

***Mrs Jean Bellfield v Daily Mirror***

Clauses noted: 1, 3, 9, 10

Mrs Jean Bellfield complained to the Press Complaints Commission on behalf of her son, Levi Bellfield, that an article headlined "Hammer killer Levi Bellfield in new link to Milly Dowler murder", published in the Daily Mirror on 22 April 2009, was inaccurate and had been obtained by misrepresentation in breach of Clauses 1 (Accuracy) and 10 (Clandestine devices and subterfuge) of the editors' Code of Practice. She complained that an article headlined "Hammer murderer Levi Bellfield hunted at spot where Milly Dowler was found", published in the paper the following day, had intruded into her family's privacy and identified relatives of a convicted criminal in breach of Clauses 3 (Privacy) and 9 (Reporting of crime) of the Code.

The complaint was not upheld.

Mrs Bellfield said that the newspaper's reporter had obtained an interview with her son – who is serving life in prison for two murders – through subterfuge, having offered to help in her son's appeal. She submitted a statement signed by the reporter, stating that he was 'only acting in Bellfield's best interest' to help him answer 'false allegations within the media'. Having obtained an interview on this basis, the reporter proceeded to ask her son a number of questions which had not been agreed in advance. The result was that the 22 April article reported that Levi Bellfield had admitted that he was driving a red car which had been linked to the 2002 murder of Milly Dowler.

Mrs Bellfield complained that this article included information taken out of context that put her family at risk, while the reference to her and her other son by name in the 23 April article intruded into their privacy and identified them unnecessarily. This second article also included details of off-the-cuff conversations with the complainant and her other son.

The newspaper said that after Levi Bellfield had answered several questions through correspondence about his movements on 21 March 2002 – the day that Milly Dowler disappeared – the reporter had sought a telephone interview with him. This was arranged through Levi Bellfield's brother, and the family and Bellfield himself had been informed that the reporter would ask about the Dowler case.

The newspaper said that it was necessary for the reporter to sign the piece of paper – which was legally unenforceable – in order to interview Bellfield, who had not spoken publicly since his arrest. During their conversation Bellfield had admitted for the first time – having refused to answer police questions on the matter – that he had been driving a red car captured on CCTV around the time Milly Dowler had disappeared. This confession was a matter of great significance and public interest, which justified the method by which the newspaper had obtained it.

Mrs Bellfield maintained that the police had not spoken to her son about Milly Dowler since his convictions, even after the story had been published.

***Adjudication***

It was clear that the journalist had used some subterfuge to obtain the interview with Levi Bellfield. However, the Code makes clear that it can be acceptable for journalists to use misrepresentation if there is a public interest and the material cannot be obtained by other means. In this case, the journalist had not misrepresented his identity, only how the article would be presented, and the information that was obtained was significant and new, concerning a car that had never been traced and that had previously been linked to the murder. The Commission was satisfied that the subterfuge employed by the reporter – without which the interview would not have been agreed – had been fully justified by his objective of discovering further information about the death of Milly Dowler. There was, therefore, no breach of Clause 10 of the Code.

The coverage did not raise any breach of Clause 1, 3 or 9 either. There was no suggestion that the complainant's son had been misquoted in the article or that any inaccuracies had been published. In addition, the brief references to the complainant and her other son did not contain any private information that would breach Clause 3, or – given that they were happy to associate themselves with Levi Bellfield in conversations with the journalist before publication – raise any issue under Clause 9 (Reporting of crime) of the Code.

Adjudication issued 23/07/2009