

Discussion paper: Police and crime reporting

As approved by the board of directors of the National NewsMedia Council on June 23, 2022:

The National NewsMedia Council upholds ethics and standards in published works of journalism, while facilitating communication between members of the public and the news media on relevant journalistic issues. In light of the long life of information on the internet, and the growing awareness of systemic inequalities in society, including the role of policing, the NNC has investigated current practices and perspectives on editorial decisions and the wider impact that arises from reporting on minor criminal charges.

The research undertaken for this project, which is detailed in the following sections, underscores the importance of continually re-evaluating and articulating journalism's ethical standards for reporting routine police proceedings and minor crime news.

Consider the following practices when reporting on routine police proceedings and minor crime.

- Be aware that crime reporting is not neutral. What you choose to report can stigmatize or stereotype.
- If you name a person as charged, follow up and report the disposition of the charges. Following a case can take considerable time and resources, so consider those factors in deciding whether to name an accused in the first place. While situations will vary, best practice may be to avoid naming in cases of minor charges.
- Police departments vary in the information they release. Develop newsroom practices that ensure consistent and fair treatment of the issues for readers, the accused, and police. Use editorial judgement to decide the news value of minor charges, and when they warrant coverage.
- Journalists are aware that they are not required to publish information just because they have it, or because police want it published. As with any individual or institution, police news releases may lack context or reflect police priorities. News organizations should exercise the same level of scrutiny, and news judgement, that is employed with any source.
- Use plain language in your reporting. Police terminology can de-personalize individuals and may unduly slant coverage.
- It may be appropriate to emphasize for readers that charges are allegations not tested in court, and that people are innocent until proven guilty.
- Consider reporting on minor charges such as shoplifting and traffic infractions by looking at numbers and trends rather than on individual charges and naming the accused. If an arrest is deemed to serve the wider public interest, for example, where there have been a series of troubling break-ins, consider focusing on that angle and leave out the name(s) until conviction.
- Have a process to prevent or remedy harm when charges are withdrawn, stayed, or the accused is acquitted. The policy should be explained to readers and should avoid creating additional burdens for the individuals affected.

- Journalism provides accountability and offers important information to people about their communities. Police reports that simply seek to ‘name and shame’ do not align with journalistic standards of fairness and context. Journalism that reflects this practice risks undermining the justice system goals of rehabilitation and restoration in a free and democratic society.

Background:

Crime reporting is widely considered in Canada to be public interest journalism. It offers important information to readers about recent developments, safety, and law enforcement activity in their communities, and is likewise viewed as vital to an open court system that includes accountable police forces and judiciary. Democratic society relies on the news media as a ‘public eye’ to prevent arbitrary or secret detention.

At the same time, society is grappling with the impact of systemic inequities. A considerable body of research addresses how issues of over-policing, bias, and marginalization have put some populations into more contact with police. These factors have a bearing on how crimes are covered by Canadian news organizations.

We have heard that newsrooms frequently receive complaints about the harmful impact of routine police and court stories. Even if charges are withdrawn, or an accused is acquitted, that initial news report can have a significant impact long after the end of legal proceedings. Individuals may be turned down for jobs; judged by years-old versions of themselves; or worried about their children being bullied.

These factors warrant a review of journalistic practices on routine police and minor crime reporting, consideration of any unintended impact, and development of practices that ensure fair and accountable journalism.

Scope:

It is recognized that choices on police and crime reporting may vary among newsrooms and even on a case-by-case basis depending on the community, the particulars of the story, and a host of journalistic choices. The best practices outlined in this document are intended to guide those newsroom discussions.

These best practices apply to reporting on minor crime and routine police news releases. They do not apply to reporting on major crime and trials, which has its own widely accepted journalistic standards, as does opinion writing.

It is worth emphasizing that these best practices do not speak to convictions, nor do they advocate ‘unpublishing.’ Rather, the focus is to consider the news value and ramifications before naming an accused, and to have a process to limit undue harm or provide remedy where no conviction ensues.

Methodology:

This document is based on a series of research methods that include: a review of relevant literature; professional panel discussions; and interviews with reporters and editors, particularly from community news media, who engage with these issues on a regular basis.

Quotes in the document are taken from those conversations, with the kind permission of those involved. See appendices for a selected bibliography. This document is also informed by complaints made by members of the public to the NNC.

Issues:

Accuracy and context:

- Police departments vary widely in the information they release. Variation in departmental resources and policies may determine how they report names, issue news releases, or availability in providing updates. The result is that one person charged with shoplifting or causing a disturbance may make the news while another facing similar charges may not.
- The variation in what information police provide can be significant: One editor told us a driver speeding on a provincial highway through a mid-sized city would be named by OPP but the same person ten metres away on a city street who stabbed someone would not be named by the city police responsible for the municipality. (* this example and direct quotes that follow are from conversations with editors who generously gave their time to discuss these issues with the NNC)

Source bias:

Police sources are critical to reporting on open courts, the judicial system, and issues of interest to the community. They are valuable sources that allow for access to vital information which might otherwise go unreported. That said, it is important to bear the following points in mind.

- Police are first responders in cases of mental health and addictions issues. As a result, those in distress are at risk of criminal charges instead of medical assistance. In these situations, police actions or charges may conflate mental health and criminal behaviour.
- Given that policing is an institution with its own mandate and set of interests, journalistic scrutiny should apply to police sources as with any other source. Policies and practices differ depending on the jurisdiction. According to Sewell, for example, in Ontario, where there is no Crown pre-screening of charges, 46 per cent of charges laid by police in 2018-19 were withdrawn.

“(This) creates problems with fairness and false accusation. Journalism can ‘be better than that,’” said one editor, who noted that “cops are not transparent about what else is going on.”

Social equity:

- A number of studies make the case that some communities are over-policed. Such circumstances put individuals at greater or unwarranted risk of interaction with police and media attention. Identifying an accused can perpetuate stereotypes of communities that get little reporting attention other than crime news. A focus on police-generated news also takes resources that could go toward more nuanced reporting on a community.

“Newspapers should be helping make their communities better. Sometimes, by running names, we are damaging those communities, one name at a time,” is how one editor described the impact of naming those accused of minor offences.

- Independent journalism will reject arguments that police are ‘partners’ with journalists in maintaining a safe society, or that journalism must support ‘name and shame’ strategies as crime deterrence.

“I have seen no data to support (name and shame deterrence) works,” said one editor, echoing the findings of numerous studies.

Fairness and news value:

- Routinely publishing the names of accused may be a tradition with some news outlets but journalistic rigour demands an assessment of both the news value and the impact of such reporting.

Some editors recognize that publishing names may create an undue burden relative to the offence. One cited how a youthful speeding ticket can affect a life forever and said, “We (the news media) should not be impacting lives this way”.

“... how much harm are we doing that we - and perhaps the person named - aren't even aware of, because we ran their name once? We have to own that,” is how one editor expressed a growing perspective on the inequitable impact of minor crime reporting.

Competitive edge and public trust:

- Holding back information that another newsroom might publish raises concern in competitive markets.
- Trust is eroded if the public believes newsrooms are playing favourites, are lazy, or are hiding information – all of which are accusations newsrooms already face in a polarized society.
- Others point to the ‘futility’ of declining to publish names that may be available directly from police or other sources.

These concerns are answered by journalists who are practiced in defending their news choices on sound principles – accuracy, fairness, context, and news value among others.

Newsrooms constantly make decisions on what to publish, what information to use, and how to frame a story. Minor crime and routine police reporting rely on that same journalistic discretion.

The public chooses what to consume; journalism’s job is to provide verified information, in context, and with accountability.

Newsrooms know that balancing the public interest and personal privacy is not a new challenge, nor are the competitive aspects of the news business.

“We have to weigh the potential consequence of running those names (of people charged) under some circumstances against the benefits, particularly if that benefit is page views or clicks. It is rare that we hear from someone complaining about the lack of names,” says an editor who reminds us that news value should remain the main focus. “Generally, the news element is the incident or the occurrence (but) if the name is newsworthy then run it.”

Remedies in cases of no conviction:

- There is legitimate concern about introducing a process that burdens newsrooms or introduces new challenges.

Declining to name the accused in minor offences can avoid many of those issues.

Reporting standards that minimize 'name and shame' practices also help avoid future concerns about unduly harmful impacts.

- A remedy for an affected person does not necessarily entail unpublishing. Depending on the outcome and issues involved, other options are to remove the name from the article, replace the name with initials, or employ deindexing that maintains the news organization's website and archive but reduces searchability. (*See appendix 2*)
- Be accountable and transparent by having a process to deal with complaints and make it available to the public. The process should be mindful of harm to reputation versus the news value of keeping a name in an old story online. "Prove it" is not a response to a complaint that charges were dropped or acquitted, according to one editor. "We chose to print their name."

What are news media organizations doing?

A number of news organizations have been giving thought to best practices in terms of police reporting and 'unpublishing' requests.

In some cases, significant steps have been taken toward declining to name the accused and applying normal journalistic scrutiny to police sources.

Associated Press: AP [no longer names suspects in minor crimes](#). AP notes the "damaging afterlife on the internet that can make it hard for individuals to move on with their lives."

Cleveland.com: The news organization is removing old [mug shots](#) and names in cases of expungement for non-violent crime. It [found that](#) "people (are) blocked from improving their lives by the prominence of Cleveland.com stories about their mistakes" and said that "people should not have to spend their lifetimes answering for mistakes they made or minor crimes they committed many years earlier."

The Boston Globe: Provides a case-by-case remedy for [undue harm](#) to reputation. It noted that "the decision to cover a minor crime or incident has always been inherently unequal and random" and that "This was never the goal of our journalism, to apply a permanent stain haphazardly and unequally to an individual for the rest of time."

The Society of Professional Journalists' [Code of Ethics](#) says journalists 'seek truth' and ensure that "the public's business is conducted in the open, and that public records are open to all." But it also underlines the requirement to 'minimize harm' by recognizing that "legal access to information differs from an ethical justification to publish or broadcast" and to "consider the long-term implications of the extended reach and permanence of publication."

Other related codes of practice, such as those upheld by European press and media councils, are described in **APPENDIX 1**.

An 'on the ground' example:

“We recently ran a police brief about a young woman who ran out of gas on a country road. Police arrived. She was charged with impaired driving.

Not condoning her choices and totally agree with the appropriate legal consequences. But I googled the name, as I usually do, and found out through Facebook she was a young single mom of two kids going through the trials, tribulations and challenges that often entails.

Did we damage this young woman's future, and perhaps at least temporarily her children's immediate future, by running her name? Because it will be harder for her to get a job when Google searches show that arrest.

She made a bad decision, but should she be paying for that perhaps for the rest of her life because the local news site wanted to maintain 'a competitive edge' by running her name?

We have to look at the bigger picture.”

About the NNC:

The National NewsMedia Council (NNC) is a voluntary self-regulatory organization. It works with members to uphold the highest journalistic standards through mediation and adjudication of public complaints about alleged breaches of those standards in published works. It is not prescriptive but holds members to their own guidelines and to widely-accepted journalistic practices. The NNC also conducts research into current and recommended best practices on specific issues, and from time to time, publishes discussion papers such as this one to explain and promote best practices in an evolving news media landscape.

Sources and recommended further reading

Chris Richardson, Romaine Smith Fullerton, editors. Covering Canadian Crime: What Journalists Should Know and the Public Should Question. University of Toronto Press, 2016.

Romaine Smith Fullerton and Maggie Jones Patterson. *Not naming names? Crime-coverage rituals in Canada, Sweden, and the Netherlands*.

April Lindgren. *Aiding and Abetting: How police media-information units shape local news coverage*.

Eternity Martis, "[Black in the Jury Box](#)," a series of articles published by The West End Phoenix during 2021-2022.

John Sewell. Crisis in Canada's Policing: Why Change is So Hard, and How We Can Get Real Reform in Our Police Forces. James Lorimer & Company, 2021.

Justin Ling. Missing from the Village. McClelland and Stewart, 2020.

Travis Lupick. Fighting for Space. Arsenal Pulp Press, 2017.

Appendix 1:

International codes of journalistic practice related to presumption of innocence

A) Catalan Information Council:

Section 10 - Any person accused of, or charged with a crime, has the right to the presumption of innocence in the information and opinions related to the investigation, lawsuit or criminal proceedings. The respect and protection of this right is valid from the beginning of the police intervention until guilt has been proven via a process in accordance with the necessary guarantees. Journalists should prevent and should not submit suspects to parallel trials.

Most complaints regarding this point have to do with police information, which use to accuse the suspect before the trial, and journalist trust it without (investigating) the case.

B) German Press Council:

Section 13 PRESUMPTION OF INNOCENCE: Reports on investigations, criminal court proceedings and other formal procedures must be free from prejudice. The principle of the presumption of innocence also applies to the Press.

13.1 PREJUDICE: Reports on investigations and court cases serve to inform the public in a careful way about crimes and other infringements of the law, their prosecution and court judgement. In the process it must not prejudge them.

The Press may call a person a perpetrator if he/ she has made a confession and there is also evidence against him/her or if he/she committed the crime in public view. In the language of reporting, the Press is not required to use legal terms that are irrelevant to the reader.

In a state based on the rule of law, the aim of court reporting must not be to punish convicted criminals socially as well by using the media as a 'pillory'. Reports should make a clear distinction between suspicion and proven guilt.

13.2 FOLLOW-ON REPORTING: If the Press has reported on the unconfirmed conviction of a person, it should also report an ensuing acquittal or a marked lessening of charges if the legitimate interests of the person affected do not dictate to the contrary. This recommendation also applies to the dropping of an investigation.

13.3 CRIMES COMMITTED BY YOUNG PERSONS: When reporting on investigations and criminal court proceedings against young persons and on their appearance in court, the Press must exercise especial restraint out of consideration for their future.

Identifying ethnicity – "(It) must be ensured that any reference to a suspect's membership of ethnic, religious or other minority groups does not result in a discriminatory generalisation of individual misconduct. As a rule, membership of a minority groups shall not be mentioned, unless this is in the legitimate interest of the general public. In particular, it must be borne in mind that such references could still up prejudices against minorities

C) Finland's Council for Mass Media:

In Finland a suspect's name is reported only if they are a public figure or the crime committed is of huge general interest, like an act of terror or a mass murder. Situation is different after the conviction – if the sentence exceeds two years in prison, many media outlets tell the identity of the convicted.

31. The name, photograph or other identifying facts of a person convicted of a crime may be published, unless it is viewed as clearly excessive in terms of the position or action of that individual. The journalist must be particularly careful not to disclose the identity of a minor or person found to be criminally unaccountable.

32. Carefulness is required when presenting information that may lead to the identification of the subject in cases where the subject is only considered a suspect or has been charged.

35. If the request for investigation, indictments or conviction has been a published news item, the matter should be followed to the end as is possible. During an ongoing trial, the journalist will not strive to affect the decisions of the court or present a premature position on the guilt of the subject in question.

D) Press Council of Ireland:

Principle 7 - Court Reporting: The press shall strive to ensure that court reports (including the use of images) are fair and accurate, are not prejudicial to the right to a fair trial and that the presumption of innocence is respected.

E) Flemish Press Council:

Article 23: The journalist must respect the right to privacy and must not probe further than public interest requires. The journalist takes the uncertainty of the juridical process into account, including the possible innocence of the suspect. He ensures this is clear in his reporting.

- When the suspect on whom the journalist previously published a recognizable report is released or exonerated, the journalist mentions this loyally.
- The journalist weighs up the public interest in the reporting against the chances of reclassification and reintegration.
- If the journalist refers to the case in the future, or to the legal file, he takes earlier juridical decisions or verdicts into account.

This guideline also addresses the question of whether and to what extent suspects, convicts, victims and minors may be identified.

When the journalist in his reporting identifies a suspect or a condemned person, he weighs up the public's right to information against the person's right to privacy. Depending on the situation he chooses not to identify, to limit identification or to disclose identity fully.

Limited identification: The name, the initial of the surname, the age and the place where the suspect or convicted person lives, may be mentioned, on following conditions:

- Limited identification is possible and the degree to which this is applied depends on the severity of the facts, the state of the investigation or the procedure and the public interest in reporting on the facts. For minor offences limited identification is not automatically available.
- If the journalist mentions the identifying elements, he is extra careful with other facts, including images and sound reports, that make identification possible.
- If the journalist makes images and sound recordings unrecognizable, he does so efficiently.

Full identification of suspects and condemned persons is permissible under one of the following conditions:

- A public interest. In the case of a suspect, the public interest needs to be considerable.
- The suspect or condemned person is a public figure and public interest justifies complete identification.
- The suspect or condemned person discloses information about himself and does not object to identification.
- For serious offences only in the case of a suspect when the guilt is to be expected, for instance due to a confession, being caught red handed or due to information from a reliable source.
- The suspect is on the run and the police or judiciary have issued a search warrant with full identification and/or recognizable images.
- The full identification of the suspect may be a warning for potential new victims.

F) Serbian Journalists guidelines:

- The media are obliged to respect the right to the presumption of innocence and to protect the privacy and identity of the suspect or the perpetrator, even in the case of admission of guilt.
- Protecting privacy and identity includes not only protection of names (labelling a suspect by using initials), but also protecting other data that could direct to the identity: photos, address, description of appearance, marital status, social status, belonging to a group, the names of neighbours, relatives and friends.
- Victims and suspects are often not aware of the power of the media. A journalist is obliged to take that into consideration, and not to abuse the ignorance of their collocutors.
- If a victim of a crime consents to be interviewed, a journalist must not reveal the identity of the victim or a possible perpetrator, on the basis of that conversation.
- Reporting on criminal offenses, during the conversation with potential witnesses, a journalist must be careful not to disclose the identity of a victim or the identity and the right to the presumption of innocence of a suspect.
- A journalist must take into consideration a possibility of being exposed to abuse and manipulation by alleged victims of certain offenses.

Appendix 2: **How to de-index**

From Google Search Central, Accessed June, 2022:

<<https://developers.google.com/search/docs/advanced/crawling/block-indexing>>

Block Search indexing:

You can prevent a page from appearing in Google Search by including a noindex meta tag or header in the HTTP response. When Google's web crawler next crawls that page and sees the tag or header, it will drop that page from Google Search results.

[Read more](#) about noindex meta tags and how to implement them.

[Read more](#) about noindex response headers and how to implement them.

Note: "Google has to crawl your page in order to see meta tags and HTTP headers. If a page is still appearing in results, it's probably because we haven't crawled the page since you added the tag. You can request that Google recrawl a page using the [URL Inspection tool](#). Another reason could also be that the robots.txt file is blocking the URL from Google web crawlers, so they can't see the tag. To unblock your page from Google, you must edit your robots.txt file. You can edit and test your robots.txt using the [robots.txt Tester](#) tool."