

2019-03 Brohman-Way/Gingerich vs Waterloo Region Record
March 1, 2019 - *For immediate release*

The National NewsMedia Council has upheld one portion and dismissed a second portion of a complaint about a story, published online and in the December 21, 2018 edition of the Waterloo Region Record under the headline: 'Police chief confident arrests will be made in unsolved murders'.

The article reviewed two murder cases outstanding at the end of the year. Complainants alleged that the story contained irrelevant detail surrounding the criminal history of the victim of one of those unsolved murders, and that the news organization lacked transparency in approaching the mother of the deceased for an interview.

In all, the NNC received six highly similar complaints about this article. In keeping with standard practice when there are multiple complainants about the same article, two representative complainants were chosen - Stacey Brohman-Way and Kobe Gingerich.

The news organization responded by stating that the story addressed a topic of public interest by highlighting unsolved homicides in the community. The news organization said the story was intended to remind local law enforcement that the community expects action.

The complaint alleged the level of information about the criminal past of one of the victims was irrelevant and violated privacy. It also alleged the article perpetuated racist stereotypes, but the NNC finds no evidence to support that allegation and declined to comment on that portion of the complaint.

The news organization said it was reasonable to include details of the victim's criminal past and details of his parole hearing to explain why he was at the half-way house where he was killed. It said using parole board and sentencing information gave readers a "balanced" view of the victim. Complainants disagreed; arguing the volume of negative material left a distorted impression.

The news organization's own guide of journalistic standards, the Torstar Journalistic Standards Guide 2018, states: "Conflicts between the public's right to know and individuals' reasonable expectation of privacy are inevitable in the gathering and publishing of news, but common sense, our duty to report in the public interest and some measure of compassion should govern our judgement." Moreover, "those experiencing tragedy or grief should command a special sensitivity." And finally, "editorial staff should show sensitivity when dealing with victims of crime and their families."

We note that news organizations must carefully weigh the relevant facts for public consumption in order to avoid creating unnecessary harm to those impacted by the stories they publish. Council found that while the parole information cast some sympathetic light on the victim, it was outweighed by details that, on the whole, were not relevant. On a reasonable reading, the focus of the article shifted from recounting two unsolved murders to recounting an assault by a person convicted, sentenced, and being re-integrated into society.

As a general principle, Council categorically supports the efforts of news organizations to provide readers with proper context to fully understand why a story is newsworthy. In this case, a parole report is a credible source. However, a brief recap of the victim's conviction for assault, his remorse, sentence and subsequent move to a half-way house would be reasonable information to cite as relevant background in this instance.

The news organization's own standards of practice demand that the people at the heart of news stories – especially those in grief - be treated with sensitivity and humanity. In this case, the news story placed a disproportionate weight on details that portrayed the deceased as a criminal rather than as the victim of a crime, without a clearly articulated and authoritative reason for linking the two.

For these reasons, the NNC has upheld the first part of this complaint.

The second portion of the complaint alleged lack of transparency by the reporter in approaching the deceased's mother for an interview.

The NNC reviewed the correspondence, conducted through social media, between the article's writer and the mother of the deceased. In contacting the mother, the journalist clearly identified herself. Council found no evidence of alleged harassment.

For this reason, the NNC dismissed this portion of the complaint.

As a matter of general information, members of the public should be aware how today's social media accounts are the digital equivalent of a telephone book. Individuals are free to decline requests from journalists for comment, if they so choose, or to adjust their social media privacy settings.