

2018-53: Shaw vs Sudbury Star

October 25, 2018

The National NewsMedia Council has dismissed a complaint about using information from a paid obituary in a related news story.

The complainant, Spenser Shaw, objected to a September 19 2018 article in the Sudbury Star about a shooting and the death of a man in a quiet residential neighbourhood. The complainant was specifically upset that the news story used information that was provided for a paid obituary in the paper, and alleged that the use of the information re-victimized people who should rightly be considered sensitive subjects and victims.

The Sudbury Star responded with an expression of sympathy to the complainant, and an explanation of the newsworthiness of the story in question. The editor included notes from the journalist that explained how he sourced the information for the story, and a copy of his own earlier correspondence with the complainant.

The complainant said the story breached the ethics of sensitivity given the nature of the events, and that it publicized “intimate details” from the obituary to sensationalize the story.

Through email the managing editor offered condolences for the tragedy, and the journalist stated that he used information from the obituary to cross reference information obtained from neighbours and to further describe the person at the centre of the story. The news organization admitted the personal nature of the story but noted the intention of such stories is to shed light on the people involved.

The NNC found that while the news article named individuals and family relationships, the details released did not fall within a reasonable definition of “intimate” information. The article was a straightforward telling of an unusual event that involved a person described as a typically pleasant neighbour. Though Council understands the family may not wish any level of publicity, it found no support for the allegation that the story was sensationalized.

The complainant said the family’s safety was jeopardized by the reporting and the family was terrified about who would, because of publicity, be at the funeral. The news organization gave assurance in an email on the same day as the article appeared that the media would not attend the funeral.

Based on the information submitted, Council found no indication that safety was jeopardized and, given the news organization’s statement, no basis for fear about attendance at the funeral.

The complainant said using information from the paid obituary was a disservice to those affected and to the sensitivity of police, who had yet to release details to the family.

The news organization responded by stating that the bulk of the information in the article was obtained by seeking out and talking to neighbours, and that the obituary was used to cross-reference information.

Council noted that while it is the job of journalism to seek information, the police are not – and should not be - the sole source of information. In this case, Council found the journalist adhered to best practice by speaking with witnesses and confirming the information with a reliable source through the funeral notice issued by the family. The information was used to convey the facts and a sense of the person at the centre of the story, both of which are standard journalistic practice.

The complainant denied the article in question was a news story, and argued it neither shed light on the matter nor offered solutions by way of contacts for victim services or mental health.

The news organization countered by stating that shootings are very public, and that the public has a right to know what happened and why. It noted that in this case the shooting endangered a family and neighbours, and that police expended significant resources in the incident.

Council found this story to be newsworthy in that it was about an unusual happening. The article did not solve the matter, but told what was known and what was still unknown. However, best practice in stories involving victims and mental health issues is to include contact information for victims' services or mental health services, and we recommend the news organization do so in future instances.

The complainant said the story was falsified, and that if the subject of this story had lived there would have been a publication ban for safety of the family. No evidence was offered to indicate falsified or inaccurate statements in the story. Publication bans are on the order of the court, and in the absence of information whether that would have been the case, Council declined to comment on this statement.

On reviewing this complaint, the responses from the news media organization, the rebuttal and the amended article, Council declined to comment on the manner of sharing obituary information among different parties, including news organizations. That said, Council found that in putting information in a paid obituary for public readership, the information was clearly intended for circulation in the public realm and was thus available for public use.

The news organization subsequently removed the photo and information obtained from the obituary from the online version of the article, and removed the story from the front page of the website. We found this to be a compassionate response to the family's sensitivity, and find the response took greater than necessary steps by amending the story in the manner described.

It is Council's view that the information cited in the article was in the public realm and properly attributed, and that the journalist followed best practice in confirming information from witnesses with a second reliable source. Council found this to be a newsworthy story that was told in a straightforward and responsible manner, and for these reasons found no breach of journalistic standards and dismissed the complaint.