

2022-62 Robinson-Houweling v Northern News Services Ltd.

December 10, 2022

The National NewsMedia Council considered and dismissed a complaint about the identification of a witness in a September 21, 2022, news article, “Eyewitness gives account of homicide at Aurora Pointe,” published by Northern News Services Ltd.

The article reported on a fatal incident at a Yellowknife apartment complex. It included an account of the incident from a witness at the scene.

Cheryl Robinson-Houweling filed a complaint stating that she was a family member of the witness and objected to his photograph and name being used, arguing that revealing his identity puts him and the family at risk. The complainant cited journalistic standards that aim to protect the identities of sources and victims of crime.

The news organization responded to the complainant’s concerns by outlining its reasons for publishing the piece and the witness’s statements. In particular, it noted that the individual in question approached the news organization with his recollections of the incident. The news organization explained that after undertaking its due diligence, it found no signs to suggest that the witness lacked capacity to consent to an on-the-record interview.

The news organization underscored an individual’s prerogative to approach news organizations with concerns about their community and the action of authorities. In this case, it noted that the individual in question witnessed the incident firsthand and was concerned about law enforcement’s response to the matter. The news organization noted the important role that the press plays in enabling individuals to be seen and heard in such situations.

Finally, it noted that the article did not name any members of the witness's family. It also noted that the witness himself had not raised any concerns about possible harm as a result of the published article.

The complainant responded by stating that, in this case, the news organization could have published the eyewitness's account of events anonymously.

The news organization responded by reiterating that the article gave a voice to an individual who came forward to tell his story, and noted that the prohibition on stories and comments of this kind would have a chilling effect on journalism. It stated, "If a free person can't go to a media outlet and be identified publicly, there is no longer a free press in this country."

The complainant remained unsatisfied with the news organization's response, stating: "Yes, stories should be told and reported. No one is arguing that. However, identifying and exploiting eyewitnesses to generate newspaper sales should not be permitted."

In reviewing the article in question and the concerns raised by the complainant, the NNC considered standard practices associated with protecting the identities of sources and victims of crimes.

While reporting on crime is in the public interest, journalists take care to limit undue harm when covering sensitive topics such as violent crime. Generally speaking, articles of this nature only include information that is relevant to the public interest, and journalists may take steps to protect the identities of victims of certain crimes.

That said, members of the public with knowledge of specific events exercise their prerogative to approach the news media and consent to on-the-record comment on a regular basis. Journalists are tasked with contextualizing and verifying such statements.

The NNC agrees with the news organization in this case that without the ability to give and accept comments of this kind on the record, journalism would be seriously hindered.

The NNC likewise agrees with the complainant that informed consent is important. To this end, it supports newsroom discussions and steps to ensure that sources are appropriately informed of what it means to provide comments on the record.

Importantly, the witness in this case has not expressed concern about the publication of his name or photo. The NNC accepts the news organization's statements noting the credibility and capacity of the source to provide consent in this case.

The NNC also observed that the article contained a warning to readers at the top of the webpage indicating that the story contained graphic details that some readers may find disturbing. This falls in line with best practices when reporting on sensitive subjects.

For the reasons outlined above, Council found no grounds to support the allegation that identifying the witness in this case breached journalistic standards and therefore dismissed the complaint.