

## EDITORIAL POLICY ADVICE NOTE

### REPORTING CRIME

It is important that this Editorial Policy Advice Note is read in conjunction with Section 7 of the BBC Editorial Guidelines: Crime and Anti-Social Behaviour. It should be noted that this section of the guidelines contains 13 mandatory referrals to Controller Editorial Policy, see below.

#### Summary of crime mandatory referrals

Content Producers must refer to Controller Editorial Policy any proposal to:

- interview a criminal active in or wanted in the UK.
- contact or interview escaped prisoners or people wanted by the police in the UK.
- grant anonymity to anyone seeking to evade UK law.
- enter a UK prison to interview a prisoner for broadcast without permission from the prison authorities.
- publish the name or picture of a paedophile or sex offender who has served a sentence and been released from prison but whose name has not been made public by the UK police.
- witness or record a specific and serious illegal activity.
- pay, promise to pay or make a payment in kind to criminals or former criminals, directly or through agents, for an interview or other contribution relating to their crimes. In general the same applies to their associates, who may include family, friends or colleagues.
- pay or promise to pay, a witness, or anyone who may reasonably be expected to be called as a witness during active criminal proceedings or where proceedings are likely and foreseeable.
- pay people whose behaviour is either seriously anti-social or whose activities have attracted serious notoriety.
- hand over transmitted material in connection with litigation.
- play or hand over untransmitted rushes to a third party (excluding programme previews).
- employ someone known to have a criminal record or background of illegal activity to work on a BBC investigation into crime or serious anti-social behaviour. This includes editorial members of the production team and undercover operatives.
- approve a job application by an undercover operative working on a BBC investigation.

## General

Our output may add to people's fear of becoming crime victims even when, statistically, they are very unlikely to be so. It is against this background that we need to judge our crime reporting. This does not mean we should "explain crime away", but we do need to keep our crime coverage in proportion.

We must ensure that over time, all our principal news and factual programme outlets - network, regional and local - report the whole crime picture: the relevant trends as well as the individual events that lie behind, and sometimes contradict, them.

When we broadcast or publish material that concerns a real crime, some of those involved (offenders, suspects, witnesses or relatives) may have changed their names or addresses in order to re-establish their lives. Careful consideration should be given to the extent to which we identify them or their whereabouts. See BBC Editorial Guidelines Section 3 Accuracy: Anonymity.

## News reporting of crime

Violent crime is a small percentage of total crime but it occupies a greater proportion of our crime coverage and we should be sensitive to the fears this may create.

When we handle crime stories we should think carefully about why and how we are reporting them, and their context.

In practice this means we should:

- be aware of the overall proportion of time spent on covering crime, in particular violent crime, and sensitive to the possible cumulative effect, particularly on rolling news channels.
- be aware of audience sensitivities when covering crimes that involve violence. See BBC Editorial Guidelines section 8 Harm and Offence: Violence.
- use legitimate criteria to select a crime story and take care not to suggest trends where none exist. For example, we should not report one stabbing just because it comes after another more newsworthy one. We should also avoid using language that falsely implies a link between crimes, such as "tonight's attack comes just two days after.....".
- handle with care crime stories reported in breakfast bulletins which featured the previous day. The story may not merit reporting again unless there is a development overnight.
- handle with care running major crime stories. These are often properly reported over a number of days although we should think carefully before reporting them on days when there are no newsworthy developments. The fact that we have deployed journalists or resources on the story is never a sufficient reason in itself for reporting it.

- judge the editorial significance of a crime story when placing it in a running order. We should be wary of "ringing the changes" in regular summaries by the inclusion of crime stories which, though fresh, fail the editorial tests.
- think carefully about the accuracy and suitability of language when reporting crimes. The factual description of crime is dramatic enough. We should avoid colourful language, clichés and unnecessary adjectives
- be scrupulous when dealing with criminals. **Any proposal to interview a criminal active in or wanted in the UK must be referred to Controller Editorial Policy. See BBC Editorial Guidelines section 7 Crime and Anti-Social Behaviour: dealing with criminals.** In some circumstances contacting escaped prisoners or people wanted by the police in the UK may constitute a criminal offence. **Any proposal to contact or interview such people must be referred to Controller Editorial Policy and Programme Legal Advice.**
- be scrupulous about our interviews with witnesses, both in the UK and overseas, to ensure that we do not interfere in the legal process. When conducting news interviews with people who have recently witnessed a crime we should be aware of the possibility of contempt of court. **Witnesses should not normally be interviewed about their evidence once proceedings are under way and until the verdict has been reached. Any proposal to do so must be referred through a senior editorial figure or for Independents through their commissioning editor to Programme Legal Advice and Editorial Policy.** Witnesses sometimes claim to have been coached by a journalist. To protect ourselves against any unfair accusation and with the knowledge of the interviewee we should record and keep the whole interview, including any pauses, interruptions, prompting, repeat questions, or re-takes. See BBC Editorial Guidelines section 7 Crime and Anti-Social Behaviour: interviewing witnesses or potential witnesses.

## Payments

The BBC does not normally make payments, promise to make payments or make payments in kind, whether directly or indirectly, to criminals, or generally to former criminals, who are simply talking about their crimes. In general the same should apply to families or relatives of criminals or former criminals. This is to protect our reputation, the credibility of our interviewees and sources, the integrity of the judicial process, as well as respecting the sensitivities of the victims of crime.

**Payment of a fee will only be approved for a contribution of remarkable importance with a clear public interest which could not be obtained without payment.** In such cases, only actual expenditure or loss of earnings necessarily incurred during the making of a programme contribution will normally be reimbursed.

**Any proposal to pay criminals, former criminals, their families and their associates, or witnesses to a trial before a verdict has been reached must be**

referred through a senior editorial figure or for Independents through the commissioning editor, to Controller Editorial Policy.

**Witnesses, or anyone who may reasonably be expected to be called as a witness during active criminal proceedings,** must not be paid, or promise of payment made, directly or indirectly, for their story. Nor should any payment be suggested or made dependent on the outcome of the trial. Only actual expenditure or loss of earnings necessarily incurred during the making of a contribution may be reimbursed

**People who might reasonably be expected to be witnesses where criminal proceedings are likely and foreseeable** should not be paid unless there is a clear public interest, such as investigating crime or serious wrongdoing, and the payment is necessary to elicit the information. Where such a payment is made it will be appropriate to disclose the payment to both defence and prosecution if the person becomes a witness in any subsequent trial.

**People whose behaviour is either seriously anti-social or whose activities have attracted such notoriety must not normally be paid for a contribution if such a payment would be inappropriate.** Any exception must be referred through a senior editorial figure or for Independents through the commissioning editor to Controller Editorial Policy.

See BBC Editorial Guidelines section 7 Crime and Anti-Social Behaviour: Payments

## Context

While news programmes will often report crimes as events, over time we must offer our audiences an understanding of the issues and trends so that they can appreciate where events are exceptional. We can achieve this by putting crime in general, and some crimes in particular, into context – this does not mean explaining it away but it does mean helping audiences to recognise the wider picture. In practice this means we should:

- not rely on any one statistic. People use statistics in ways which are partisan. There is no foolproof method of measuring the actual incidence of crime. The British Crime Survey published by the Home Office is widely recognised as a non-partisan source, but people quote from its findings selectively
- make use of our own specialist advice. BBC correspondents have experience of the complex picture revealed (or sometimes obscured) by crime statistics and of the arguments that go with them
- be cautious when using experts. We should check their credentials and recognise there may be others with equivalent expertise but who interpret the facts differently.

## Crime Reconstructions

**News programmes may report crime reconstructions staged by the police for the purpose of gathering evidence.** They should not normally commission crime reconstructions except for use at the conclusion of a trial. Revisiting the scene of a crime and/or interviewing a victim or witness do not in themselves constitute a reconstruction.

**Factual programmes should restrict the use of reconstructions to the conveying of factual information.** They should not be used simply to attract or entertain audiences. All reconstructions should be clearly labelled - it should be obvious to the audience where a reconstruction begins and ends.

When reconstructing crime for factual programmes we should:

- base the portrayal of real people and the detail of our reconstructions, including significant dialogue, on verifiable evidence. This means we should not reconstruct detail, including dialogue, which we do not have reason to believe occurred, unless there are clear and specific editorial reasons for doing so. We should not use an actor's portrayal of a character to create dramatic details or an overall tone for which we have no verifiable evidence.
- think carefully about the appropriate use of camera angles, particularly point-of-view shots. We should not frighten audiences with shots that make them feel they are the victim, although sometimes it will be necessary to show a scene from the victim's viewpoint. The camera will usually appear as an observer of events rather than as a participant
- avoid unnecessary close-ups of weapons.
- reconstruct wounds being inflicted or shots of blood only if they are editorially justified.
- avoid revealing detail that could be used to make a criminal activity more effective. See BBC Editorial Guidelines section 7 Crime and Anti-Social Behaviour: editorial principles.
- not normally use post-production techniques, like slow-motion, simply for dramatic effect. They must have a clear editorial purpose.
- not use incidental music or irrelevant sound effects.

When we examine, reconstruct or dramatise past events which could cause possible distress to crime victims and/or their families. We should try and minimise it by informing them about our plans. We should, as far as is reasonably practicable, contact surviving victims, and/or the immediate families of the deceased. If we contact people through an intermediary, such as the police or social services, it is our responsibility to check the victim and/or immediate family have been informed and have the necessary details to allow them to contact us.

**Witnessing illegal activity.** When investigating criminal activity we may, on rare occasions, want to record a specific crime. When that might raise questions about our relationship with the criminal or involves witnessing serious criminal activity it must be referred to a senior editorial figure or for Independents to the commissioning editor, as well as Controller Editorial Policy and Programme Legal Advice. Approval to be present at or record serious illegal activity will be given only if it is clearly in the public interest, even then we must avoid:

- condoning, aiding or abetting criminal behaviour.
- encouraging or provoking behaviour which would not otherwise have occurred.
- directing the activity in any way.
- obstructing the administration of justice against the criminals concerned through our research or programme production.

Anyone admitting to or carrying out an illegal act could be prosecuted after transmission. Our research notes, diaries, emails and other paperwork as well as untransmitted rushes may be obtained by the police by court order. This material may also have to be disclosed as evidence to a court, tribunal or inquest. See Section 3 Accuracy – Note-taking and Anonymous Sources and Section 7 Crime - Investigations.

If sources have been promised anonymity we should take steps from the very start of the production process to ensure that we are in a position to honour it, including the need to resist a court order. See BBC Editorial Guidelines section 3 Accuracy: anonymous sources and section 7 Crime and Anti-Social Behaviour: disguising identities.

When we have investigated and exposed serious crime we will normally co-operate with the authorities, even where no legal obligation exists, in order to aid a subsequent investigation.

We must consult Programme Legal Advice about any material that may risk prejudicing future criminal proceedings. This material may constitute contempt particularly if broadcast close to the date of the trial.

**Demonstration of illegal activities.** We should not normally demonstrate or depict criminal techniques, for example, how to hotwire a car unless editorially justified. Even then it is important to avoid revealing too much detail or the ways in which an activity can be made more effective. Illegal activities like drug use or joy riding should not be portrayed as problem free or glamorous.