

Mr John Clare v Liverpool Daily Post (Welsh edition)

Clauses noted: 1, 9

Mr John Clare of Flintshire complained to the Press Complaints Commission that an article headlined "Officer honoured for bravery faces child porn charges" published in the Daily Post on 2 April 2003 was inaccurate in breach of Clause 1 (Accuracy) of the Code of Practice. He also complained on behalf, and with the signed authorisation of, his wife that a second article headlined "PC guilty of child porn offences" published in the Daily Post on 4 April identified her in breach of Clause 10 (Reporting of Crime) of the Code and was also inaccurate.

The complaint was rejected.

The articles reported the trial and conviction of the complainant on charges of possessing and making indecent images of girls under the age of 16 on his computer. He said that the first piece was inaccurate in stating that he had created a collage of pornographic images and that the second identified his wife, who was an innocent relative protected by the Code.

The newspaper acknowledged the error in the first article, apologised for it and offered to publish a correction. It defended its decision to identify the complainant's wife on the grounds that she had supported her husband from the public gallery throughout the trial, had shouted 'no' at the reading of the verdict and had consoled her husband following his conviction.

The complainant did not consider that the newspaper's apology and offer to correct the inaccuracy in the first article constituted a sufficient remedy. He claimed that it had not, in fact, been his wife that shouted 'no' from the public gallery and, indeed, the couple had made strenuous efforts to avoid being connected during the trial. Following his conviction it was hardly surprising that he and his wife had sought to comfort one another. However, that did not justify the newspaper's decision to identify his wife.

The newspaper emphasised that Mrs Clare had not been the focus of the article. It apologised if it had been mistaken in believing that she had shouted 'no' from the public gallery and offered to publish a correction on that point.

Adjudication

The Commission noted that in previous decisions under Clause 10 (i) it has taken into account the relative or friend's relationship with the criminal, their involvement in court proceedings and their own public standing as well as the prominence of their appearance in the article.

In this instance, the Commission acknowledged that the couple had attempted to avoid being seen together and greatly sympathised with their efforts. In these difficult circumstances the Commission quite understood the presence of the complainant's wife in court but unfortunately it considered that her presence there made it inevitable that she and her husband would be identified as such. The Commission concluded, therefore, that there was no breach of Clause 10 of the Code.

In relation to the two complaints of inaccuracy the Commission noted that the newspaper had apologised for its errors and offered to correct them. The Commission considered that this proposed action was a satisfactory response under the Code and concluded that no further action was required.

Relevant ruling

Lacey v Eastbourne Gazette, 1998

Adjudication issued 2003