

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

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## Worth Thinking About

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They are light, undetectable, easy to use and affordable. They are hidden cameras, and they have begun to make their way into newsrooms that once only dreamed of having such a tool. With this influx, hidden cameras are being used by many reporters and producers, some of whom have little understanding of the power, nuance and impact of such a tool. Though heavy story loads and schedules sometimes make it difficult, the decision to use a hidden camera should be carefully examined--not just once, but with every story.

Because each state has specific laws on the topic, each station may have its own guidelines. But guidelines can't cover every situation or answer every question. This essay describes some issues I try to examine before, during and after each story. My intention is not to provide rigid requirements but rather to share the questions I try to ask myself.

### Why Use a Hidden Camera?

I try to discuss each story's hidden camera issues with my managers as well as the station's attorney. Does a station guideline apply in this case? If it does and I need an exception to it, is the reason strong enough to justify an exception? How will the justification sound to a civil or criminal jury? Are there any legal issues? For instance, in our two-party consent state of Washington, the mere act of *recording* private conversations without both parties' consent is illegal. So it's important to know the legal ground on which you stand.

Related to the consent issue is the need to think over any cover story to be used with the hidden camera. If we do use a cover, the

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viewers need to know what it is so that they can decide whether they can trust what I have to say. I try to keep cover stories simple. Complicated scenarios are easy to trip over, and each degree of deception lessens our credibility.

### **Expectations**

Before proceeding, have a clear understanding of what may be uncovered with the hidden camera and whether it's likely to be there. Fishing expeditions are a waste of time, resources and money. Doing your homework improves the chance that you will expose the wrongdoing while being fair.

On the technical front, make sure that everything is working correctly and that the camera operator understands how the equipment works. I can't count the times I've rushed back to the station to view the "money shot," only to find that the camera was pointed at the floor--or not working at all!

### **Role**

What role does the hidden camera video play in the story? Decisions here can be subjective. Some journalists may believe its role is legitimate; others may not. Each situation is unique.

Does the hidden camera video have real value? Several years ago, I used some hidden camera video of the inside of a store. Although the video revealed nothing, it covered holes in the broadcast and was visually more interesting than exterior shots. It didn't harm anyone, but today I would probably not use it. Generally speaking, if the video has little intrinsic value, it probably should not be shown.

Is the camera's role to share the investigative process with viewers? In one consumer investigation, we tested how often we were actually given decaf coffee when it was ordered. The hidden camera helped establish for our viewers that the woman we had ordering the coffee was pregnant and that she specifically wanted decaf because of her



condition. Despite her request, two out of five servers gave us regular coffee. This videotape removed any doubt from the viewers' minds that we handled the story fairly. For me, this was a legitimate use in that it supported the story, but it was not what I would bill as a "hidden camera" investigation.

Will the hidden camera play a supporting role by backing up documents, research or other findings? A good example is the KCBS investigation of how the Los Angeles County Health Department put public health at risk by dropping the ball when it came to restaurant inspections. KCBS went undercover in restaurants and captured compelling, disgusting video of workers ignoring basic sanitation rules. On the surface, this video might appear to be the star attraction. In reality, it was the icing on the cake. KCBS had worked for months examining records and analyzing the county's inspection database to expose the problem. This extensive research led them to chronic offenders. By itself that work would have made an excellent story, but the video helped push it over the top, providing lasting images of the report.

Does the hidden camera video play the central role in the story? Does it show the 911 dispatcher asleep at the switchboard? The cop making illegal traffic stops? The politician taking the payoff? My favorite hidden camera story is an investigation I did at KNXV in Phoenix. It involved a telemarketing group whose callers pretended to be mentally retarded on the phone. A hidden camera captured them speaking in both their "phone" and normal voices. The deception was in the delivery, which the hidden cameras captured, and the story helped secure successful prosecution.

[Later, an official with the State Attorney General's office told me that the hidden camera made the difference because the group's pitch looked legitimate on paper.]

### **Impact on Subjects**

Hidden camera visuals are powerful images that most of our viewers equate with wrongful activity. Some viewers assume that *anyone* captured on hidden camera must be doing something wrong, even if they're not. Consider leaving out (or masking) anyone who doesn't need to be in the video.

Reporters also need to consider the impact on the subjects--even the bad guys--captured by hidden camera. Although we may not sympathize with those directly responsible, we should be concerned about the people at the periphery, such as a store clerk who didn't make the fraudulent policy but carries it out in his job. Although the boss may ultimately be held accountable, viewers will remember the clerk who is captured on the hidden camera.

### **Impact on the Public**

The impact on the public has become an important area that the media ignore at their own peril. Public trust in the media is low. If we do things simply because they are legal, without enough respect for the public's sensibilities, we deserve the loss of trust. I'm not suggesting that we back away from stories because the subject matter may offend. But the public's anger should be at what our report discovered, not at how we obtained the information.

Consider carefully how the hidden camera video will be perceived. For instance, how would the public feel if you took a hidden camera into a private home to get a story? Such a step would be offensive to most people; if you do it, you should have a good reason. If you were exposing some horrible abuse of children, you might be able to argue that the severity of the problem warranted the hidden camera. But what if the story was about illegal cable TV descramblers? Public anger over your tactics would be overwhelming.

We must respect our viewers by making clear to them what we are doing and why. If we do not, our methods will overwhelm the



story, and viewers will only remember our tactics. For those reporters or managers who may think the short-term ratings gain is worth the firestorm, consider this angle: Angry viewers make angry constituents for politicians itching for a hot issue. An irresponsible hidden camera investigation can provide plenty of incentive to turn your one-party consent state into a two-party state. Public anger and political action may not be exactly the impact you were hoping for.

### **Aftermath**

After the story airs, try to go back and take a critical look at all the techniques used in the story, including the writing, video, graphics, sound, editing, promotion and use of the hidden camera. Was it as clear as it should have been? Could more powerful video have been found another way? Was it fair?

Discussions of hidden cameras are rarely black and white. Just when we think we have it figured out, along comes a new situation that makes us re-examine our values. This discussion should never end. It reminds us that each story and each subject deserves our full and thoughtful consideration.

Our public expects nothing less.

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