

2019-07: A. B. vs Soo Today

*February 20 – For Immediate Release*

The National NewsMedia Council has considered and upheld two complaints about reporting on sexual assault in a December 18 2018 news article published in Soo Today.

The article focused on the sentencing of two men who were convicted of sexually assaulting a minor. Relying on information from the judge's sentencing decision, the article described the sexual assault in detail and reported other facts surrounding the incident, including the location of the assault, the age of the victim, references to the victim's intoxication at the time of the assault, and the victim's mental state in the months following the assault.

The news article warned readers of the graphic descriptions in the story with an editor's note at the top of the page. It also prohibited online comments.

Where there are multiple, similar complaints about an article, the NNC selects one complaint as representative of the issues. In this case, the first complaint was selected as it reflected the issues cited in the other complaint and prevented further identification of the victim. The complainant's full name is known to the NNC. Representational initials are used in order to protect the identity of the minor in the news article.

The complainant stated her concern that the level of graphic detail used to describe the sexual assault invaded the privacy of a minor, revealed unnecessary and humiliating information to the wider community, and caused further trauma to the victim. The complainant also expressed concern that the detailed reporting could deter victims from coming forward in the future.

The news organization responded by stating that it recognizes the horrific nature of the crime and therefore provided a warning to readers at the top of the article. While the news organization acknowledged the trauma suffered by victims in sexual assault cases, it stated that its intention behind including such graphic details was to highlight the seriousness of the crimes.

The news organization also cited the fact that the story was based entirely on a written sentencing decision issued by the judge in the case and that the decision itself was publicly available online.

The NNC does not prescribe what details the news media should report. It also recognizes the important role that journalism plays in shedding light on issues such as sexual assault and that context is important when reporting on news stories.

Furthermore, the NNC acknowledges that providing a warning at the beginning of an article is accepted practice in cases where the details are disturbing or graphic in nature. It also acknowledges that the news organization's decision to disable comments on stories involving court decisions is good practice.

That said, several considerations must be given in this case to evaluate whether the graphic details were gratuitous in nature or volume to the point of breaching journalistic standards. The review of this complaint is informed by standards surrounding community values, publication bans, and the stated focus of the piece, considering the distinction between accuracy and relevance.

Standard practice involving publication bans calls for journalists to not only refrain from naming individuals protected by the bans but also refrain from reporting details that may identify the individual. Although the news article did not name the victim, it did provide a number of identifying details, including the date and location of the assault, the age of the victim, and the event that the victim attended prior to the attack.

In the context of local and community reporting, even seemingly innocuous details can identify a victim. Careful editorial discretion is required in weighing the decision to publish against the impact that such details may have on an individual in a local community. For this reason, the NNC found that proper care was not taken to prevent identification of the individual in a local community.

Even in cases where information is publicly available, editorial discretion calls for journalists to evaluate which details in the public record are relevant to the story. Similarly, when reporting on sensitive issues, journalists must balance the public's right to know with the potential harm that a news story may inflict on its subject and the community.

Particularly in cases involving children and minors, journalistic standards call for a further level of sensitivity when reporting facts.

In this case, the severity of the assault was clearly and effectively underscored by the judge's sentencing decision as reported in the piece. However, the article explicitly detailed the assault on five occasions. The article also referenced the victim's level of intoxication on five occasions, three of which were mentioned in the first two paragraphs.

Journalistic guidelines caution journalists against reporting details such as race, religion, background, or other personal facts unless they are pertinent to the story as they can risk prejudicing readers to the conduct of an individual or group. In a sexual assault case, including details such as the victim's level of intoxication is considered to pose a similarly detrimental risk and lead readers to misconstrue the facts.

The details described in the article are publicly available and their accuracy is not in question. However, the graphic nature and volume of details tend to overshadow the sentencing of the two men who were convicted of the crime. The details of the reporting also further victimize an individual who may be easily identifiable in a local community.

These factors taken together underscore the importance of exercising discretion when reporting on this type of case. In this case, the article should not have identified the location of the assault nor the event the victim attended. Multiple references to intoxication were a breach of best practice on reporting on sexual assault, as was the graphic description of the assault itself, which was well described by the judge. For these reasons, the NNC upholds the complaint about reporting on sensitive issues.