

# BROADCASTING STANDARDS COMMISSION

## Complaint from Mr Peck - Summary of Adjudication

In the week before 11 March 1996, BBC1 broadcast trailers for an episode of *Crime Beat*. These showed Mr Peck holding a knife, then being led away by police officers. On 11 March, the programme was shown, including this excerpt, but with Mr Peck's face masked. The excerpt was accompanied by commentary explaining that a closed circuit television (CCTV) camera operator had spotted a man carrying a knife, and that the Council had alerted a police patrol. Police officers then described how they had disarmed this man. The BBC subsequently apologised to Mr Peck for not masking his face in the trailers.

Mr Peck complained that the trailers and programme had unwarrantably infringed his privacy. He had been filmed on CCTV after having attempted suicide, and this footage had been broadcast without his knowledge or consent. He said that the item had been unfair, since the programme concerned criminal activity, but he had not been charged with a crime.

The Commission noted the BBC's apology for not disguising Mr Peck's face in the trailers, but considered that his face was also inadequately masked in the programme. The effect had been to publicise without reasonable justification an episode which Mr Peck had not wanted publicised, and this was an unwarranted infringement of his privacy. Whilst the Commission did not consider that it was evident from the excerpt that Mr Peck had attempted suicide, viewers could have thought that he had been acting criminally, which was unfair to him.

The complaint was upheld.

You can get a copy of the full adjudication by sending a stamped addressed envelope to: the Broadcasting Standards Commission, 7 The Sanctuary, London SW1P 3JS.

# THE BROADCASTING STANDARDS COMMISSION

## Complaint from Mr Peck - Adjudication

### Introduction

In the week prior to 11 March 1996, BBC1 broadcast trailers for an episode of their series about crime prevention, *Crime Beat*. These included footage from Brentwood Council's CCTV system taken on 20 August 1995 which showed Mr Geoffrey Peck standing alone in Brentwood town centre holding a knife. He was then shown being led away by two police officers. On 11 March 1996 Mr Peck telephoned Brentwood Council to complain about the trailers, which were shown on two other occasions before the programme.

Later on 11 March 1996, the programme was shown, including the excerpt of Mr Peck, but with his face masked. The excerpt was accompanied by commentary from the presenter Martyn Lewis, which explained that the CCTV camera operator had spotted a man carrying a knife, and that the Council had alerted a police patrol, warning them of a possible danger. The programme then included Essex police officers describing how they had disarmed Mr Peck; they said that Mr Peck had not acted aggressively towards them.

On 12 March 1996 Mr Peck wrote a letter of complaint to the programme makers, Folio Productions. His letter was passed to the BBC, and the BBC replied on 21 March 1996. They apologised for Mr Peck's face being shown unmasked during the trailers which, they said, had been due to an oversight. Mr Peck wrote a further letter of complaint on 2 April 1996, to which the BBC responded on 18 April 1996.

Liberty (the National Council for Civil Liberties) complained to the Broadcasting Standards Commission on 25 April 1996 on Mr Peck's behalf that the trailers and the programme had unwarrantably infringed Mr Peck's privacy, and that they were unjust and unfair to him.

### The complaint

Liberty said that Mr Peck's privacy had been unwarrantably infringed in that:

- a. he had been filmed on Closed Circuit Television (CCTV) by Brentwood Council, without his knowledge, after having attempted suicide and injured himself. The item had then been broadcast on national television without his knowledge or consent, causing him extreme embarrassment and humiliation; and
- b. the item served no public interest in that at no stage had Mr Peck committed a crime or been suspected of doing so.

Furthermore, they said that the item had been unjust or unfair to Mr Peck, in that the programme had been concerned with criminal activity, but he had not been arrested for, or charged with, any criminal offence.

Liberty said that on 20 August 1995 Mr Peck had been suffering from severe depression following the loss of his job and the fact that his partner had recently been diagnosed as terminally ill. He had taken a knife with him into Brentwood town centre with the intention of committing suicide. He had cut his wrists with the knife. After the local council's CCTV operators had seen him holding a knife, they had reported the matter to the police. The police had disarmed Mr Peck, spoken to him, and had provided him with medical attention. He had not given his permission to the showing of the CCTV footage of this incident on TV, and had not known that it was to be broadcast until the week prior to 11 March, when the trailers had been shown. Although Mr Peck's face had been obscured during the programme, it had not been obscured in the trailers. He had, in any case, been recognised by people who had watched just the programme itself, as he had a distinctive hairstyle and features, which had not been properly obscured. The broadcasting of the incident had led to his attempted suicide being widely known among friends and neighbours and at his workplace, and had caused Mr Peck extreme distress and humiliation. Because this had led to comments from customers, he had had to leave his job as a barman in a public house. Many viewers would also have inferred that Mr Peck had intended self-harm or suicide.

The BBC said in reply that it would have been difficult to deduce from the script that Mr Peck had intended to commit suicide. Mr Peck had been identifiable in the trailers (in which he had appeared for less than one and a half seconds) only as the result of an oversight, for which they had subsequently apologised on air in the BBC Radio 4 programme *You and Yours*, in Channel 4's *Right to Reply*, and by letter. They said Mr Peck had himself acknowledged that, in the programme itself, his features had been "fuzzed out", and in their view, this had been done adequately. They did not understand how the fact that Mr Peck had attempted suicide could have become widely known among friends, neighbours and at his workplace. They considered viewers would have simply thought that this was a man carrying a knife in a public place. They had not known themselves that Mr Peck had intended suicide until his letter of 12 March.

Liberty said that the infringement of privacy caused by the televising of CCTV footage of Mr Peck was unwarrantable, in that it served no public interest. Whilst it was often in the public interest that local authority CCTV footage should be passed to the police for investigation, there was no justification for footage of someone in Mr Peck's position being broadcast on TV. He had not committed a crime, nor had he been suspected of committing a crime, and, after having been approached by the police, he had not been arrested, but had been detained for 40 minutes under Section 136 of the Mental Health Act 1983 for his own safety. The televising of the incident had not been justifiable on the basis that it was illustrative of the use of CCTV in general, since the damage done to Mr Peck had far outweighed the public good.

Furthermore, Liberty said that the showing of the CCTV footage was unfair to Mr Peck, in that, because of the nature of the programme, it had made some people who knew Mr Peck and who had seen the programme think that he had been in some way involved in criminal activity. They said that the fact that filming had taken place in an entirely public location did not mean that Mr Peck could not justifiably complain that his privacy had been infringed, since the right to privacy also depended on factors such as consent to the filming, the reason for the filming and the use to which the film was put.

The BBC said that, although Mr Peck had not been charged with an offence, he had been carrying a knife in a public place without good reason, which, they said, was an offence under Section 139 of the Criminal Justice Act 1988. The fact that he had been filmed on CCTV had enabled the police to make the situation safe at an early stage. Without the camera surveillance, it was possible that Mr Peck's knife might have caused anxiety to others. The item had helped serve the purpose of the programme, which had been to show how technological advances, such as CCTV, could be used to reduce or prevent crime, which was in the public interest. The programme had demonstrated the effectiveness of CCTV in reducing incidents, in enabling assessments to be made of their seriousness and in enabling police to judge how best to deal with potentially hazardous situations. It was justifiable in such a programme to show not only criminal activity, but incidents which might have been the subject of criminal proceedings. However, there had been a change of tone and gear in the commentary in this sequence, which would have indicated to viewers that this was a difficult situation being defused, not an incident of criminality. They said that the fact that Mr Peck had been filmed in a public place was relevant in determining whether his privacy had been unwarrantably infringed, particularly as the incident had already been shown on Anglia Television, and was therefore already in the public domain. Mr Peck acknowledged that this earlier broadcast had been seen by some of his friends.

The BBC noted that Mr Peck had written an article in the *Independent on Sunday* on 31 March 1996, in which the details were given in relation to problems which had led him to his attempted suicide. He had also appeared on Channel 4's *Right to Reply* programme on 13 April 1996 and had described again the circumstances of the incident. The fact that he had made details of his private life more widely known in the *Independent on Sunday* and *Right to Reply* was inconsistent with his claim that his suicide attempt was something which he wished to keep private.

Liberty said that Mr Peck's decision to publicise his complaint in the media had been taken after very careful consideration. Mr Peck said that the injustice he had received was such, that he considered that he should take action to prevent it happening to anyone else and to ensure that his complaint would be properly dealt with. He said his decision to publicise his complaint had been vindicated, particularly by the *Right to Reply* programme, in which the BBC had admitted culpability.

#### Evidence considered by the Commission

The Commission had before them a complaint form and supporting statements from Mr Peck and his representatives, Liberty, and statements from the BBC. They watched a recording of the programme and of the Channel 4 *Right to Reply* programme and the trailers. A hearing was held, at which Mr Peck and the BBC were both represented.

#### The Commission's findings

Mr Peck complains of both unwarranted infringement of privacy and unfair treatment.

As to infringement of privacy, the Commission recognise that the BBC have already acknowledged that the fact that Mr Peck's face was not disguised in the trailers was a mistake

and that it was not their intention that he should be identified; and have apologised for this. The Commission further recognise that the BBC tried hard to reach a conciliation with Mr Peck.

The Commission also note the BBC's view that in the programme itself Mr Peck's face was adequately masked and that he could not therefore be recognised. However, in the Commission's view this was not so, which would explain why he was recognised by some viewers who knew him and who had watched the programme, but not the trailers.

The Commission accept that it was not the BBC's intention to identify Mr Peck and that the fact that he was identified was the result of human error. Nonetheless, the effect was to reveal to Mr Peck's family, friends and neighbours an episode which he did not wish to be revealed. The outcome was distressing for him and amounted to an unwarranted infringement of privacy. The fact that Mr Peck chose subsequently to speak about this incident on Channel 4's *Right to Reply* does not alter this infringement. The Commission therefore uphold this part of the complaint.

As to unfair treatment, the Commission have noted that the exact circumstances of the incident, and in particular that there was an attempted suicide, were not known to the programme makers until after the programme was broadcast. They accept, moreover, that it was not evident from the programme that Mr Peck was attempting to commit suicide.

There remains, however, the question of unfairness in relation to including this incident in a crime prevention programme. The reasonable inference to be drawn by viewers was that Mr Peck's conduct could have been in some way criminal, comparable to that of others shown in the programme. In fact, no criminal charges were brought against Mr Peck, so that the impression given by this sequence was not correct.

The BBC argued that the value of showing this sequence outweighed the detriment to Mr Peck. The Commission recognise the important educational value of programmes such as *Crime Beat*, which educate the public about methods of crime prevention. However, they consider in this instance the detriment to Mr Peck outweighed the potential benefits to the public from showing this particular sequence. Accordingly, the Commission also uphold the complaint of unfair treatment.

Steven Horwood  
Susan Lloyd

13 June 1997