

GMP applies for court order to obtain video evidence

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A video journalist is being taken to court by Greater Manchester Police (GMP) in a bid to obtain evidence.

The force applied for a production order to secure all the video footage recorded by Jason Parkinson between 10.30am and 12.30pm on March 20, 2010, when he covered a march in Bolton by the English Defence League (EDL) and the counter-protest by pressure group United Against Fascism (UAF).

The case is due in court on February 18, but Mr Parkinson, who had been unsuccessfully served with a production order by Essex Police in 2011 in order to obtain unbroadcast footage from the Dale Farm protests, has refused to release unpublished footage from the events as he claims it will threaten the security of journalists in future.

"I am not willing to hand unpublished material over. Journalists report the news and are not evidence gatherers for the police or anyone else," he said.

"To do so would endanger the safety of all journalists in similar situations in the future. We would not be regarded as independent and would become greater targets from all sides.

"Also, handing over the footage could overturn the incredibly important victory for press freedom we achieved fighting the Dale Farm production order last year."

The National Union of Journalists (NUJ) is backing Mr Parkinson in his refusal to hand over evidence.

Michelle Stanistreet, NUJ general secretary, said: "Jason Parkinson is a front line journalist and should have the right to work in the public interest without fearing he will be forced to hand over his footage. The union will continue to support Jason's campaign to protect journalistic sources and material."

Mike Dawson, chief inspector at GMP, said the force "absolutely respects the rights and freedoms of the press" and made the production order application in agreement with the Independent Police Complaints Commission (IPCC), which is leading the investigation.

"Requests for material are not taken lightly but it is believed the footage requested will be of substantial value to an ongoing prosecution," he said.

An IPCC spokesperson said: "The IPCC is managing an investigation in which a GMP officer has been charged with perverting the course of justice. It is believed the footage may assist this ongoing case and therefore a production order has been sought."

Under Schedule 1 of the Police and Criminal Evidence Act 1984 (PACE) a constable may apply to a judge to force journalists to submit unpublished information if there are "reasonable grounds" to believe there is likely to be "relevant evidence" which could indicate an indictable offence has been committed, be "of substantial value" to an investigation, if the information is in the public interest and efforts to obtain the information have previously failed.

If a judge agrees with the decision, the holder of the information has seven days from the issuing of the order in which to share or hand over the evidence to the constable. Should the journalist refuse the request they will be dealt with as if they have committed contempt of the Crown Court, which can lead to a prison sentence.

Peter Cadman, a partner with Russell Cooke LLP solicitors, said judges were extremely careful in placing onerous demands in dealing with police requests for media information, adding PACE states the police cannot go on "fishing expeditions" and needed sound bases to make the applications.

"Normally what the judge would do would be to ascertain what the journalist has and how it's relevant to the case," he said. "The judges have to take as narrow a definition of the public interest as possible."

Steve Panter, journalism lecturer at Salford University and a former crime reporter and news editor with the Manchester Evening News, defied a court order to name a source who gave him information on the Manchester IRA bombing in 1996, and in 2001 was held in contempt of court before the Attorney General quashed the case. He warned of the dangers in police forces demanding journalists release information.

"If news organisations routinely hand over footage from public order situations, not only is their neutrality placed in jeopardy, so is their safety," he said.

"Some demonstrators at subsequent protests would see the journalists as amounting to agents of the authorities and could become hostile."

By Liam Barnes