

Section Four: News Gathering

REPORTING OF CRIME

Guilt by association

This clause is designed to protect the innocent from being caught unnecessarily in the publicity spotlight focused on the guilty. Relatives or friends should not normally be named unless they are genuinely relevant to the story — or there is reason to publish in the public interest. Child witnesses or victims of crime need special consideration.

Complaints usually hinge on *genuine relevance* to the story or whether there is a public interest in them being mentioned or whether identification is gratuitous.

The PCC has taken a commonsense line. If a relationship were well known and established in the public domain, then it would be perverse to expect editors to omit reference to it.

Similarly if a parent, for example, publicly accompanied the

accused person to court or made public statements on the case, that would add genuine relevance.

Tone and proportion: However, the Commission would also take account of the tone of the article — how much the story focused on the relationship — and whether that was relevant or in the public interest.

A complaint from a councillor, named in a report when his son was arrested for bootlegging, was rejected. The PCC decided the simple factual identification of an important community figure did not breach the Code. (*Sihota v Daily Express: Report 40, 1997*).

Likewise, Mrs Ann Gloag, widely known as the owner of a Scottish castle, objected when she was named in stories reporting her son-in-law's arrest for allegedly assaulting her daughter. But the daughter lived at the castle — and the accused husband had been banned from it as part of the bail conditions.

The PCC said Mrs Gloag's relevance to the story had been established by her ownership of the castle named in the court papers. Being related to the accused did not give her rights to anonymity that would otherwise not exist. (*Gloag v Perthshire Advertiser: Report 75, 2007*).

But another case, where a front-page report named and pictured a councillor whose son was accused of a serious drink-driving offence, was upheld. While the PCC accepted there was a public interest in naming the councillor, because of her local prominence and the fact that she had attended court with her son, it ruled that no

THE CODE SAYS...

Clause Nine — Reporting of crime*

- i) *Relatives or friends of persons convicted or accused of crime should not generally be identified without their consent, unless they are genuinely relevant to the story.*
- ii) *Particular regard should be paid to the potentially vulnerable position of children who witness, or are victims of, crime. This should not restrict the right to report legal proceedings.*

* A public interest exemption may be available: [See Section Six](#)

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KEY QUESTIONS

- **Did relatives or friends consent to identification?** Consent might be implied by being publicly involved or pictured with the defendant.
- **Are they genuinely relevant to the story?** Do they have a role, either in the case, or through a close involvement with the defendant? Could they be personally or professionally affected by the case or its outcome?
- **Is mention in the public interest?** Is the relationship in the public domain, could the case affect the public life of the relative or friend?
- **Is the focus proportionate to the involvement of relative or friend?**
- **Has sufficient care been taken to protect vulnerable children?**

public interest had been served by the story being focused so predominantly on her. (*Lacey v Eastbourne Gazette: Report 44, 1998*).

Protecting children's welfare: The special protection given to children in sub-clause 9ii is a continuation of the spirit of the Clause 6 provisions and amounts to a duty of care aimed at preventing them from becoming further damaged, or their welfare affected, by their innocent involvement as witnesses or victims of crime.

A local newspaper, which named a 12-year-old witness to an attempted kidnap, breached the Code — even though it believed the girl's mother had authorised the disclosure. The mother said she had not realised that the reporter's telephone call was an interview or what would be published. The PCC ruled that the newspaper had not paid sufficient regard to the girl's vulnerability. (*Hall v Eastbourne Argus: Report 59/60, 2002*).

Legal freedom: The Code is clear (9ii) that this alone should not affect the right to report legal proceedings. However, in cases involving the identification of children or victims of sex crimes, the Code's requirements may be stiffer than those in law. (*See Clause 6: Children and Clause 11: Victims of Sexual Assault*).

KEY RULINGS

- *Sihota v Daily Express* (Report 40, 1997).
- *Gloag v Perthshire Advertiser* (Report 75, 2007).
- *Lacey v Eastbourne Gazette* (Report 44, 1998).
- *Hall v Eastbourne Argus* (Report 59/60, 2002).