

**HIDDEN
CAMERAS****HIDDEN
MICROPHONES****At the Crossroads
of Journalism,
Ethics and the Law****← CONTENTS**

High Standards for Hidden Cameras

BOB STEELE

Television journalists must be judicious and responsible in deciding when and how to use hidden cameras. Too often we use these powerful tools recklessly, causing great harm to others and ourselves.

There are times when using hidden cameras may be the only way to effectively tell an important story about a significant issue. The best of hidden camera reporting has exposed systemic racial discrimination, critical weaknesses in airport security, gross incompetence by law enforcement officers and abhorrent patient care in nursing homes and hospitals.

Unfortunately, such examples of excellence are outweighed by the glut of hidden camera stories focusing on small-scale consumer scams, "gotcha" pieces targeting someone for a minor breach of behavior, or weak investigative reports that simply don't justify deception. Too often hidden cameras are used as a promotional device rather than as a legitimate journalistic tool.

Hidden cameras should be kept away from the incompetent and the unprincipled. When truly needed, hidden cameras should be put in the hands of skilled journalists who recognize both the great potential to document important truths and the significant possibilities for causing considerable harm.

The "Importance" Threshold

Most hidden camera reporting involves some level of deception, which involves causing someone to believe what is not true. Since we are in the business of pursuing truth, there is more than a hint of hypocrisy when we use deceit to chase that goal.

good

NEXT ESSAY →

We can only justify that inconsistency--and the use of deception--when we truly serve a greater principle, such as pursuing a highly important (and otherwise elusive) truth. Therein lies the first standard for deciding when it is appropriate to use hidden cameras.

To justify deception we must be pursuing exceptionally important information. It must be of vital public interest, such as preventing profound harm to individuals or revealing great system failure.

Tools of Last Resort

We should reserve hidden cameras as the last tool out of the bag--to be used only when we have already tried or appropriately ruled out all other options for obtaining the same information. We must first exhaust traditional reporting methods of interviewing, observing and researching documents and databases.

The Fairness Standard

Issues of fairness are heightened when we use hidden camera video to accuse someone of wrongdoing. This covert method of newsgathering amplifies any accusations we make. We must ensure that the tone and emphasis of hidden camera video meet standards for factual accuracy and contextual authenticity. We must recognize the impact of hidden camera reporting on all subjects in the story, particularly those who are less culpable.

We must also be adept at judging and reporting degrees of misdeed. We must focus our attention on those who are truly responsible for the wrongdoing we expose, not just the "little guy" who happens to be easily accessible. Too many hidden camera stories stop with the video of the store clerk, the mechanic, the teaching assistant or the hospital orderly. Too few reports get to the owners, top-level officials and administrators generally most responsible for the wrongdoing. When we use hidden cameras, we must ensure that we

meet the highest burden of proof and the highest degree of fairness.

Triangulate and Test Assumptions

We must devote enough resources, time and attention to gather the right facts--and to make sure those facts are right. We must supplement the surreptitious video with insightful observations, seeing and retaining important details of a scene that might not be captured by the camera. We must detect nuances of difference in the actions and words of story subjects.

We must test our assumptions. We are after the truth. Validity and reliability are the product of multiple pieces of proof tested against each other.

Anticipate Land Mines

A journalist working undercover may have to make split-second decisions with high stakes. Your professional role as a newsgatherer may be in conflict with your responsibility as a human being to help a vulnerable person. When do you give up your cover to help someone in great pain or serious danger? What do you do when someone begins to commit a crime?

In addition, newsroom managers must minimize risk for journalists who use hidden cameras and report undercover. If their cover is blown or their covert methods revealed, their personal safety may be jeopardized. Guidelines should be discussed ahead of time. Should a reporter tell additional lies to keep an undercover ruse going? What does the photographer do if faced with breaking a law to protect his identity?

Hidden camera and undercover reporting require strong front-end planning by news managers and all participating journalists. We must anticipate what might go wrong, minimize risks, and develop backup plans, including ones for quick intervention in case of serious problems.

Know and Respect the Law

We must pay close attention to the legal land mines in hidden camera reporting. Stations must develop sound strategies that recognize matters of defamation and privacy, including false light and intrusion torts. We can be vigorous in our reporting if we are clear on the law regarding fraud, trespass and surreptitious recording of audio. As the law appropriately protects citizens, we should honor it while also responsibly serving the public.

Keep Control of the Tools

Hidden camera reporting is hard and dangerous work. That's why a television station should put these special tools in the hands of its most skilled craftsmen.

If you turn a hidden camera over to a nonjournalist, you run a phenomenal risk. Meat cutters, hospital patients, high school students and home buyers are not trained in the art of journalistic observation. Because they are not qualified to do our jobs, we should not entrust them with our tools. Furthermore, nonjournalists may have personal motivations or vested interests in the story that directly conflict with the role of reporter and the standards of our profession. When you lose control of the tools, your ethical risk and legal liability are magnified.

The Bottom Line

Hidden camera and undercover reporting can produce memorable and meaningful journalism. That happens when we are at our very best, from the moment we start the planning, through the execution, to the telling of the story on air. Set the bar very high for the ethics and excellence of your work. Don't settle for anything less.

Bob Steele is a former television reporter and executive producer who now directs the journalism ethics program at the Poynter Institute in St. Petersburg, Fla. He has conducted ethics workshops for more than 30

television stations.