

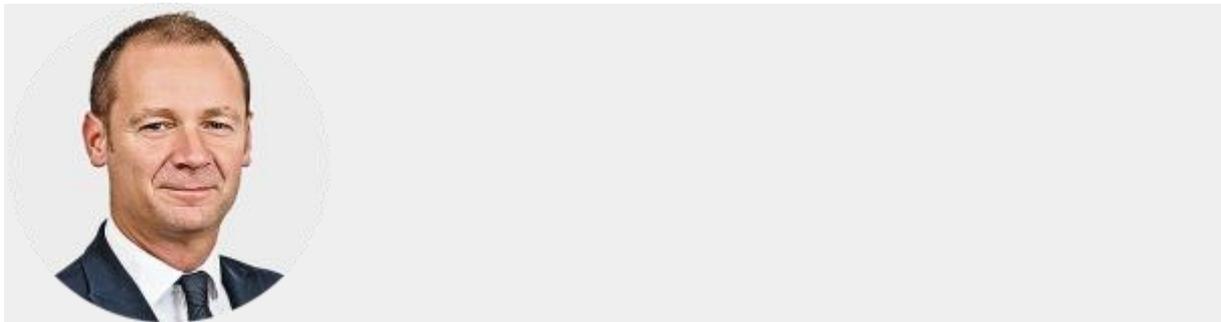
THE TIMES

March 14 2019, 12:01am, the times

Sexual offence suspects deserve anonymity

Suspects are blighted by years under investigation. Their names should be kept secret until they are charged

Paul Morris



Early publication of a suspect's name in an investigation into a sexual offence can have devastating consequences.

While the guarantee of lifelong anonymity for complainants, regardless of the outcome of any police investigation, is enshrined in law, no equivalent protection exists for suspects. A string of recent high-profile investigations – and the announcement earlier this week that Sir Cliff Richard has backed the organisation Falsely Accused Individuals for Reform – highlight the need for action.

The concept of extending anonymity to protect the identity of those suspected of sexual offences is not new. The Sexual Offences (Amendment) Act 1976 enshrined it, only to be repealed in 1988.

Since then, anonymity of suspects has been the subject of much debate. Guidance issued by the College of Policing in 2017 states that “police will not name those arrested or suspected of crime save in the most exceptional circumstances where there is a legitimate purpose to do so”. The guidance came after the Leveson report, which identified that “it should be made abundantly clear that save in exceptional and clearly identified circumstances, the names or identifying details of those who are arrested or suspected of a crime should not be released to the press nor the public”.

In reality, this guidance has had no tangible effect on the naming of suspects pre-charge. It is often routine for suspects to be named by the police and in the media long before it is established whether there is any realistic prospect that they will be charged.

While the guarantee of anonymity to complainants has occasionally been questioned, it is now widely accepted. The time has come for a balance to be struck. There is a unique stigma that attaches to allegations of sexual offences. Those accused often face catastrophic consequences in terms of damage to their reputations and ability to work or study. Investigations regularly take many months, and sometimes years, before a decision is taken on whether to prosecute. For most, the damage is indelible.

There is considerable merit in introducing statutory backing for the prevention of publishing the identity of a suspect until they have been charged. Aside from the fact that an identity can be published on charge, provision could be made for anonymity to be lifted by a crown court judge if identification of the suspect might lead to other complainants coming forward, for example.

Strong arguments exist that these statutory measures should not just be confined to suspects facing sexual allegations. The recent Gatwick drone investigation provided compelling evidence for a more general statutory backing for suspect anonymity. And few will have forgotten the case of Christopher Jefferies, whose life was blighted when he was wrongly implicated in the murder of Joanna Yeates.

The public interest argument in favour of the publication of the names of suspects before it is even established that credible evidence exists against them is surely outweighed by the duty not to stigmatise innocent individuals in the name of transparency.

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