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**'CASHING IN' ON CURIOSITY AND SPECTACLE:
THE FORENSIC PATIENT AND NEWS MEDIA**

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Abstract

Health and social care professionals are gatekeepers to, and custodians of, confidential service user information. In the United Kingdom (UK), police investigations have unveiled cases of payments being made to public service officials by journalists in return for service user information. The purpose of this discussion is to investigate such cases in the context of high security forensic care. This paper provides a discussion drawing upon two UK-based case studies of prosecutions of public service workers relating to the sale of confidential information. The analysis presented here illuminates upon the salient and connected issues at work that have led to the transgression of legal obligations and professional responsibilities/principles of confidentiality. A fuller reading of the context in which these transgressions occur, and motivations that exist, may well serve to inform policy, training, guidance or vigilance in relation to the preserving of service user information in the future.

Keywords *confidentiality, forensic mental health, media, mentally disordered offenders, news values*

Introduction

The National Health Service Act 2006 sets out the criteria for admission to high security services stating that those admitted “require treatment under conditions of high security on account of their dangerous, violent or criminal propensities”. Not all who are resident in high security hospitals (of which there are nearly 800 across three hospitals in England) have criminal convictions, however all those who are detained in high security hospitals are detained under Part 2 or Part 3 of the Mental Health Act as they pose significant risk to the public. Despite conditions of physical security, a therapeutic approach underpins the environment with doctors, nurses and support workers managing the treatment and detention of service users. Those admitted will have a mental disorder/mental illness, personality disorder or neuro-developmental disorder.

The high security hospital estate is host to a number of serious and violent offenders. A modern history of the high security hospitals unveils residents of notoriety such as Ronald Kray, Charles Bronson, Beverley Allitt, Peter Sutcliffe and Ian Brady to name but a few. For decades, significant media interest has been focused on the ‘dangerous’ offenders of England’s high security hospitals. What a dangerous offender is, and is not, is not easily recognisable, however what is known is that they are a source of public intrigue and curiosity. As Brown and Pratt (2000) describe, the dangerous offender is a construct, built up from a range of influences and forces such as legal, medical and societal narratives. They are, as the authors continue, a

figure of collective anxiety. Moreover, the 'dangerous' mentally disordered offender has been brought to the forefront of political agendas (Harrison, 2011) and all too often the suggestion of causality between mental illness/disorder and violent offending has been propagated through news stories and fictional descriptions (Harrison, 2014).

The violent mentally disordered offender is a rich source of interest for media agencies (Anderson, 2003). Indeed, this particular kind of pathological or cognitive deviance sparks arousal and interest, where often identities are shaped by connotations that they are 'evil' and lack the rationality of the prevailing culture (see Wilson, 1999). Such supposition fuels the continuation of crime news as well as contributing to stigmatisation of vulnerable groups. Demand for detail by media outlets is high, and what follows here is the description of two instances where those staff responsible for service users detained in conditions of high security have been appurtenant in the production of crime news. The prosecutions and convictions of healthcare and allied staff for misconduct in public office provide illustrations of breaches of confidentiality that are non-accidental and are purposefully exploitative of the service user's detention and antithetical of the employee's responsibilities to safeguard the interests of service users.

Patient confidentiality and unlawful disclosure

The sanctity of patient confidentiality has been brought into sharp focus with the conviction of a number of public sector workers for misconduct in public office through the sale, and conspiracy to sell, service user information to news media reporters and journalists. A police investigation, Operation Elveden, (which ended in February 2016 and saw the conviction of 9 police officers, 21 public officials and 2 journalists) into inappropriate payments made by journalists to police officers and other public officials (see Bruger 2013; Scott, 2013 for an overview), and a broader attention towards unscrupulous behaviours of public service workers has brought to light examples of unethical, unprofessional and unlawful conduct in respect of patient confidentiality and privacy.

Alan Hagan, a 48 year old security officer working at Ashworth high security hospital in Merseyside was convicted of misconduct in public office and sentenced to 20 months in prison. The Old Bailey court heard that Hagan received £1000 from a *News of the World* journalist. Hagan, expecting to receive further payment of £50,000, smuggled a camera into Ashworth in a bid to take photographs of patient Ian Brady. Despite successfully taking pictures inside, the photographs were not of sufficient quality to be used. The prosecution reported to the court that Hagan's motivations to collude with the newspaper was in response to his belief of unfair treatment by his employer, however Hagan's defence told the court that his actions were in an attempt to put Brady under pressure to divulge the whereabouts of the burial spot of victim Keith Bennett. If the photographs had been successfully taken,

then these would have been the first in circulation for many decades. Hagan was sentenced in 2014 for his actions that took place in 2008, with the judge rejecting the defence's request for a suspended sentence.

Kenneth Hall, a 49 year old Registered Mental Health Nurse working at Broadmoor high security hospital, Berkshire was jailed for two years in 2015 for the sale of stories about patients to the *News of the World* and *Mirror* journalists. Like Hagan, Hall was convicted of misconduct in public office, with the offences taking place between 2002 and 2004. The court heard that Hall was passing on a combination of factual information and fictitious stories and documents to newspaper reporters and was also convicted on one count of forgery. The court at the Old Bailey heard that Hall had made a total of £23,800 from the sale of stories about Broadmoor patients, with the prosecution suggesting that Hall's motivation was not just monetary, but also to whistle blow on what he considered as lenient conditions for those who had committed heinous crimes. Hall's wife, also a nurse at Broadmoor, was convicted of aiding and abetting the offences and sentenced to a five month suspended (for one year) sentence.

Professional standards in public service work

The two cases above illustrate the transgression of ethical, professional, contractual and legal boundaries. Public officials, such as health and social

care professionals, are people who have been entrusted with the responsibilities of implementing government policies and to deliver good services to the citizens in their different departments (Gray & Jenkins, 1993). Inextricably bounded by matters of trust (Bourke & Wessely, 2008), confidentiality is owed to the patient by the staff member by virtue of a responsibility to fulfill a number of 'duties'; a duty of care to the patient, a duty under a contract of employment, a duty under registration to a professional body and their associated codes of practice, and a duty under particular Acts of parliament (Dimond, 2014). Specifically, practitioners and workers will be governed by stipulated requirements contained in the Department of Health's 2003 document *Confidentiality: NHS Code of Practice*, common law, the Data Protection Act 1998 and Human Rights Act 1998 (Griffith, 2015).

The Department of Health's *Confidentiality: NHS Code of Practice* (2003) covers both information governance and requirements for the preservation of confidentiality. NHS staff and contractors are required to "inform patients of the intended use of their information, give them the choice to give or withhold their consent as well as protecting their identifiable information from unwarranted disclosures" (Department of Health, 2003, p. 10). Guidance also extends to cases where patients are unable to consent to disclosure of information and therefore any disclosure must only be done so in the *best interests* of the patient. A duty of confidence is also contractual between employee and employer. Section 9 of the *Code* requires employment contracts

to alert employees to the likelihood of disciplinary action in relation to non-adherence to a duty of confidence.

Preservation of patient information is also governed through Acts of parliament such as the Human Rights Act 1998. Article 8 of the Human Rights Act 1998, whilst broad in its scope, underscores the example of disclosing patient information as does the protection of an individual's right to privacy under the Data Protection Act 1998 (Iversen et al., 2006; Beech, 2007). The common law of confidentiality together with Acts of parliament such as the Human Rights Act 1998 and Data Protection Act 1998 provide a legal basis of obligation and protection.

Duties of confidence outlined in official, professional, employer and legal procedure are explicit in stating that this is something owed to the patient and disclosure should only be considered extraordinarily in a careful consideration of whether it would be in the public interest to release information. The omnipotent presence of information governance in the NHS has sculpted the contemporary culture although has not gone without critique. As Cordless (2001) posits, paradoxical conditions of a mounting tension of openness versus privacy exist. On the one hand health professionals are expected to disclose, but on the other to keep secrets and as Cordless (2001) contends, the historical significance of mental health care in such debates draws questions of the impact of heightened confidentiality (*vis a vis secrecy*) on services, practitioner decision making and service users.

Press standards and public officials

Whilst the case studies here clearly illustrate the improprieties of the healthcare worker, and their actions clearly being at odds with professional and legal obligations, regulation over journalist's behaviours may be somewhat more opaque. Competition between British tabloids is fierce, with each attempting to capture the public's attention through sensational stories and lurid headlines. The competitive marketplace of news media may well contribute to the collection of information and artefacts in ways that are unethical, and at times, illegal. Recent prosecutions of public officials and the Leveson Inquiry (2012) into phone hacking, illuminate upon conditions that exists whereby journalists are willing to reward informants in order to generate 'exclusives'.

Justifications of stories being *in the public interest* are frequently utilised to attempt to legitimise payments; rationalised on the basis that such an approach may be the *only* way to report stories judged to be in the public interest. It is the case that routine information exchanges between, not only public officials such as the police, but also politicians exist. Often justified that such information exchange is a requirement in maintaining an informed population; an essential component of the maintenance of a democratic society. Relationships between news agencies and public officials must maintain boundaries in order to guard against abuse, reckless and intrusive reporting by journalists. As Cohen-Almagor (2014a, p. 6) asserts "it is

unthinkable to allow journalists to act with complete freedom and oblivious attitude to risks and harmful consequences". Thus, concern is frequently expressed about the close ties between politicians, journalists and press moguls which have often been to the detriment of public interest and the privacy of those targeted (Temple, 2014). The argument that the public have a right to know is often used to justify the reckless and intrusive behaviour of journalists and editors. Freedom of the press is important, however as Cohen-Almagor (2014a) asserts, we must remain acutely aware of the false utilisation of concepts such as the *public right to know* as a façade to law breaking and ethical breaches.

Regulation over press behaviour has received significant attention in the acquittal in 2014 of *News of the World* Editor Rebecca Brooks. She was acquitted of all charges of hacking telephones, perverting the course of justice and conspiracy to pay public officials. However, it appeared from evidence given that Brooks was unaware of the practices of journalists employed by the newspaper she managed. The case emphasised that national newspapers viewed that they had done little wrong; rather blame should be apportioned to *rogue* journalists. This unscrupulous rogue journalist argument appears to be supported by the *Daily Telegraph* (2012) in their response to Leveson's recommendation for a new system of regulation:

It would be wrong to use bad behaviour by the minority as an excuse to introduce the first press stature since the censorship laws were

abolished in 1965. Whatever the judge hopes, this would be a slippery slope to state meddling.

However, evidence supports the contention that these practices are not just the activities of a single rogue journalist or newspaper, rather British tabloids have a long history of using such practices, and behaving recklessly. Indeed, these were routine practices endorsed by editors and proprietors. The press regulatory bodies appear to have been unable or unwilling to restrain such behaviour resulting in unfettered intrusions which are absent of ethical or legal considerations.

To date no significant measures have been taken to ensure the interests of the public are served, rather changes that have been introduced have been cosmetic (Cohen-Almagor, 2014b), attempting to pre-empt legislative changes that might hinder the freedom of the press. These changes have also been made in order to secure continued internal self-regulation. However, as concluded by Leveson (2012, p. 11) the Press Complaints Commission (PCC) has failed to achieve its aims, instead “there is a cultural tendency within parts of the press vigorously to resist or dismiss complaints almost as a matter of course”. Moreover, as Leveson highlighted, the existing voluntary self-regulatory regime was ineffective in addressing complaints, thus he criticised the PCC for its failure to act as an effective regulator (Leveson, 2012). This supports the frequently posited argument that the PCC was built to serve the interests of the press.

Some ethical guidelines do exist in the field. The National Union of Journalists (NUJ) *Code of Conduct* (2002, 2013) advises that a journalist obtains material by honest, straightforward and open means, with the exception of investigations that are both overwhelmingly in the public interest and which involve evidence that cannot be obtained by straightforward means. The NUJ *Code* does not include information on payments to informants or sources, while the PCC only contains a clause banning payments to witnesses in court cases until the conclusion to the case has been reached. It also bans payment to convicted or confessed criminals about a specific crime. The impetus, some argue behind the introduction of this clause then was to pre-empt the government introducing new legislation (Frost, 2011). Justifications for limitations on the NUJ *Code of Conduct* and clauses on payment for information (cheque book journalism) could be situated within the broad argument that, although paying for stories is unethical and illegal, without this approach many stories may go unreported, and therefore those stories that are perceived to be in the public interest may never be reported.

News values and forensic mental health

It would not suffice to simply explain the behaviours of Alan Hagan and Kenneth Hall as being solely rooted in monetary reward. Whilst financial incentives existed to breach confidentiality, demand for the type of information had to exist for the transaction(s) to occur. Here the authors consider the high security hospital patient as a source of newsworthiness,

employing a framework of analysis proposed by media theorist and criminologist Yvonne Jewkes. In Jewkes' (2015) text *Media and Crime* she outlines that editors and journalists assess crime stories and make value judgements based on the extent of potential public appeal that a story has and whether it is in the public interest to communicate the story. The motivating factors are not necessarily altruistic, but rather financial on the part of media agency as appealing stories draw in audiences. Jewkes (2015) proposes twelve key news values; threshold, predictability, simplification, individualism, risk, sex, celebrity/high status person, proximity, violence, spectacle or graphic imagery, children and finally conservative ideology and political diversion.

News stories are not simple reflections of world events, rather they are constructed realities insofar that it is a process of the selection and organisation of events. Central to this process is the assessment of the 'newsworthiness' of an event (Jewkes, 2015), and the criteria used by journalists in the selection of events. England's high security hospitals have a concentration of some of the crime stories with the most elusive of detail. Coupled with the severity and long-lasting nature of the harms perpetrated by some of these hospital's inhabitants, the mentally disordered offender represents a source of practical usefulness in the pursuit of crime news (see also, Angermeyer & Schulze, 2001) despite the obstacles that confront those attempting to retrieve such detail. The retelling of crime news of the past is a common occurrence in media descriptions of the mentally disordered offender. For example, the regular media attention towards the physical

health condition of Ashworth hospital resident Ian Brady requires media editors to foreground contemporary events with description of Brady's crimes of the 1960s. Moreover, often those detained in conditions of high security are utilised as benchmarks or close comparisons are made to investigations or convictions of the present; framing such crimes as typical rather than atypical (see for example where cases of the murder of prostitutes are compared to the crimes of Peter Sutcliffe or where murders perpetrated by hospital staff are compared to the crimes of Beverley Allitt). In observing the anatomy of the identity (real and constructed) of almost 800 service users across England's three high security hospitals currently, and patients of the past, Jewkes' (2015) 'news values' serves as an important lens by which we can see how stories of the mentally disordered offender constitute newsworthiness.

Patients such as Ian Brady, Ronald Kray, Beverley Allitt and Peter Sutcliffe who have been convicted of serial violence represent cases of great magnitude which meet with news agenda *thresholds*. According to Jewkes (2015) it is those cases of the most severe criminal acts that reach thresholds of national importance in terms of their newsworthiness, with more mundane crimes often failing to reach a national audience. In a similar vein, *predictability* comes to represent cases whereby the unpredictability of a crime, or how extraordinary it is provides magnitude and therefore newsworthiness. The case of Ian Ball who attempted to kidnap Princess Anne from her car in 1974 illustrates this well, as the public would have expected such a crime to be almost impossible due to the physical security surrounding the royal family.

Making the front page of the *Daily Express* on March 21st 1974 the headline reads “Kidnap Anne Gun Ambush” and goes on to summarise the “huge security clamp”. Moreover, Jewkes (2015) describes that crime news may also be predictable insofar that the “news agenda is structured in an ordered and predictable fashion” (p. 42). This perhaps comes to resemble the continued focus and reporting on so-called disasters in the supervision of the mentally ill in the community (for example the murder of Jonathon Zito by Christopher Clunis), perceived ‘missed opportunities’ (for example the murder of Lynne and Megan Russell by Michael Stone) and the general concern for any liberality in the management of risk for the mentally disordered. Jewkes (2015) explains that generally, media agencies will often find ‘what they are looking for’ and already have an agreed mandate on the ‘angle’ in which crime news will be reported. Furthermore, as Surette (2015, p. 18) asserts, “the better an event fits with established themes; the more likely it is to be selected”. Similarly, the more an event fits with other crimes the more likely it is to be selected in order to support the gravity and frequency of such events. This process moves the crime from the atypical to the typical.

Simplification, as Jewkes (2015) describes, is a process whereby news editors are constrained by column inches and so elect to describe events through specific and unambiguous terms. This process removes the context of the crime, thus producing what Sherizen (1978) describes as a readership rich with information but poor on knowledge. This process ultimately produces a story that is either black or white rendering a critical reading impossible.

Jewkes herself posits that crime news frequently allocates descriptions of dangerousness to groups (e.g. 'errant youth', the mentally disordered, etc.) for ease of description, brevity and maximum impact. Techniques of reducing crime news into simple themes are common, with selective, sensational and pugnacious terminology applied in order to encourage an uncritical reading of the events. The *Daily Mirror's* headline describing the murder of Lynne and Megan Russell by Michael Stone on 12th July 1996 does just this: "Picture of Happiness Shattered by Crazy Maniac". Such headlines represent not only sensational and emotive language, but also language that speaks to public fears and anxieties, is colloquial and derogatory and bolsters suspicion of individuals and groups.

Individualism describes how crime stories resemble narratives shaped by an individualistic framework; both on the part of potential victims and the individualism of the offender. This news value speaks directly to the nature and character of crime news that represents the mentally disordered offender. In many cases the public are cast as vulnerable to unmotivated attacks by irrational, and as Jewkes (2015) describes, pathologically deviant offenders. Jewkes (2015) explains that crime news is mediated in such a way to marginalise the political or social angle, and to favour a sculpting of news that represents risk to individuals by 'risky' people. Doing so alleviates the burden on the reader to wrangle with the complexities of external influences; rather it encourages us to concentrate on our own vulnerability (also see Smolej &

Kivivuori, 2006) and to look for the root of deviance in an aggressor's own pathology.

Jewkes' (2015) observation of *risk* as a particular news value is connected to values of *simplification* and *individualism*. *Risk* is a mainstay of crime news. Conveying narratives of a public 'at risk' of crime, and a concern over the availability of appropriate safeguards is a theme construed within crime news. The nature and character of the crimes perpetrated by residents of high security services past and present are atypical. As Jewkes (2015) astutely reminds us, serious and sexual violence is more often than not perpetrated by a person known to the victim. However, the reason that the Ashworth, Broadmoor or Rampton patient provides such a significant source of interest is that the offences committed by some of the more infamous patients were in fact randomised, mass casualty, committed against strangers, or directed at some of the most vulnerable groups in society and challenges such empirically-informed arguments (see for example London nail bomber David Copeland, child murders John Straffen and Ian Brady, murderer of 13 women Peter Sutcliffe, the murder of 7 pensioners by Kenneth Erskine and the randomised murder of model Rachel Nickell by Robert Napper).

Sex is a defining feature guiding the news agenda and decisions over the newsworthiness of a story (Greer, 2012). Whether it is in relation to the constructed vulnerability of the public from preying sexual predators, or the sexualities of those who are the focus of the crime story, *sex* as Jewkes (2015)

considers is one of the “most salient news values” (p. 48). Mentally ill Justine Cummings was convicted of the manslaughter of her boyfriend in the late 1990s, a son of a Bishop, by what was described by the media as a “sado-masochistic game with his occult-loving fiancé, Justine Cummings, went wrong” (Howard, 2006). Stranger violence against women is also reinforced through the resurrecting of past cases to describe present phenomenon. The murder of 13 women by Peter Sutcliffe in Yorkshire in the 1970s and 1980 is frequently revived to add vitality to news reporting (see for example murder of three women in Bradford in 2010 by Stephen Griffiths).

The appetite for crime news to represent stories connected to ‘celebrity’ criminals is ferocious. *Celebrity or high status persons* and the creation of what Jewkes (2015) describes as ‘personalities’ are in abundance within the walls of high security hospitals. As Jewkes (2015) points towards, preoccupation with some offenders, and a perennial interest occurs “because the mass media take a moral stance on public distaste and revulsion towards their crimes” (p. 50). Jewkes (2015) goes on to describe how specific offenders (and in particular Jewkes draws attention towards offenders who are offender-patients) such as Peter Sutcliffe, Ronald Kray and Ian Brady occupy a symbolic space in the public’s consciousness because of the macabre crimes they have committed.

Jewkes (2015) describes the importance of *proximity* in her analysis of news values. Particular events achieve greater or lesser news media attention due to the perceived spatial or cultural proximity (see also, Weitzer & Kubrin, 2004).

Whilst spatial proximity comes to mean distance or physical immediacy, cultural proximity in news values is more involved insofar the importance given to an event is contingent on how the story will 'connect' with an audience. Jewkes (2015) describes in her example of differing attention paid to stories of missing children, that it was more common to see longevity and commitment by news media to missing person's searches for those who were attractive, middle class and female. Not only do we see a preference of media editors to accentuate stories of randomised violence by the mentally ill, but also that their victims are 'ideal' (see also, Christie, 1986) insofar that efforts are made to dedicate more column inches, and to continually return to specific cases, whereby the victim is fitting with a particular identity assessed as achieving cultural proximity with the audience (for example, Johnathan Zito, a newly married, White, middle class musician murdered by a Black paranoid schizophrenic Christopher Clunis, Rachel Nickell, a 24 year old model who was stabbed to death by Robert Napper on Wimbledon Common in front of her young son).

Omnipresent descriptions of *violence*, as Jewkes (2015) and Vasterman (2005) assert, are a mainstay of journalism. Shock value and an increasing wish to provide more heinous or extraordinary representations of violence in such a way that aims to seduce audiences are common constituents of the news agenda (see also, Hall et al., 1978; Innes, 2003). The mentally disordered offender as characterised by a concentration on particular archetypes (such as the violent and remorseless psychopath) fulfils such agendas. Cases such as

that of Sarah Beynon, who was detained in Broadmoor in 2010 for the manslaughter of her father resonate, and exist as examples that are favourably used to shock and illustrate examples of crime beyond traditional thresholds of 'mundane' violence. Beynon, who murdered her father by repeatedly striking him with his own hammer at their family home, quintessentially represents a case of importance for news editors due to the mechanism of the violence and the familial context. Indeed this case reached the national broadsheet with the *Times* (1996, May 25th) reporting the headline "Ecstasy 'triggered' woman to bludgeon father to death". Whilst most types of crime journalism include *violence* as a pivotal feature, the more violent or extraordinary, the likelihood of repeat or continued reportage and broader coverage increases. In this context descriptions of *violence* may be accompanied by *graphic imagery* or the creation of *spectacle*. This does not have to necessarily be grotesque images of victims, but rather footage or imagery can be long lasting in the public imagination. A primary example of this may be the police photograph of Ian Brady taken in the 1960s. The familiarity that the public have with such an image (and those of other offender patients such as Peter Sutcliffe) is perhaps unparalleled by other cases. Such familiarity comes from not only a re-communicating of the abhorrent nature of the index offences in textual or audio forms, but also the routine use of images to accompany them. There is interdependence on description and imagery, both reinforcing one another.

An increase in the newsworthiness of a story is undeniably influenced when *children* are involved as victims or as perpetrators (Jewkes, 2015). With regard to the former, this is dependent on a number of factors including, as Greer (2007) contends, demographic characteristics such as class, gender and/or race. These characteristics determine whether the attribution of ideal or legitimate victim status is conferred on the child. Greer cites the cases of the missing 10 year old schoolgirls Holly Wells and Jessica Chapman from Soham, UK which received extensive media coverage with that of two boys of similar age, Patrick Warren and David Spencer, who went missing from their homes, which only received local coverage. He concludes that in part this was due to aspects of the background of the victims; Holly and Jessica were from stable middle class families while Patrick and David were from working class families residing on a council housing estate. The latter is evident in the case of Graham Young, who was sent to Broadmoor aged 14 years old in the early 1960s for the poisoning of family members and work colleagues continues to be a source of crime news and anchor, with comparisons made to contemporary cases such as that of a 16 year old Japanese girl who allegedly poisoned her mother with thallium. Children as perpetrators of crime, particularly serious violent crime are viewed as exceptionally newsworthy. Thus, stories that feature children as either victims and/or perpetrators are particularly likely to be featured so prominently that they become long running stories with a familiar cast of characters. Similarly, the victimisation of children by adults is also a mainstay of crime news. From what the public are led to believe of the demographics of high security hospitals patients',

many detainees past and present have perpetrated violent or sexual crimes against children. Where a violent adult offender is exploiting a child's vulnerability, such examples provide a strong case for inclusion in news agendas by way of the confronting of audiences with illustrations of events that oppose dominant moral values of a society (see also, Peelo, 2006; Wardle, 2007; Marsh & Melville, 2014). The public are reminded through the routine reporting of child murderer Ian Brady, the historical cases such as those of John Straffen that reoccur through the 'true-crime' genre, but also the official accounts picked up by media agencies describing concerns over the liberality in the regimes of High Security hospitals whereby children were free to visit areas of Ashworth hospital (see Fallon Inquiry, 1999).

Jewkes' (2015) final news value, *conservative ideology*, describes how crime news will be appealing to news editors where the nature of the story has the propensity to challenge the 'British way of life'. The destabilising effects of actions or events that exist in opposition to the moral fibre of societies allows news media the opportunities to restate and propagate what Jewkes (2015, p. 59) describes as a "nostalgic" view of British society. Calls for, and the encouragement for support for, tougher law and order policies may well be observable at times where atypical cases are cast as commonplace occurrences. Calls to re-open the Victorian asylums in the wake of the so-called crisis over community care and highly publicised patient-perpetrated homicides during the 1980s and 1990s was evidence of the media mobilising efforts to pressurise politicians into illiberal mental health policy (see Hallam,

2002). Political allegiances of news agencies cannot be ignored, and serve to influence the style, tenor and tone of coverage also.

Discussion

The mentally disordered have long been a mainstay focus of media agencies. Indeed, the synthesis of mental disorder and criminality has been a particularly popular and lucrative area of news gaining high levels of audience engagement. The mentally disordered offender has provided the basis for many a feature film, documentary and news story, often counselling the audience with the imagery of violence, remorselessness, cunning and the monstrous (Wahl, 2003; Huang & Priebe, 2003). Such representations contribute to the social and discursive construction of the mentally disordered offender as the 'dangerous' offender. Yet as Laiani and London (2006) assert, these social and discursive constructions are generally incorrect with numerous studies (Cutcliffe & Hannigan, 2001; Walsh & Fahy, 2002; van Dorn, et al., 2012) demonstrating that violent behaviour among individuals with mental illness is low.

This constructed identity of the dangerous offender is not benign or static, rather is one that evolves in opposition to the dominant sensibilities of society; a binary of rational, law abiding society. Constructions of the mentally disordered offender, and the 'dangerous' offender are limitless in their character and nature; rather only constrained by the dynamic forces of psychiatric knowledge, criminal legislature and policy, and the resultant

social opinions and judgments. It is perhaps for these reasons why so much public interest, curiosity and intrigue exists around a group whose social deviance is positioned as two-fold - both criminal and psychological.

Given the social positioning of the mentally disordered offender, significant challenges present themselves in terms of their detention and management. The secure estate, and the practitioners working within them are tasked with the formidable plurality of delivering care within an explicit remit of control, together with the maintenance of confidentiality, dignity and respect for those who may have committed some of society's most serious or heinous crimes. The maintenance of confidentiality and recognition of the vulnerabilities of the mental state of those sentenced by courts and sent to secure psychiatric environments is perhaps one of the reasons why public and media intrigue persists together with the indeterminate and historically lengthy nature of detention. The media portrayal of inhabitants of high secure hospitals is often bogus and fabricated for reasons of scant information being available. Indeed, even information about some of the most infamous residents of high security hospitals in the UK are at best fictive.

Demand then is placed on information pertaining to the lives of those patients encircled by the high walls and perimeter fences of sites such as Ashworth, Rampton and Broadmoor. Only recently have hospital authorities let media agencies through the gates with filming equipment (BBC, 2013; ITV, 2014). Negotiating access has been time consuming due to matters of confidentiality,

consent and risk assessment with the most recent documentary requiring five years of talks between clinical directors and documentary makers. Official reports (for example, Blom-Cooper into complaints of mistreatment in Ashworth Hospital in 1992 and the Fallon Inquiry in 1999) legislative processes (for example, Tribunal of patient Ian Brady in 2013-2014) and political oratory have also been a source of insight and were/are reported widely by the popular news media. However, what are often missing are the salacious descriptions of day-to-day life for patients 'inside', the conditions of their detention, what motivated them to commit such crimes, and the presence or absence of remorse. One such text provided just this, *The Gates of Janus* authored by Ashworth hospital patient Ian Brady, however the concerns of health officials resulted in a temporary injunction of sales in Britain following its publication in 2001.

Primary sources of detail and description of patients residing in conditions of high security are scarce and therefore highly valued by some news media agencies. The propagation of stories that perpetuate and scaffold the already established monstrous archetypes deliver on many fronts, not least in the popularity of particular news agencies or publications and the continued reciprocity of news media delivering what societal values (and its appetite) demand (Mason & Mercer, 1999). If accounts of the mentally disordered offender are either official, sanctioned/censored or quashed, then what measures are adopted to maintain the frequent insights and stirring detail that present in tabloid and broadsheet formats? The 'leaking' of information

to journalists and news media agencies about those detained by the State is nothing new. This passing of information continues in spite of the PCC *Editor's Code of Practice* (latest version 2011) which has a specific clause to protect against intrusions from journalists or the taking of photographs. Moreover, the PCC has provided information in its reports detailing patients in high security environments. The 1994 PCC report contained explicit guidance to journalists that many patients residing in hospitals such as Rampton, Ashworth and Broadmoor are different from convicted criminals and have been detained for *treatment* under the Mental Health Act. The report continues to describe the status of detainees as 'patients' and not 'prisoners' (PCC, 1994, p. 5) thus leaving readers with little doubt about the potential vulnerabilities of those housed in clinical environments of high security and yet as is seen, media intrusions persist. Problems appear to exist for reasons that are threefold: that the high security hospital patient is a source of media interest; secondly, that some journalists operate in a culture whereby unethical practices may be common or are customary; and thirdly that the manner in which media agencies regulate their own practices is not always robust. However, the future of news media behaviours and their impact on those who are targeted may be about to change. A Royal Charter in 2013 created Press Recognition Panel to independently audit press self-regulators, coupled with widespread public interest in the practices of news media agencies following the Leveson Inquiry (2012) into culture, practice and ethics of the press has the potential to sculpt a new culture in the construction of crime news.

Conclusions

Healthcare and allied professionals have a professional and legal duty to owe service users in their care confidentiality. Whilst those who have been successfully prosecuted have perhaps attempted to justify their actions through a belief that it is in the public interest to disclose service user information, their actions fall outside of official whistleblowing policies. The task of caring for those who have committed heinous crimes is not easy. Personal or inner conflicts may arise, however systems of continuous supervision, peer support, training or debriefing can help. Workers must also remain acutely aware that the information that they are custodians of is highly desirable by others. The analysis above has pointed to the history of, and potential for, incentivised methods of information retrieval by the press.

High security hospital environments are an aggregation of news values and potential newsworthiness, and therefore surveillance by the press is highly likely to continue. Whilst there appears to be a robust ethical and professional framework for healthcare and allied workers, the regulation of press behaviour is less exacting. The cases highlighted here represent a challenge for both healthcare governance and press standards. On the one hand health officials must ensure that they provide clear indications to their staff of their responsibilities for the maintenance of confidentiality that is context specific. Similarly those involved in assessing, monitoring or implementing governance in press standards must be attuned to providing information that

is sufficiently clear in articulating the reasons why confidentiality must be maintained.

Limitations and further study

Matters of unscrupulous behaviour and bribery perpetrated by public officials are not matters that simply reside in this particular disciplinary area of healthcare. Criminal justice, border control, military, government, civil service, education and clergy are all likely areas where such offences and breaches of conduct and trust may occur. Accounting for the context in which these breaches occur is fundamental to an informed response to prohibit them, and indeed such insights are warranted now and into the future. Moreover, difficulties can be encountered in determining the extent of particular acts of misconduct in public office as publically available records fail to illustrate sufficient detail. Alternative methodologies to accumulate accurate insight into cases dealt with locally or where prosecutions have been sought is a priority for this area, as well as an ability to make comparisons across the healthcare sector and other public institutions, something which the authors aim to achieve in the future.

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