

## **CRIME AND ANTI-SOCIAL BEHAVIOUR**

CRIME EDITORIAL PRINCIPLES  
CRIME MANDATORY REFERRALS  
REPORTING CRIME  
INVESTIGATIONS INTO CRIME AND SERIOUS ANTI-SOCIAL BEHAVIOUR  
DISGUIISING IDENTITIES  
INTERVIEWS WITH PRISONERS  
PAYMENTS  
PAEDOPHILES AND OTHER SEX OFFENDERS  
CRIME RECONSTRUCTIONS  
CRIME LIBRARY MATERIAL  
REQUESTS FOR UNTRANSMITTED MATERIAL  
REQUESTS FOR UNTRANSMITTED MATERIAL FROM THE POLICE  
REQUESTS FOR TRANSMITTED MATERIAL

Our reporting of crime and anti-social behaviour aims to give audiences the facts in their context. It must not add to people's fears of becoming victims of crime when statistically they are very unlikely to be so.

### **CRIME EDITORIAL PRINCIPLES**

- We will ensure that material likely to encourage or incite the commission of crime, or likely to lead to disorder, is not included on our services unless clearly editorially justified.
- We will seek to balance the public interest in freedom of expression with respect for a victim's privacy and dignity when reporting crime.
- We will ensure that detailed descriptions or demonstrations of criminal techniques which could enable the commission of crime are not included on our services unless clearly editorially justified.

### **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.**

### **REPORTING CRIME**

**In our reporting of crime we aim to ensure that our content is clearly editorially justified. We are particularly vigilant about the following issues:**

**Dealing with criminals. Any proposal to interview a criminal active in, or wanted in, the UK must be referred to Controller Editorial Policy.**

**Contacting escaped prisoners or people wanted by the police in the UK. In some circumstances this may constitute a criminal offence. Any proposal to contact or interview such people must be referred to Controller Editorial Policy and Programme Legal Advice.**

**Interviews with active or convicted criminals must not:**

- **glamorise wrong doing.**
- **reveal too much detail about a crime that could be copied.**

- celebrate the flouting of the judicial process.

**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.

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.

**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.

**Recording illegal activities involving animals.** In the UK, bull fighting, dog fighting and cock fighting are illegal. It will rarely be justified to broadcast such scenes whether recorded here or overseas and **any proposal to do so must be referred to a senior editorial figure or for Independents to the commissioning editor.** However there may be times when in the public interest we may be justified in recording the harming of animals by third parties for the purpose of gathering evidence or to illustrate malpractice, cruel, anti-social or controversial behaviour. **Any such proposal must be referred to a senior editorial figure or for Independents to the commissioning editor.**

**Dealing with anyone under eighteen involved as a witness, victim or accused** when reporting an investigation into an alleged criminal offence in the UK. We must make very careful judgements about revealing their name, address, identity of school or other educational establishment, place of work, or any still or moving picture of them. A public interest or clear editorial justification is also required for the broadcast of such material related to the identity of anyone under eighteen who is involved as a potential defendant. If criminal proceedings follow there are legal restrictions surrounding the publication of information leading to the identity of anyone under eighteen who is a witness or the accused. The legal position differs before and after charge. For further information contact Programme Legal Advice.

**Interviewing witnesses or potential witnesses.** We must 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 the 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.

**Identifying victims, witnesses and sources.** There may be legal reasons why the identity of one or more of those involved in a trial may not be reported. Reporting what a judge has forbidden to be reported, or a statutory restriction such as not revealing the identity of a victim of a sexual offence, would be contempt of court. If it is necessary to protect the identity of crime victims and witnesses, anonymity normally means no name, no address, no photograph, or any other clue as to identity. We should also take care not to identify people indirectly because of what is known as the “jigsaw effect”. This occurs when separate reports, which could be in different media, give different details of a case which when pieced together, reveal the identity of the person involved. The risk is at its highest when reporting sexual crime within the family. We should not use the word incest where someone might be identified as the victim. Incest should be described as a “serious sexual offence.” See Section 16 Law – Contempt.

**When we report crime, particularly past stories, some of those involved – offenders, suspects, witnesses, relatives or victims – 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 Section 3 Accuracy – Anonymity.

**The impact our reporting of crime may have on our audiences.** We report current crime stories, but we also examine, reconstruct or dramatise past events which could cause possible distress to victims and/or their families. This can be minimised if we tell them in advance 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.

**Considering the families of criminals.** Reporting the facts about criminals may include detailing their family circumstances, but we should avoid causing unwarranted distress to their family. Also we should not imply guilt by association without evidence.

**Political activities and crime.** Internationally there are different definitions of crime. In some countries, for example, political dissidents and activists are defined as criminals, but interviews with them can be important in enabling us to provide a full understanding of events. However, for people motivated by personal gain from their criminal activities we must apply the same principles as in the UK. For proposals to interview people who use or encourage the use of violence see Section 11 – War, Terror and Emergencies.

## **INVESTIGATIONS INTO CRIME AND SERIOUS ANTI-SOCIAL BEHAVIOUR**

Investigations are an important way of uncovering matters of significant public interest. They must be clearly editorially justified and real evidence must exist of the issue to be exposed. We will normally begin an investigation not knowing exactly how events will unfold. It is therefore important that we consider how to carry out the investigation and the possible consequences of our plans.

**Any proposal to undertake an investigation into crime or serious anti-social behaviour must be referred to a senior editorial figure or for Independents to the commissioning editor, who may need to consult Editorial Policy and Programme Legal Advice.**

**It is good practice before an investigation is commissioned and before seeking editorial approval and legal advice to consider the following:**

- background and motivation of sources.
- justification for using deception, undercover work or secret recording to gather further evidence.
- whether this is the only way to proceed.
- possible consequences of our actions.

But care must be taken not to identify anonymous sources in this material.

In the course of a BBC investigation the use of secret recording must be kept under constant review. Specific approval must be obtained for each proposed case of secret recording. No blanket approval can be obtained for it. Controller Editorial Policy will only give retrospective permission for the use of secretly recorded material that was not approved in accordance with these guidelines in the most exceptional circumstances. See Section 6 Privacy – Secret Recording for News and Factual Programmes.

**Controller Editorial Policy must approve any proposal to employ someone known to have a criminal record or background of illegal activity to work on a BBC investigation. This includes editorial members of the production team and undercover operatives. Controller Editorial Policy must also approve a job application by an undercover operative working on a BBC investigation.**

If an investigation is successful the BBC's involvement may continue way beyond the original broadcast. The police or other prosecuting authorities may wish to interview members of our production team including undercover operatives, and the crew(s) who recorded the programme material, about the methods we used and events we witnessed. Following an official investigation we may be called as witnesses in the prosecution.

BBC Occupational Risk Management must be consulted, in good time, about any proposed "High Risk Activities", that is, investigations involving covert surveillance or filming and/or confrontation of terrorist, serious criminal or extremist or violent political groups. They must also be consulted for any "High Risk Events" including riots, civil disturbance or extreme public disorder, terrorist or armed criminal incidents such as hi-jacking or siege. See Section 10 – War, Terror and Emergencies.

## **DISGUIISING IDENTITIES**

When someone is clearly involved in criminal or anti-social behaviour the BBC's normal approach is to reveal their identity. However, there are circumstances when it is important to disguise identities. These include:

- legal reasons e.g. possible contempt of court or defamation.
- when anonymity has been granted to a contributor see Section 3 Accuracy – Anonymity.
- exposure of anti-social or criminal practice when individuals are simply illustrative of the practice.
- exposure of anti-social or criminal practice when individuals are not sufficiently culpable or responsible for their actions.
- when there is clear existing documentary or other evidence against a group of people, but not against known individuals in that group. For example, the overcharging of visitors by some people in tourist service industries or the exploitation of the elderly by some home repair workers.
- when identification of innocent parties, for example in a tag along raid, would imply some form of wrong doing.
- when it is difficult to obtain consent, e.g. people with learning difficulties, mental health problems, brain damage or forms of dementia.
- when clearly recognisable people are caught on camera, whether in a public or private place, and where the audience might wrongly but reasonably conclude they're involved in wrong doing.
- our international services often rebroadcast material originally recorded for the BBC's UK services. If this material might compromise the safety of contributors when it is rebroadcast, it may be appropriate to disguise the identity of those concerned.

## **INTERVIEWS WITH PRISONERS**

It is always advisable to contact Programme Legal Advice and the relevant World Service region when proposing to work overseas because of the different legal



systems that apply in different countries.

Prior to visiting a UK prison and conducting an interview with a prisoner for broadcast we should normally ask permission from the UK prison authorities.

**Any proposal to enter a UK prison without permission must be referred to Controller Editorial Policy.**

Prior to visiting an overseas prison and conducting an interview with a prisoner for broadcast we should normally ask permission from the prison authorities.

**Any proposal to enter an overseas prison without permission must be referred to a senior editorial figure or for Independents to the commissioning editor who may consult Controller Editorial Policy. If approved the relevant World Service Head of Region and Head of Newsgathering should be informed.**

Prisoners may have access to public telephones and mobile phones, though their use may be restricted by prison rules. **The following proposals for phone interviews must be referred to a senior editorial figure or for Independents to the commissioning editor who may consult Controller Editorial Policy:**

- **inviting a prisoner to initiate a call for broadcast purposes from a public or mobile telephone in prison.**
- **broadcasting an unsolicited call from a prisoner which was not referred before it was recorded.**
- **broadcasting live an unsolicited call from a prisoner.**

### **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.**

### **PAEDOPHILES AND OTHER SEX OFFENDERS**

When paedophiles and other sex offenders have served their sentences and been released back into the community, strong passions can be aroused in the place where they live. We should report such matters where there is a clear public interest while trying to avoid the following possible consequences:

- vigilante action.
- mistaken identity.
- driving the offender underground away from supervision where s/he

is far more likely to re-offend.

- intrusion into an offender's privacy.
- negative impact on the victims and their families, or the family of the offender.

**The BBC will normally only consider publishing the names or pictures of paedophiles or sex offenders who have served their sentences and been released from prison where the police have made these details public. Publication by other media is not a sufficient justification in itself. Any proposal to name a convicted paedophile or other sex offender, when their name has not been made publicly available by the police, or to publish pictures, must be referred to Controller Editorial Policy.**

When reporting on paedophiles and other sex offenders or when exposing potential paedophiles or sex offenders we can name the town or city where they live, but should generally avoid giving sensitive details or addresses. We should also consider consulting with the relevant police force if we intend to report sensitive information or show a picture, to enable the police to address management issues in relation to the victim, victim's family, offender and offender's family.

**Interviews with paedophiles or other sex offenders will only occasionally be clearly editorially justified. Any proposal to interview a paedophile or other sex offender who has been convicted of serious offences, in prison or on release from prison, should be referred to a senior editorial figure or for Independents to the commissioning editor, who may also consult Controller Editorial Policy. See Section 6 Privacy – Reporting Suffering and Distress.**

### **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. It should also be obvious to the audience where a reconstruction begins and ends.

## **CRIME LIBRARY MATERIAL**

The use of library material relating to crimes and to victims of crime requires careful editorial judgements. We should:

- avoid using the same incident to illustrate a general theme, for example, the same driver being breathalysed repeatedly may be unfair.
- not use library material of one identifiable crime to illustrate another.
- take care when using library shots of prisoners to illustrate a specific crime or type of crime. Individuals should not be clearly identifiable if they were not involved in the crime in question.
- check with Programme Legal Advice about any proposed use of library material of a crime if court proceedings are pending or in progress.

## **REQUESTS FOR UNTRANSMITTED MATERIAL**

**All requests to see or obtain untransmitted material must be referred to Controller Editorial Policy. In addition, all requests made in connection with court proceedings or pending or active complaint procedures, for example medical negligence, must be referred pre-transmission to Programme Legal Advice and post-transmission to Litigation.**

The BBC will not normally hand over untransmitted material to third parties without a court order. Sometimes it is appropriate to accede immediately to such an order, at other times it will be necessary to contest it and appeal it to higher courts.

We never voluntarily allow access to untransmitted material:

- when to do so would endanger people who work for the BBC contribution.
- when it would make it more difficult to gather such material in the future.
- if the request appears to be “fishing” for evidence.
- if the material contains information that identifies a confidential source or contributor.
- when it conflicts with our contractual obligations.

- when it shows third parties whose rights may be impaired by handing it over.

The BBC's editorial integrity could also be damaged if other organisations and individuals are allowed access to untransmitted material for their own use. For example, we do not normally release untransmitted material to organisations for training and public relations purposes.

There is no legal obligation for us to keep documents, records or untransmitted material gathered in the production of a programme unless and until they are the subject of a request from the police or the courts or there is a threat of litigation. See Section 3 Accuracy – Note-taking.

### **REQUESTS FOR UNTRANSMITTED MATERIAL FROM THE POLICE**

The police make a significant number of requests for untransmitted material. In England, Wales and Northern Ireland they use PACE Orders (under the Police and Criminal Evidence Act 1984) to require the release of material for use as evidence. In Scotland, a warrant for material may be granted by a Sheriff, or the Lord Advocate can seek to recover such material by petition or order. Any requests from the police should be referred to the BBC lawyers.

### **REQUESTS FOR TRANSMITTED MATERIAL**

**All requests for transmitted material in connection with court proceedings or pending or active complaint procedures must be referred to Litigation who may also consult Controller Editorial Policy.**

As far as other requests for transmitted material are concerned we will:

- only provide copies of transmitted material dependent on the practical difficulties, expense, copyright, legal and editorial implications of doing so.
- normally charge a fee which realistically reflects the cost of providing the material, particularly in connection with litigation.
- normally require a written agreement that the material will only be used for private and not commercial purposes.