

Future of
Journalism
Sept 2023

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Lights, camera, justice: an evaluation of the first 12 months of video broadcasting sentencing in the Crown Courts of England & Wales



Context: Cameras in court

Open Justice principle in England and Wales

- Key component: access to in-court proceedings by journalists and members of the public

Reporting constraints

- Reporting restrictions for legal reasons
- No taking of photographs/making sketches (Criminal Justice Act 1925) or making recordings of proceedings in Court (Contempt of Court Act 1981)
- Fears about televising courts having a negative impact on proceedings (cf Helena Kennedy in The Guardian 2013)

Context: Cameras in court

Already:

- Court of Appeal
- Supreme Court

Now:

- Crown Court sentencing remarks

The Crown Court (Recording and Broadcasting) Order 2020:

- Only: Sky, BBC, ITN (C4/ITV), PA
- By prior application
- Crown Copyright of footage
- Dedicated YouTube channel: [Sky News – Courts](#).



The first televised case R v Ben Oliver on July 28th 2022.
<https://www.youtube.com/watch?v=pUxrgS2hNpQ&t=3s>

Light, camera, (open) justice?

“Opening up the courtroom to cameras to film the sentencing of some the country’s *most serious offenders* will *improve transparency* and *reinforce confidence* in the justice system.

The public will now *be able to see justice handed down*, helping them *understand better the complex decisions judges* make.”

Dominic Raab, Justice Secretary

Our study:

Explores the data from the first year of the televised sentencings to see whether these goals had been achieved.

Time frame: 28th 2022 to July 28th 2023

Our Research Question:

Does broadcasting of Crown Court sentencing meaningfully contribute to the principle of open justice by improving public understanding, increasing transparency and reinforcing confidence in the justice system?

Our study:

What cases have
been filmed

What
characteristics to
these cases share if
any

How has broadcast
footage been used
by news media?

How have the
public engaged
with broadcast
footage?

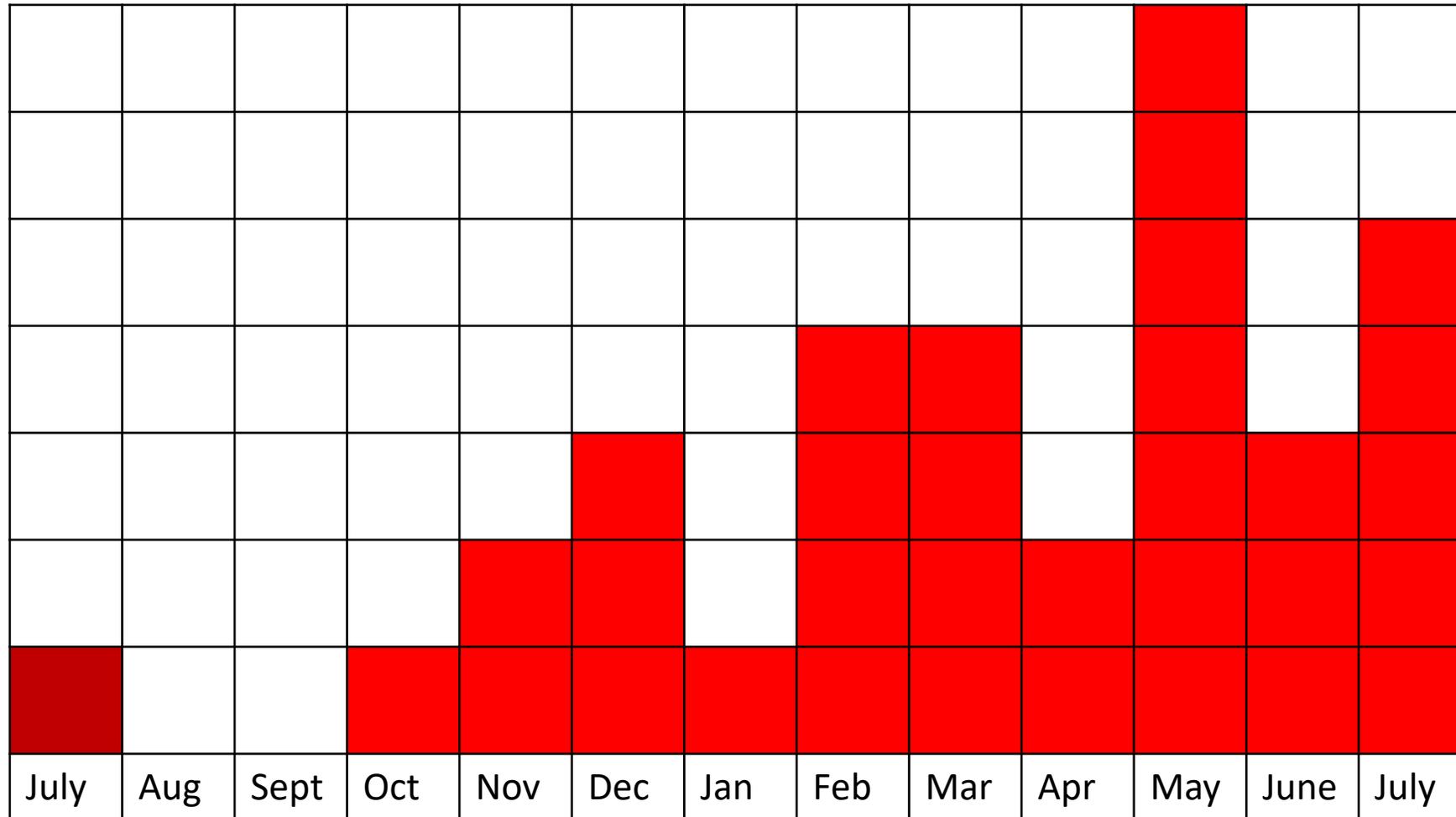
Main broadcast evening bulletins:

- BBC 10pm
- ITV News at Ten
- Sky 10pm
- Channel 4 News 7pm

What was filmed

- 36 requests
- 3 turned down were because they didn't comply with the legal regulations.
- 33 cases filmed
- 25 judges
- 15 different court houses
- 16 cases from the Old Bailey

Cases filmed



What was filmed

- Sentencing remarks –
 - Longest – 54 min 27 sec (R v Kusai Al-Jundi and Mohamed El-Abboud)
 - Shortest – 9 min 11 sec (R v Wayne Couzens)
 - Time delay – and audio/video drop out for legal reasons

Latest

Popular

Oldest



Killer nurse Lucy Letby gets 14 whole-life sentences

85K views • 3 weeks ago



Stepfather and mother jailed over brutal death of baby Jacob Crouch

24K views • 1 month ago



Operators fined £14m over Croydon tram disaster failings

4.4K views • 1 month ago



Rape conviction quashed for man who spent 17 years in jail

28K views • 1 month ago

What Cases: News Values

Most serious cases:

- Two thirds ended in the death of a victim or multiple victims.
- 3 sexual offences cases + one of necrophilia
- Also one each of spying, terrorism, organ trafficking & perverting the course of justice.

Cases often involved extreme violence.

More than half of defendants were strangers to the victim/s

All of the cases had been in the media previously

Ages of victims - where specified

Named Homicide Victims

		16					
		16					
		16					
		15					74
		15					71
2yrs		14	26				71
15ms	7	14	19			59	67
10ms	7	12	19	35		54	62
0-5	6-10	11-18	19-30	31-40	41-50	51-60	61+

How have broadcasters used footage

Overall use*:

BBC: 3'45 (14 cases)

Sky: 5'15 (15)

ITV: 2'50 (8)

Channel 4: 5'05 (12).

*Excluding the first case:

- The longest clip - 60 seconds
- Most clips less than 20 seconds.
- Shortest - 5 seconds
- Mainly concentrated on the actual length of custodial sentence
- Cases filmed but footage not used in reports in a number of instances
- Footage use declined over the year – as number of cases filmed increased

For discussion: Drama or Explanation?

1. News values of excitement, drama and action balanced against Open Justice mission
2. The use of the filmed extracts has been very limited. Hardly replacing the reporter on the steps of the Court.
3. Static camera on judge. No in court reaction from defendant/victims/families
4. More use of dramatic video eg of arrest etc
5. The sentence is not as newsworthy as the verdict
6. Limited cases chosen, but choices are in line with existing narrative of serious offences – homicide, vulnerable victims, often stranger perpetrators.
7. Early enthusiasm but novelty wearing off? Although Lucy Letby case was heavily covered.

Looking at the next 12 months

“Filming of sentencing has been a great success and has *swiftly become the norm.*”

John Battle, Head of Compliance,
ITN

NB 33 CASES OUT OF 10s of 1000s
Crown Court Cases.

There are approx. 1000 murder
cases a year.

Does broadcasting of Crown Court sentencing **meaningfully contribute** to the principle of **open justice by improving public understanding, increasing transparency and reinforcing confidence** in the justice system?

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References

[Keppel-Palmer, M., Smith, T., Reardon, S., & Gross, B. \(2023\). Broadcasting crown court sentencing - A tentative step forward for open justice?. *Entertainment Law Review*, 34\(1\), 1-3. Available from <https://uwe-repository.worktribe.com/output/10423855>](https://uwe-repository.worktribe.com/output/10423855)

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