

2021-86 Doherty v Thamesville Herald

December 30, 2021

The National NewsMedia Council has reviewed and dismissed a complaint about an October 8, 2021, image published on the Thamesville Herald's Facebook page.

The image depicted the aftermath of a vehicle collision that had taken place earlier that day. The image showed a tow truck, rescue vehicles that had arrived on scene, and a distant view of a vehicle involved in the crash. It carried the caption, "One believed dead after crash on Baseline," and a brief description of the incident, indicating the road closure.

Karen Doherty filed a complaint with the NNC expressing concern about the sensitive nature of the image. She noted that she was a relative of the deceased and said that the victim was likely still inside the vehicle when the image was taken.

The complainant said that members of the family had not been notified of the death before the image was published. She felt it was inappropriate of the news organization to post the image given its contents, and had requested that it be removed from the page.

The complainant also noted that there were numerous comments on the Facebook page calling for the removal of the image, and took issue with the fact that many comments had apparently been removed or disappeared.

The news organization responded to the complainant's concerns by stating that it had published the image after careful review, determining that there were no identifying markers, such as license plates or company identification, or victims in the photo. It noted that it had reason to believe that no victims were on the scene at the time the photo was taken.

The news organization stated that while it is understandable that a family member would be upset by a photo of an accident involving their loved one, it is common journalistic practice to publish images of accidents and emergency situations.

The news organization noted that the complainant reached out to the newspaper by phone one month after the image was posted, having received no response via Facebook messenger. After connecting with the complainant, the news organization updated the image out of compassion, cropping out the part of the photo showing the deceased individual's vehicle.

The news organization reiterated, however, that it believed it had not erred in publishing the image. It stated that publishing images and stories of tragic accidents was important because coverage of such events may lead to better safety measures in the future.

Despite the explanation from the news organization, the complainant remained concerned with the publication of the original image, stating that it was unnecessary and upsetting, given that the deceased individual was likely still on the scene. The complainant also expressed frustration with the time it took the news organization to respond to the family's concerns.

The news organization agreed that it should have responded to the complainant's concerns earlier. However, it noted that it does not have the capacity to actively monitor social media or respond to all Facebook messages.

The news organization explained that it allows readers to express their opinions about the Herald's published content on its Facebook page and only moderates comments with respect to possible legal concerns. It acknowledged, in this case, that there were more than 100 comments below the Facebook post that called for the image to be removed. It stated that once the updated image was posted, the comments were no longer visible.

Given that the news organization reported it does not actively monitor social media, it indicated that it has removed the option to contact the publication via Facebook messenger, but it continues to display the newspaper's phone number and email address on its Facebook page for individuals who may have concerns about published content.

In evaluating the complaint, the NNC considered the crucial role that local journalism plays in providing its community with important information in an appropriate and timely manner. Such journalism offers community stories, events, and updates that would otherwise be unreported or overlooked.

Widely-accepted practice calls for sensitivity when reporting on and publishing photographs of tragic events, including fatal vehicle collisions. Generally speaking, it is standard practice to ensure that next-of-kin family members of any victims are notified through official channels, not through a news or social media update. News organizations are expected to gather relevant information prior to publishing news reports, which may include hearing from law enforcement or emergency responders on the scene.

Photographs are powerful tools that can serve to educate readers about the impact of a particular event. In cases of car accidents, they may also provide cautionary accounts or indicate the need for better safety measures.

In considering the news organizations' response to the complaint, the NNC recognized that newsrooms may not have the capacity to respond individually to the volume of social media comments on a given story. That said, it is the view of the NNC that news organizations should provide clear guidelines to readers on how to have their serious concerns addressed on a regularly-updated, public-facing platform to ensure concerns are addressed in a reasonable manner and timeframe.

The NNC notes that after hearing from the complainant, the news organization inquired with a police officer about whether any victims would still be on the scene at the time the photo was taken. The officer indicated that the victim may still have been on the scene, as it takes time for the coroner to arrive.

The NNC recognizes that this is a difficult time for the complainant, and that the image serves as a tragic reminder of the complainant's loss. It also recognizes that the image may be upsetting to anyone close to the deceased regardless of its specific contents.

At the same time, the NNC accepts the news organization's statement that it conducted an appropriate review of the image before publishing it. In reviewing the image in question, the NNC did not observe

any details that were graphic in nature or any evidence that could reasonably serve to identify the victim from the angle and distance at which the vehicle was photographed. The NNC, therefore, supports the view that no ordinary viewer of the photograph would be able to identify the victim involved in the accident.

While it is the view of Council that the original publication of the image does not indicate a breach of journalistic standards, it acknowledges the efforts of the news organization to update the image on compassionate grounds for the family of the deceased. The NNC recognizes that while the complainant remains unsatisfied with the steps taken in this case, taking action on compassionate grounds is at the discretion of the news organization and may go a long way in addressing reader concerns where appropriate.

For the reasons outlined above, Council dismissed the complaint alleging inappropriate posting of an image.