the planning of the initiative, event or project, must timeously consult with the relevant *media liaison official* of the attending parties to ensure the professional handling of *media* enquiries pertaining to the attendance of the National Commissioner, the Deputy National Commissioner, the station, area, provincial or divisional commissioner by the relevant *media liaison officer*.

4. Communication by members with the media

- (1) The Service is an open and transparent organisation and the *media* may approach any *member* for information.

- (2) No *member*, other than an officially appointed *media liaison official* or spokesperson, is obliged to communicate with the *media*.
- (3) A *member* may only communicate with the *media* if he or she is satisfied that he or she is fully conversant with the contents of this Instruction.
- (4) No *member* may, on his or her own initiative or on that of another *member*, approach or entertain any *media* for the purpose of media coverage without the prior authorization of his or her commander.

5. Handling of media enquiries

- (1) When a *member* is approached by the media, but does not, for whatever reason, want to get personally involved in communication with the *media*, such *member* must courteously redirect requests for statements, information or interviews to the persons referred to in paragraph 6.
- (2)
 - (a) When a *member* is approached by the *media* and is willing to communicate with the *media*, such *member* must obtain the name of the media representative and the name of the particular mass medium he or she represents.
 - (b) If a *member* doubts whether a person, who approaches him or her and alleges to be a media representative, is in fact a media representative, he or she must approach the *media liaison official* at the relevant area, provincial, divisional or national level for clarification.
- (3) A *media liaison official* must, at the request of the *member*, render the required assistance to a *member* who is approached to respond to media enquiries.
- (4) A *member* must, at the request of the *media liaison official*, render the required assistance to a *media liaison official* who is approached to respond to media enquiries.
- (5) A *member* may deal with *media* enquiries telephonically, but may request a facsimile —
 - (a) when numerous or complex questions are asked or comprehensive answers are required and research has to be undertaken;
 - (b) when enquiries involve more than one division, province, component, section, station or unit and have to be sent to such division, province, component, section, station or unit; or
 - (c) where a specific news medium has a history of not quoting a *member* in context or has a history of inaccurate, unbalanced, distorted or misleading reporting.

- (6) A *member* who is designated to communicate with the *media* with regard to issues which also involve other stations, units, sections, components, divisions or provinces, must —
- (a) be allowed sufficient time to prepare for an interview; and
 - (b) liaise with other role players and take cognisance of the relevant orders, policy issues, regulations, etc., to decide on the desirability and contents of the intended communication.
- (7) A *member* must confine his or her communication to the *media* to issues directly related to his or her official duties. In the event of a *member* being approached by the *media* with a request or invitation for an interview on a subject or topic outside the *member's* immediate operational field or area of responsibility, the *member* must inform his or her divisional, provincial, area or station commissioner, manager or commander. The latter must identify or nominate a *member* to comply with or accept the request or invitation.
- (8) The Service and all its *members* strive towards the same objectives and therefore no station, section, unit, component, division, province or individual *member* may publicly discredit or harm the professional reputation of another station, section, unit, component, division, province or individual *member*.

6. Persons designated to communicate with the media

In addition to *media liaison officials*, the following *members* may be designated to communicate with the *media*:

- (a) a *member* who is an expert in his or her field and who has been instructed to communicate on a specific subject or topic;
- (b) an expert from a specialised unit who has been identified for this purpose; or
- (c) a *member* designated to communicate with regard to issues which also involve other units,

provided that such *member* possesses the necessary *media communication* skills.

7. Response when approached by the media

- (1) (a) If a *member* or *media liaison official* is invited to participate in any manner in a discussion or interview on national or international television or a radio programme, or is approached by an institution to make a speech or to deliver a lecture, he or she must as soon as possible and before acceptance, inform his or her divisional, provincial, area or station commissioner of the request or invitation.
- (b) The most discreet approach to the topic and relevant information to be conveyed must be discussed with the relevant commissioner

who may also consult with a *media liaison official*. The relevant commissioner may decide to designate another *member* to comply with the request or accept the invitation.

- (2) If a *member* receives a verbal invitation or request, directed specifically to the National Commissioner, a Deputy National Commissioner, divisional, provincial or area commissioner, to participate in a radio or television programme or to answer certain questions, the *member* must request that the invitation or questions be submitted in writing. The written invitation or request must clearly state the nature of the questions, aim of the programme and inputs required.
- (3) If an incident, investigation, operation or project is likely to receive prominent attention in the *media*, the responsible commander must, in consultation with the Head: Communication and Liaison Services, decide whether communication in respect thereof should be co-ordinated from a national, divisional or provincial level.

8. Caution when communicating with the media

- (1) The dynamics of mass *media communication* are extremely complex and do not only involve the mere transfer of information or facts. The context, creation of perceptions and the implications of what is being said or conveyed, must also be taken into consideration. In certain instances what is implied is even more important than what is actually said.
- (2) A *member* must ensure that he or she is acquainted with this Instruction and with relevant developments in the policing environment before making a statement, comment or undertaking an interview.
- (3) According to section 70 of the South African Police Service Act, 1995 (Act No. 68 of 1995), a *member* commits an offence if such a *member* wilfully discloses information in circumstances in which he or she knows, or could reasonably be expected to know, that the disclosure will or may prejudicially affect the powers and the functions of the Service. The powers and functions of the Service are to —
 - (a) prevent, combat and investigate crime;
 - (b) maintain public order;
 - (c) protect and secure the inhabitants of the Republic or their property;
 - (d) uphold and enforce the law; and
 - (e) preserve life, health or property.
- (4) (a) No *member*, irrespective of rank, may in any way furnish any information to the *media*, a private institution or an individual, if the publishing or disclosure of such information may —
 - (i) defeat or obstruct the course of justice;
 - (ii) contravene the provisions of any Act;

- (iii) hamper or interfere with a specific investigation; or
 - (iv) prejudice, embarrass or discredit the Service.
- (b) An investigating official who prefers that certain information regarding an investigation should not be disclosed to the *media*, must, where possible, provide adequate reasons or motivation to the relevant *media liaison official* why the publication of such information is likely to hamper or interfere with the investigation.

9. Issues that must be redirected

- (1) (a) A request for information, a statement or an interview relating to —
- (i) an issue that may have national or divisional implications;
 - (ii) national policy and functions (for example appointments, salaries, promotions, training, uniforms, occupational health and safety, etc.);
 - (iii) a national investigation;
 - (iv) national crime trends; or
 - (v) national political figures,
- must be referred to the Office of the National Commissioner, a Deputy National Commissioner or the Head: Communication and Liaison Services at Head Office.
- (b) All issues with national, provincial or area implications must be brought to the attention of the office of that divisional, provincial or area commissioner and the relevant head of Communication and Liaison Services.
- (c) All issues with national implications must also be brought to the attention of the office of the Head of Communication and Liaison Services, Head Office, and the spokesperson for the office of the National Commissioner.
- (2) The National Commissioner, a Deputy National Commissioner, divisional, provincial or area commissioner, or the National, Provincial or Area Head: Communication and Liaison Services may instruct that *media communication* with regard to a particular issue or incident, be considered of national, provincial or area importance and therefore be co-ordinated by the communication personnel at his or her office. This procedure may also be followed when any such commissioner is not completely satisfied with the manner in which local *media liaison officials* handle a particular issue or incident.
- (3) The National Commissioner, a Deputy National Commissioner, a divisional, provincial or area commissioner may, where such commissioner deems it in the interest of the Service, instruct a *member* to re-direct all enquiries or requests for statements, comments or interviews on a specific issue, to a certain *media liaison official* or

member.

- (4) All requests by the *media* for statistics must be referred to the office of the particular manager or commander who holds responsibility for the issue to which the statistics refer.

10. Conduct in public and towards a media representative

(1) Courtesy, dignity and respect

A *member* must treat all media representatives with courtesy, dignity and respect, even when provoked, and promote ethical communication with the *media*. In the event where it is needed to refer a media representative to another party for comment, the particulars of that media representative must be noted and the media representative must be contacted within a reasonable period of time to determine whether his or her request was attended to.

(2) Crime scenes

A *member* at a crime scene or performing duties in public, must conduct himself or herself with dignity in keeping with the seriousness of the occasion, incident or investigation. A *member* must never lose sight of the possibility that a sound or visual recording could be taking place.

(3) Interference by a media representative

(a) Although the *media* may be prohibited in terms of section 69 of the South African Police Service Act, 1995, from publishing certain *photographs* and sketches, a media representative may not be prohibited from taking *photographs* or making visual recordings.

(b) A media representative who conducts himself or herself in a manner that may disturb evidence on a crime scene or may hinder or obstruct a *member* in the exercise of his or her powers or the performance of his or her duties or functions in a cordoned-off area, must be courteously requested to leave the crime scene or cordoned-off area. If the media representative refuses, he or she must be escorted out of the restricted area.

(c) A media representative may under no circumstances be verbally or physically abused and cameras or other equipment may not be seized unless such camera or equipment may be seized as an exhibit in terms of any law. Under no circumstances whatsoever, may a *member* wilfully damage the camera, film, recording or other equipment of a media representative.

(4) Ill-considered, irresponsible, discriminatory statements or comments and foul language

Whenever a *member* performs a function of the Service in public, such *member* represents the Service and he or she must conduct himself or

herself in such a manner that he or she promotes the image of the Service as a professional Service. Such *member* must therefore refrain from making ill-considered, irresponsible, discriminatory statements or comments or use foul language.

(5) Posing for the media

- (a) Since a *member* may be photographed or video-taped while performing his or her normal duties, he or she must be cautious when requested to pose in a specific manner for the *media* in the absence of a *media liaison official*. By posing in such a manner the possibility is opened up for such visual material to be used in a misleading manner.
- (b) No member may pose in uniform for the *media* to be photographed or video-taped, unless the position in which he or she is requested to pose, relates directly to the performance of his or her duties.

(6) Favouritism of the media

All dealings with the *media* must be conducted in an objective or impartial, fair and ethical manner and, subject to paragraph 11, without favouring any specific medium to the detriment of others. Favouritism includes the providing of leads or information that allows one *media* an undue advantage over another or refusing to provide information to a particular *media* while providing it to other *media*.

(7) Demand or acceptance of remuneration or reward for information supplied

A *member* may not demand or accept any form of remuneration or reward of any kind for information supplied to the *media*. A *member* who demands or accepts such remuneration or reward, commits an offence and may be prosecuted. Furthermore, this also amounts to misconduct which may be dealt with in accordance with the provisions of the South African Police Service Discipline Regulations, 1996.

11. Request for confidentiality by a media representative

- (1) A *member* must respect a request for confidentiality by a media representative who is working exclusively on his or her own initiative on an issue no other media representative has knowledge about.
- (2) In such cases, specific information required by the media representative concerned and the nature of his or her report or investigation may not be communicated to the other *media*.
- (3) A *member* who receives a request for confidentiality, must immediately liaise with *media liaison officials* on national -, provincial -, divisional or area level who will evaluate the request and manage the process. An area *media liaison official* must inform provincial *media liaison officials* of

the request. The Office of the National Commissioner, divisional and provincial *media liaison officials* must inform the Head: Communication and Liaison Service if they receive such requests or are requested to manage such a request.

- (4) If, however, other media representatives also enquire on their own initiative about the same issue, confidentiality no longer exists and information may also be furnished to such other media representatives. In such a case, the media representative who originally requested confidentiality on the matter must immediately be informed of this development by the *media liaison official* who is managing the request.
- (5) In exceptional cases, requests for confidentiality may be denied if there is reason to believe that a certain issue is of such a national concern or public interest that it cannot be kept from the *media* and public in general. Such a decision can only be taken by the Head: Communication and Liaison Services at Head Office after consultation with a provincial - or divisional commissioner, a Deputy National Commissioner or the National Commissioner himself or herself.

12. Accountability

- (1) Every *member* is accountable for statements or comments to the *media* made by him or her and must give careful consideration to what he or she says and perceptions that may be created by his or her statement or comment.
- (2) A *member* may not knowingly disseminate false or misleading information to the *media* and must ensure that official information made available to the *media*, is factually correct.
- (3) Should there be any doubt and an immediate response is required by the *media*, the following phrases must be used:
 - (a) "According to information available at this stage, it appears that ...";
 - (b) "According to information available at this stage, it is alleged that ..."; or
 - (c) "According to information available at this stage, reports suggest that...".
- (4) The relevant head of Communication and Liaison Services may request any *member* to submit a report on the manner in which such *member* handled a particular *media* issue.
- (5) If a *member* —
 - (a) submits a letter, or makes a statement or comment which creates an undesirable perception; or
 - (b) furnishes incorrect information to the *media*,

it is the responsibility of such *member* to effect the necessary correction and he or she may be instructed to do so.

- (6) A *media liaison official* may only approach the Media Ombudsman or the Public Broadcasting Complaints Commission of South Africa for remedial action against the *media*, after having informed the Head: Communication and Liaison Services of his or her intention to do so.

13. Criticism and opinions

(1) Criticism of Government policy

A *member* may not, in his or her official capacity, irresponsibly criticise Government policy at a public gathering or in a publication or in the *media*.

(2) Criticism of the media or politicians

(a) Only the National Commissioner may publicly criticise political parties, the national *media* in general, a specific mass medium or a specific media representative regarding the manner in which a particular matter has been dealt with. Provincial Commissioners may criticise the provincial *media* in general, the local *media* and political incumbents at provincial level (excluding the Premier or MEC for Safety and Security of that province).

(b) Subject to paragraph 12(5), only area -, provincial - or divisional commissioners and a Deputy National Commissioner and the National Commissioner and their spokespersons or the Head: Communication and Liaison Services may take remedial steps by issuing letters, statements and comments to the *media* to correct inaccurate reporting. The spokesperson must liaise with legal services before forwarding such a letter, statement or comment to the *media* concerned.

(c) A *member* must refrain from commenting in the *media* on the activities of political parties, their political programmes or policies (see also paragraph 15(2)).

(3) Criticism by a *member*

(a) A *member* in his or her official capacity is advised not to publicly —

- (i) criticise the Constitution of the Republic of South Africa, 1996, which includes the Bill of Rights, the National Government, the various ministries, other state departments, a provincial government or the office bearers thereof; or
- (ii) lobby public support for the retention, enactment or repeal of certain laws.

(b) No *member* may make comments or statements which can be

construed or imply to be an opinion which is shared by another *member* or the management of the Service unless such *member* has a mandate to do so.

- (c) No *member* may in his or her official capacity as an investigator of a case comment or make statements concerning a judgment delivered in a court of law pertaining to a case. Only an area, provincial or divisional commissioner, a Deputy National Commissioner or the National Commissioner may comment negatively or make negative statements regarding the outcome of a case in a court.
- (d) A *member* may, in his or her private capacity, issue statements or submit letters or comments to any *media* in which criticism is expressed against such media, provided that such *member* states clearly that he or she does so in his or her private capacity and not as a *member* or spokesperson for the Service or any part of the Service and provided further that no other provision of this Instruction is breached.
- (e) A *member* who engages in such criticism in public may be requested to explain and justify his or her statements. Such *member* will not be exonerated simply because he or she requested the *media* not to mention his or her name or submitted a letter, statement or comment anonymously.

(4) Criticism of the Service

- (a) The Service and all its *members* strive towards the same objectives and therefore no *member* may publicly discredit or harm the professional reputation of a station, unit, section, component, division, area, province or another *member*. No *member* may therefore comment negatively on aspects of policing which form part of the responsibility of another section, component, division, station, unit, area or province.
- (b) A *member* who engages in public criticism of the management, structures, components, sections, units or operational procedures and policies of the Service, may —
 - (i) not do so anonymously or request to remain unnamed; and
 - (ii) expect to be called upon to explain and justify his or her criticism.If deemed necessary, such a *member* may also be repudiated publicly by the management of the Service.
- (c) *Members* should bear in mind that proper procedures already exist and that channels are already available through which a *member* may raise his or her concern regarding any aspect of resources or

policing. A *member* who simply ignores these procedures and airs his or her discontent in the *media* or in public in order to compel police management to act in a certain manner or prejudice, embarrass or compromise the Service by such criticism or comments, acts highly unprofessional and such conduct may, in appropriate circumstances, constitute misconduct in terms of the South African Police Service Discipline Regulations, 1996.

(5) Personal opinions

- (a) A *member* must, in official public letters, statements and comments, confine himself or herself to the facts of the matter and avoid personal opinions, speculation, extrapolation (infer more widely from a limited range of known facts) and conjecture.
- (b) A *member* who expresses a personal opinion on general issues (such as service conditions, remuneration, working conditions, etc.), he or she must clearly state that he or she is not an official spokesperson of the Service, that the opinion expressed by him or her is a personal one which is not necessarily the official viewpoint of the Service or of any other *member*.

14. Equality and impartiality

- (1) The contents of *media* statements must display the support of the Service for the principle of equality and non-discrimination. References to the political affiliation, race, sexual orientation and religion of victims or offenders must be avoided as far as possible.
- (2) Communication with the *media* may not create the perception that the Service serves the interest of any political party, group or any other non-political pressure group.
- (3) Care must be taken not to create any impression that the Service is involved in a vendetta against, or is victimising any institution, group or individual.

15. Crime related statements

(1) Information on court cases

When a *member* is approached by a *media* representative for information relating to a court case, the *member* must refrain from making statements or comments on —

- (a) the character of an accused;
- (b) details of an investigation of which the disclosure may prejudice the investigation, the successful prosecution of an offender or future investigations;
- (c) the identity, testimony or credibility of prospective witnesses in a case;

- (d) whether an accused is guilty or not;
- (e) whether a plea of guilty or not guilty will be entered; and
- (f) the criminal record of an accused.

(2) Information on a political party or its members or office bearers

If a political party or its *members* or office bearers in their capacity as such, is or are in some way connected to an incident under investigation by the Service, a *member* may make positive or negative comments in public with regard to the co-operation received in the investigation, where this is done in the interests of establishing the truth and does not create the impression of partiality on the part of the Service.

(3) Information on personal details of a victim

(a) A *member* has a general discretion to disclose to the *media* information relating to the circumstances surrounding an offence or the parties involved therein, unless such disclosure is specifically prohibited by law or elsewhere in this Instruction. However, this discretion must be exercised cautiously and a *member* must take into account the extent to which the disclosure of the information may cause embarrassment to, or endanger the victim or his or her family, or may affect the successful conclusion of an investigation.

(b) Information which could infringe upon the privacy of a victim or damage his or her social esteem in the community may only be released if a *media liaison official* is satisfied that the —

- (i) interests of the community in the release of the information outweigh the interests of the individual; or
- (ii) disclosure of such information is necessary in the exercise of the powers or the performance of the duties or functions of the Service.

(4) Information on a victim of a sexual offence

(a) Neither the name of a victim of a sexual offence nor any other information from which the identity of such a victim may be determined, may be released.

(b) If an accused or suspect is related to the victim of a sexual offence, the name of the accused or suspect (even if he or she has already appeared in court and irrespective of whether it would otherwise have been in the public interest to do so) may also not be released, as the victim may be identified thereby.

(5) Information on an accused or a suspect

(a) The name of an accused or a suspect may only be revealed after he or she has appeared in court (see paragraphs 15(6) and (8)).

- (b) The following information on an accused or suspect who has not yet appeared in court, may not be released to the media, unless a *media liaison official* is satisfied that it is in the public interest to do so:
- (i) his or her profession or occupation;
 - (ii) the name of his or her employer; or
 - (iii) any organisation or institution he or she is a *member* or office bearer of.
- (c) It would normally only be in the public interest to reveal such information when an accused or suspect occupied a position of trust due to his or her membership of a certain profession, his or her holding of a public office or his or her occupation or position in or association with a certain organisation or institution.
- (6) Information on a victim, accused or suspect who is a minor**
Subject to subparagraph (4), neither the name of a victim, accused or suspect who is a minor, nor any other information from which the identity of such a victim, accused or suspect may be determined, may be released: Provided that the parent or guardian of a minor victim who is 18 years or older, may consent to such release.
- (7) Information on a deceased or injured person**
Information on a deceased or injured person may not be released before his or her next of kin has been informed. Only after the next of kin has been informed, the following information may be released:
- (a) full names and surname;
 - (b) address;
 - (c) occupation and age; and
 - (d) time and place of the occurrence.
- (8) Information on wanted persons**
- (a) If a known person is suspected of having committed an offence but no warrant has been issued for his or her arrest, this may be communicated to the *media* with the approval of the investigating official by using phrases to the effect that the Service is looking for him or her since he or she "could assist the police in an investigation". However, once a warrant for his or her arrest has been issued, the fact that the person is sought by the Service and is suspected of having committed the said offence, may be disclosed to the media.
 - (b) If the identity of a person, who is suspected of having committed an offence, is unknown, but a description of the person or an identikit of the person is available, the description or identikit may, with the approval of the investigating official, be released to the media. The offence in respect of which the person is sought may

also be mentioned, together with a request that *members* of the public must inform the Service or a particular *member* of the Service, if they should have information on the identity or whereabouts of the person.

(9) Information on suicides in general

- (a) A statement must not conclude that a person "has committed suicide", since such a conclusion can only be drawn by the judicial officer presiding at an inquest.
- (b) *Members* must, where applicable, rather use phrases such as —
 - (i) "was found dead with a bullet wound and a fire-arm next to the body"; or
 - (ii) "no foul play is suspected at this stage".
- (c) The contents of suicide notes may not be released to the *media* as they form part of the evidence that will be presented at the inquest.
- (d) In instances where a person commits suicide in police custody, a statement of the circumstances may only be released by the National Commissioner, a Deputy National Commissioner, a Divisional, Provincial or Area Commissioner.

(10) Information on suicides by members

- (a) If the *media* requests information regarding statistics or trends of suicides by *members*, they must be advised to address a written request to the National Project Manager: National Suicide Prevention Committee (NSPC) at Head Office in Pretoria.
- (b) No information regarding the next of kin of *members* who committed suicide or attempted to commit suicide, may be released by the Service to the *media* unless the next of kin has consented to the release thereof.
- (c) Information regarding pro-active measures and projects to prevent suicides by *members* may be released to the media.
- (d) Statistics concerning suicides by *members* may only be released to the *media* with the approval of the NSPC.
- (e) *Media liaison officials* must, as far as possible, in co-operation with the national or provincial project manager of the Suicide Prevention Project, be involved in the handling of *media* enquiries regarding suicides by *members*.
- (f) *Members* must refrain from making comments which are personal or sensitive in nature, that could have a detrimental effect on the

family of *members* who committed suicide or attempted to commit suicide and their next of kin or on the general morale and mental well-being of *members*.

(11) Personal information of members

- (a) If the *media* request personal particulars or *photographs* of *members*, they must be advised to address a written request to the Head: Communication and Liaison Services at Head Office in Pretoria.
- (b) Personal particulars or *photographs* of *members* may only be released to the *media* by the Service, after permission from the *member*, or in the event that he or she is deceased, from his or her next of kin, has been obtained.
- (c) No information regarding the relatives of a *member* may be released by the Service to the media.
- (d) *Members* must refrain from making comments which are personal or sensitive in nature and which could have a detrimental effect on any other *member* or the family of a *member*.

(12) Information on armed robberies or cash in-transit heists

The Service has, at the request of the Banking Council, undertaken not to communicate the following information concerning armed robberies or cash in-transit heists:

- (a) the amount robbed during an armed robbery or cash in-transit heist;
- (b) information regarding the particular way in which the robbery or cash in-transit heist was executed and that could assist would-be robbers in planning similar robberies or cash in-transit heists; and
- (c) the personal particulars of victims or witnesses of an armed robbery or cash in-transit heist, e.g. tellers of banks, security officials, etc.

(13) Publication of rewards offered for information

Once the appropriate functionary has approved that a reward of a certain amount be offered for information relating to a specific investigation, a *media liaison official* may disclose this fact to the media: Provided that it must be clearly stated that the reward “up to” the approved amount is offered. This must be done to prevent a wrong perception that the full award will necessarily be paid.

16. Statements regarding other countries, foreigners and other government departments

(1) Other countries

- (a) If information that may have a negative impact on another country or government is communicated to the media, this must be done in a manner which ensures that the diplomatic relations between South Africa and such country or government are not prejudiced.
- (b) A representative of another country or government and the appropriate South African government department must be properly informed before information that may have a negative impact on another country or government is disclosed, except in instances where an issue is deemed of such public interest and urgency that it is appropriate for police management to make an immediate statement.
- (c) Liaison with the Communication and Liaison Services at Head Office must take place to determine whether such communications should be handled from national level.

(2) Foreign missions

If a staff *member* of a *foreign mission* —

- (a) falls victim to a crime;
 - (b) is suspected of having committed a crime; or
 - (c) is suspected of having been involved in the commission of a crime,
- full particulars regarding the matter must immediately be reported to Interpol NCB, Pretoria and the section, Media Relations at Head Office. All communications to the *media* concerning the matter must be co-ordinated at national level.

(3) Foreigner

If a *foreigner* is suspected of having committed a crime and he or she is arrested and placed in detention, no media statement relating to the arrest may be issued before the *Ambassador* or *Consul-General* of the country of which the suspect is a citizen, had been informed of the arrest and detention.

(4) Other government departments

- (a) Information affecting other government departments may only be disclosed in a manner that will ensure that interdepartmental relations are not adversely affected.
- (b) When the need arises to issue statements concerning incidents in which other government departments are also involved, *media liaison officials* of that government department must be contacted to establish —

- (i) who will issue a statement;
 - (ii) who will deal with *media* enquiries;
 - (iii) the desirability of issuing a joint statement with the Service in the case of *media* enquiries regarding purely policing issues;
 - (iv) that the other department will deal with matters pertaining to that department; and
 - (v) who, if anybody, needs to be informed at top departmental or even ministerial level regarding serious matters, prior to the issuing of public statements.
- (c) Where a crime is committed on the property of another state department or where the victim or perpetrator is a *member* of another department, liaison with such other department's *media liaison official* is important in order to determine who will handle a certain issue and how it must be handled.

17. Photographs and sketches

(1) Prohibition on publication of photographs or sketches of certain persons in custody

- (a) According to section 69 of the South African Police Service Act, 1995, nobody may, without the written permission of the National Commissioner or a provincial commissioner, *publish a photograph* or sketch of a person who is —
- (i) suspected of having committed an offence and who is in custody pending a decision to institute criminal proceedings against him or her;
 - (ii) in custody pending the commencement of criminal proceedings in which he or she is an accused; or
 - (iii) may reasonably be expected to be a witness in criminal proceedings and who is in custody pending the commencement of his or her testimony in such proceedings.
- (b) The power of the National Commissioner or a provincial commissioner to grant permission for the publication of such a *photograph* or sketch, has been delegated to every investigating official irrespective of his or her rank, and the permission must be in writing.
- (c) Section 69 prohibits the publication of a *photograph* or sketch without written permission, but does not prohibit the taking of a *photograph* or making of a sketch of such person. A *member* may therefore not prohibit the taking of a *photograph* or making of a sketch of such person although he or she may inform the *media* representative that publication thereof is subject to approval as aforesaid.

(2) Photographing of police premises

- (a) A *media* representative, members of film and television crews, members of the public, tourists, etc., may not be prohibited from taking photographs, video-taping or filming the **exterior of police premises** when they find themselves outside the boundaries of such premises, unless there are reasonable grounds to believe that such visual material is intended to be used in the planning or execution of a crime or will jeopardise security measures.
- (b) If time permits, the Head: Communication and Liaison Services or Communication and Liaison Services at the national -, provincial - or divisional level concerned, must be consulted before a person is prohibited from taking photographs, video-taping or filming the **exterior of police premises**. If this is not possible, the Communication and Liaison Services at these levels must immediately thereafter be informed of the nature of the action taken and the reasons therefore.
- (c) Only the National Commissioner, a Deputy National Commissioner or provincial, divisional or area commissioners or the Head: Communication and Liaison Services may grant permission to *media* representatives, film or television crews, or any person other than a member to *photograph*, film or video-tape the **interior of police premises**. (See also paragraph 19(4))
- (d) Only the National Commissioner, a Deputy National Commissioner or provincial commissioner may grant permission to *media* representatives, film or television crews or any person other than a *member* to *photograph*, film or video tape the **exterior or interior of police cells**.

(3) Interviewing of a person in custody

- (a) Section 69 does not prohibit the interviewing by the *media* of a person in custody. The *media* may be permitted to interview such a person if the person in custody agrees to the interview and the investigating official or his or her commander is of the opinion that the interview will not prejudice an ongoing investigation.
- (b) When the *media* wish to interview or take a *photograph* or make a sketch of a sentenced prisoner (including a person sentenced to community service) on police premises, the *media* must in addition to the permission referred to in paragraphs 17(2)(c) or (d) where applicable, also obtain the permission of the Department of Correctional Services.

(4) National key points guarded by the Service

- (a) The National Key Points Act, 1980 (Act No. 102 of 1980), prohibits

any person from hindering, obstructing or thwarting any owner of a national key point or other person in doing anything required to be done in terms of that Act.

- (b) This act prohibits any person from furnishing any information relating to the security measures applicable at or in respect of any national key point, or any incident that occurred there, unless —
 - (i) he or she is legally obliged or authorised to do so;
 - (ii) the disclosure or publication of the information has been authorised by or on the authority of the Minister of Defence;
 - (iii) it is necessary for the performance of his or her functions in connection with such national key point; or
 - (iv) it is necessary to protect the national key point concerned.
- (c) Only when a *member* guarding such a national key point has reasonable grounds to believe that the taking of photographs or the making of video recordings of such premises may aid in the planning or execution of a crime, or may jeopardise security measures, may this be prohibited. If time permits, Communication and Liaison Services at the national, provincial or divisional level concerned, must be consulted before such action is taken. If this is not possible, Communication and Liaison Services at these levels must immediately thereafter be informed of the nature of the action taken and the reasons therefore.
- (d) A *member* must be careful in exercising his or her discretion in this regard, since some of the national key points are also tourist attractions or places that generate *media* interest.

(5) Possession and exhibition of photographic material of a deceased person

- (a) A *member* may not privately collect or be in possession of photographic or video material of a deceased person taken or made at a crime or accident scene other than for official investigation purposes or where this is required for official purposes.
- (b) A *member* who is in possession of such photographic or video material for official purposes, may not exhibit such material to persons outside the Service except where this is required for official purposes.
- (c) If it is necessary to exhibit such photographic material to the public (for example during lectures by police experts, official exhibitions, etc.), or when such material is displayed for whatever reason on police premises to which members of the public have general access, the identity of the deceased person may not be disclosed.

The display of material that may be sensitive or obscene in nature to the public should only be made after careful consideration of the impact that it may have.

18. Application for a section 205 order in respect of a media representative or other member of the media

(1) Intention of section 205

- (a) Section 205 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), authorises a judge, regional court magistrate or magistrate to issue an order requiring a person, who is likely to give material or relevant information with regard to an alleged offence, to appear before him or her to be examined by a director for public prosecutions concerning the alleged offence.
- (b) The procedure provided for in section 205 is intended to assist the state to obtain information concerning the alleged commission of an offence where the state has reason to believe that a certain person has such information at his or her disposal, but is unwilling to disclose the information to the state.
- (c) An application for a section 205 order must be made by a director for public prosecutions, or a public prosecutor authorised thereto in writing by a director for public prosecutions, although it is often made at the request of the investigating official in the particular case in connection with which the application is made.

(2) Steps to be taken by the investigating official

- (a) Before a public prosecutor or director for public prosecutions is approached by a *member* to apply for a section 205 order, the investigating official must satisfy himself or herself that —
 - (i) he or she has sufficient information concerning the identity and whereabouts of the person concerned to enable the serving of such an order on him or her;
 - (ii) he or she has reasonable grounds to believe that the said person has information at his or her disposal concerning the alleged commission of an offence;
 - (iii) he or she has reasonable grounds to believe that the said information is needed for the successful conclusion of the investigation into the alleged offence and any criminal prosecution that may flow therefrom;
 - (iv) the person concerned has refused to disclose the said information; and
 - (v) the said information cannot reasonably possibly be obtained from another *source*, which would obviate the need to request the director for public prosecutions to apply for a section 205 order.

- (b) The steps in paragraph (a) must not be viewed as derogating in any manner from the independence of directors for public prosecutions to apply for a section 205 order of their own accord.
- (c) If there are other *sources* from which the information can be obtained, but there are sound reasons why these *sources* must not be utilised, this fact must be brought to the attention of the director for public prosecutions to enable him or her to take an informed decision to proceed or not to proceed with such an application despite this fact.

(3) A Section 205 order with regard to the media

- (a) An investigating official **may not** approach a director for public prosecutions with a request to apply for a section 205 order with regard to a *media* representative or another *member* of the media, unless the office of the National Commissioner has been informed of the intended request and the National Commissioner has approved that such a request be proceeded with.
- (b) The office of the National Commissioner must be informed of all steps that were taken to explore other *sources* of information and of the reaction of the specific *media* representative or other member of the *media* when requested to disclose the information, to enable the National Commissioner to make an informed decision.
- (c) Requests of this nature will only be approved in exceptional circumstances since it is in the interest of a free and open democracy that the *media* be seen to be independent and not as an extension of the investigative arm of the Service, and because the safety of *media* representatives may be placed in jeopardy if the perception is created that they assist the Service in its investigations.

19. Other communication related issues

(1) Pol-TV, Servamus and Bulletin

- (a) In order to promote internal communication and to keep *members* informed, internal communication media, such as Pol-TV, Servamus, Bulletin and other officially approved internal *media* must be furnished with information that is provided to the media.
- (b) Proposals or requests for coverage in internal *media* may be forwarded to the Section Head: Corporate Communication at Communication and Liaison Services, Head Office.

(2) Exhibitions

- (a) Although the manner in which exhibitions take place may differ

vastly (for example agricultural shows, open days at police stations, exhibitions in shopping centres, etc.), all exhibitions must convey the same basic theme and promote the strategic objectives of the Service. Wherever possible, this theme must form a central focus point in all exhibitions of or by the Service.

- (b) The unit, station, section or component that presents the exhibition must indicate how that particular unit, section, station or component contributes to realising these objectives. Emphasis must be placed on practical examples of successes achieved in this regard.
- (c) All exhibitions must display the official Service emblem and, where possible, the official colours of the Service must be used.
- (d) Assistance with regard to exhibitions may be obtained from the Sub-section: Corporate Image: Exhibitions at Communication and Liaison Services, Head Office. Each province must submit on a quarterly basis to the latter sub-section a provincial calendar of exhibitions in respect of which the involvement of the Service is required.
- (e) In the event of exhibitions at Parliament or at national level, or exhibitions in cooperation with other government departments, prior consultation with the Sub-section: Corporate Image: Exhibitions at Communication and Liaison Services, Head Office, must take place.

(3) Media space in printed or electronic media

- (a) In the interest of maintaining a uniform official corporate identity for the Service and of increasing the effective (including the cost effective) utilization of all space made available to the Service in printed, electronic or other *media* (including the internet, outdoor media, etc.), the Planning Centre for Communication and Liaison Services at Head Office must be informed of the availability of the space. The said Centre must recommend to the Head: Communication and Liaison Services at Head Office how the space should be utilized, and the said Head must approve the use of the space.
- (b) Whenever possible, space in printed, electronic or other *media* must be utilized to promote the strategic objectives of the Service.
- (c) All space utilised must display the official Service emblem and, where possible, the official colours of the Service must be used.

(4) Liaison with film and television companies

Any request (such as for research purposes, personnel, uniforms, access to police offices, vehicles, protection, etc.) by film and television companies for assistance in the production of documentaries, films and television series and dramas, must be referred to the Section Head: Liaison Services: Film and TV Liaison, at Communication and Liaison Services, Head Office.

(5) Promotional items

- (a) Any brochure, pamphlet, poster or promotional item for information purposes that is designed by a unit, station, etc., for distribution in one area only, must, irrespective of the origin of the funding thereof, be submitted to Communication and Liaison Services at area level for approval before its distribution. The Provincial Head of Communication and Liaison Services must be informed of the distribution and be provided with a copy thereof.
- (b) Any brochure, pamphlet, poster or promotional item designed for distribution in one province only, must, irrespective of the origin of the funding thereof, be submitted to Communication and Liaison Services at provincial level for approval. The Head: Communication and Liaison Services at Head Office must be informed of the distribution and be provided with a copy thereof.
- (c) Any brochure, pamphlet, poster or promotional item designed for national distribution or for distribution in co-operation with other government departments, must, irrespective of the origin of the funding thereof, be submitted to the Planning Centre for Communication and Liaison Services. The said Centre must make a recommendation to the Head: Communication and Liaison Services at Head Office on whether or not the brochure, pamphlet, poster or promotional item should be approved by him or her.
- (d) All brochures, pamphlets, posters and promotional items must display the official Service emblem and the official colours of the Service must be used where possible.

(6) Endorsement for generating a sponsorship by a private body or person

Any request for the endorsement of an initiative or project that involves the promotion of the Service and which will allow a private body or person to generate funding with the endorsed support of the Service, must be referred to the Head: Communication and Liaison Services at Head Office for approval after consultation with Financial Services and the relevant Legal Services at Head Office.

(7) Use of the emblem of the Service

- (a) The use of the emblem of the Service is protected in terms of the Heraldry Act, 1962 (Act No. 18 of 1962) and may not be published or displayed in any form without the prior approval of the Head: Communication and Liaison Services at Head Office.
- (b) The emblem of the Service may not in any way be obscured or altered in a publication or display.

(8) Museum

Any request regarding the Museum of the Service must be dealt with in accordance with SO(G) 38.

(9) Web site

- (a) The publishing of all information on the web site of the Service and the Intranet must be co-ordinated and managed by the Planning Centre for Communication and Liaison Services at Head Office.
- (b) Any *member* who issues an official *media* release or statement must immediately e-mail such release or statement to the Planning Centre for Communication and Liaison Services at Head Office (complan@saps.org.za) for placement on the official web site of the Service in order to facilitate and promote access thereto by the *media* and every *member*.
- (c) Without the approval of the Web Site Committee of the Service at Head Office, no official information pertaining to the Service, any unit, station, section, component, province or division of the Service, or any project or initiative of the Service may be maintained on a private web site managed from outside the Service.