



The Consequences of Publishing Leaked Photos

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At first glance, the Manchester bombing photos don't reveal much. The tattered remains of a blue Karrimor backpack, spattered with blood. Charred fragments of a Yuasa 12-volt battery. A silver cylinder that may have been the detonator.

To The New York Times, which published the eight leaked photos on May 24, the images are news, and a rare glimpse into the mind and methods of a terrorist. "The judgement is that there is a public benefit to telling people how terrorists work," said executive editor Dean Baquet, "including the makeup of their bombs, the kinds of packs they carry."

But to British authorities, those photos are evidence, and publishing them jeopardizes their investigation into the May 22 bombing at Manchester Arena. The Times published the photos less than 48 hours after the attack killed 22 people. The Guardian, NBC News, and others soon followed suit. The leak angered British Prime Minister Theresa May, who blamed US officials for the disclosure and promised to "make clear to President Trump that intelligence that is shared between our law enforcement agencies must remain secure."

So just how much can anyone learn from these eight images? A lot, actually. The photos may look innocuous to the untrained eye, but experts on such things say they can tip off terrorists to what investigators know—or don't know. And they can jeopardize the prosecution's case against any collaborators of bomber Salman Albedi.

"That's what the Brits were mad about," says David Gomez, a senior fellow at the George Washington Center for Cyber and Homeland Security and a former FBI agent. "It alerted the other people involved in this plot—assuming it was a network and that there are other cell members out there—'Hey, not everything was destroyed and they may be able to track it back to you using just a photograph.'"

Photography has played a vital role in criminal investigations since at least 1859, when the US Supreme Court considered photographic evidence for the first time. Eight years later, police in

Lausanne, France became the first to photograph a crime scene. Early 20th century criminologists like Alphonse Bertillon and Rodolphe A. Reiss established basic documentary standards, like taking wide shots of the crime scene and close-up photographs of things like fingerprints, blood, and bullet casings. Today, police meticulously document crime scenes to help investigators as the case unfolds and so jurors can see things for themselves.

Sometimes investigators intentionally release photos, hoping it might prompt a witness to come forward, provide new leads, or serve some other end. But leaks are a different matter. “Any kind of leak impedes an investigator’s ability to control the investigation,” says Mike German, a fellow with the Brennan Center for Justice’s Liberty and National Security Program and former FBI agent. “I can understand why any investigator would be upset to see their information on the front page of the paper.”

Experts say releasing the Manchester photos poses several problems. Investigators will painstakingly analyze bomb components to determine where they came from, and attempt to trace them to a point of sale. That’s how the FBI nabbed Kevin William Harpham, who was convicted of an attempted bombing in Spokane, Washington, in 2011. Disseminating the photos tip off any co-conspirators, giving them the opportunity to flee, destroy any evidence, or change their tactics going forward. “It helps ISIS to understand what was left at the scene, and what kind of device they would want to construct in the future to make it more difficult for investigators to piece things together,” says Patrick Eddington, a Cato policy analyst in homeland security and former CIA military imagery analyst.

Publishing such photos could also hinder the prosecution of any collaborators. Police documenting the scene in the hours after a crime cannot know exactly what is evidence and what is not, so they photograph everything. “Early in the investigation you don’t know what’s relevant and what isn’t,” German says. “Publishing information that suggests a switch depicted in a photograph was part of the explosive device, if it turns out it wasn’t and was actually just a keychain used by a victim, that gives defense attorneys room to argue in a later investigation that the police didn’t know what they were doing and are characterizing things that weren’t true.”

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Looking beyond the Manchester bombing, the leak could jeopardize US relationships with intelligence agencies in other countries. British authorities blame their US counterparts for the leak, which follows President Trump’s disclosure of codeword-level intelligence to the Russian foreign minister. “If the UK is learning things that would generally be helpful, and they’re holding back because they don’t think they can trust us,” Eddington says, “that’s the maximum damage that can come from this whole episode.”

The Times’ decision to publish the photos generated hundreds of angry letters to the editor. Liz Spayd, the paper’s public editor, said editors “most likely” discussed the implications of publishing the images, and “if government officials believe information could jeopardize crime

or intelligence operations, the onus is on them to make their case.” Without knowing if such a discussion occurred, Spayd said, she supports the decision. “The photographs and story are unquestionably compelling and provide insight into an event of crucial public interest,” she wrote.

Indira Lakshmanan, the Newmark Chair in Journalism Ethics at Poynter, agreed. “Officials and authorities are often going to pressure journalists by saying please don’t publish that for one reason or another,” she says. “It’s up to journalists, in conjunction with their editors, on a daily basis to evaluate those appeals and determine if the appeal is being made simply because something would be uncomfortable or inconvenient or embarrassing for it to come out, or whether the actions would impede an ongoing investigation.”

Few people could reasonably deny the photos aren’t newsworthy, or argue that they don’t provide clues to those who know what to look for. Whether publishing them will impede the investigation is another question, one that only time will answer.