

On the reporting of people accused of crime - 2004

This note brings together the provisions in the Code which are relevant when reporting allegations that individuals have committed a criminal offence. Such allegations might originate from a third party, police sources or a formal police procedure such as an arrest.

Accuracy

Given that there will be occasions where allegations turn out to be ill-founded, particular care must be taken to ensure that they are presented accurately and that conjecture is distinguished from fact. Clause 1 (iv) therefore has a particular relevance in such cases, although this should not be taken as restricting the legitimate rights to freedom of expression that accusers might have. There may be times when it is difficult to substantiate allegations made by third parties, but which ought to be reported in the public interest if true. If editors wish to publish material in these circumstances, they should give serious consideration to doing so without identifying the accused as a way of meeting the requirements of the Code.

If a complaint is made about the accuracy of the allegations, there is a particular obligation on editors to investigate matters swiftly because of the danger that incorrect accusations will be reproduced elsewhere in the media – something that might enhance their credibility. For the same reason, corrections should be made as quickly as possible if the complaint is merited, or an early offer made to reply to inaccuracies as set out in Clause 2 of the Code.

Privacy

A number of the privacy clauses in the Code are relevant in such cases.

Editors must bear in mind that the Code affords everyone – including those who have been accused or convicted of crime – the right to respect for his or her private life, home, health and correspondence. Editors should not rely on the fact that someone has been accused of a criminal offence as justification for publishing material that would otherwise be held to be intrusive, unless the material ought to be published in the public interest or is in some way relevant.

Clause 4 also entitles individuals to protection from harassment. If asked to desist, journalists must cease telephoning, questioning, pursuing or photographing individuals unless the public interest is served by ignoring the request. The Commission would remind editors that it operates a 24-hour helpline which all members of the public – whether they have been accused of crime or not – are entitled to use to communicate ‘desist’ messages to the press.

Sex cases

Clauses 7 and 11 of the Code are relevant when publishing articles about people accused of sexual offences. Care must be taken to ensure that the identification of someone accused of a sexual offence does not lead to the identification of the alleged victim. If it is likely to do so, editors should err on the side of caution and report anonymously any allegations which occur prior to charges being made.

Innocent relatives

Editors should bear in mind at all times that the innocent relatives of people who have been accused of crime have special protection under the Code. They should not be identified – unless it is in the public interest or the relationship is in the public domain – without their consent. The provisions on privacy and harassment are especially important for such people, who may be particularly vulnerable at such times.