

2023-83 Fiegehen v Soo Today

December 10, 2023

The National NewsMedia Council has considered and found that corrective action was taken to address a complaint about graphic content in an image accompanying a September 18, 2023, news article published by Soo Today.

The article reported on a bail hearing for an individual charged with attempted murder and murder. The article included an image of the accused with a caption noting that the photo was submitted by a reader.

Tammy Fiegehen filed a complaint with the NNC stating concern that the image showed the accused “wearing bloodied shoes.” She stated the image was unnecessary, disturbing, and insensitive to the victims’ families.

The complainant stated that she was a photographer and recognized the impact that images have on audiences, which, she said, was why “it’s essential to strike a balance between informing and respecting their reader’s emotions.”

In response to the complainant’s concern, the news organization explained that deciding whether or not to publish a potentially disturbing photograph is a difficult decision that should be taken with care. It noted that the newsroom consistently considers a number of factors, including the “newsworthiness of the event, the news value of the photograph, and the photo’s importance in ensuring the complete story is told” as well as the potential impact on “loved ones and the larger community.”

In this case, the news organization stated that it engaged in significant internal discussion over whether to show the blood visible on the individual’s shoes. The news organization said it had followed and reported on the story as it unfolded, noting the particularly heinous nature of the alleged crimes and how the violence had “shaken” the community. It came to the conclusion that “the image, though disturbing, was a rare example of a graphic photo that helped people understand the full extent of the story.”

The news organization further explained that it had received other graphic content related to this story that it chose not to publish. It stated that it was important to show this particular photograph for a number of reasons, including the fact that it was captured in the moment following the attack and was one of the first known images of the accused, “which makes the image both extremely newsworthy and in the public interest to share.”

The news organization noted that it had received a number of queries from individuals questioning the use of the photo, but that it had ultimately decided to publish the image for the reasons outlined above and stood by its initial decision.

The complainant reiterated her concerns about the graphic nature of the photograph and the time it took the news organization to respond to her concerns at first instance. She argued, for example, that the image could have been cropped to avoid showing the bloodied shoes.

To support her argument, she cited an NNC decision brief about a past complaint against a separate news organization. The brief stated, “the NNC observed that the images did not show any blood or any aspect of the victim. At the same time, the NNC supports the news organization’s steps to present such stories with more sensitivity and to communicate those changes to readers.”

The news organization in this case agreed with the complainant that it was a disturbing image but noted, in rare occasions such as these, the public had a right to view the image of the individual as captured in that moment.

Following the exchange between parties, the NNC inquired with the news organization as to whether it had considered including a notice to readers that the image was disturbing. The news organization stated that it had not done so, but was open to considering the inclusion of a notice to readers.

The news organization subsequently updated the piece to include a cropped image with the note, “Caution: Images in this gallery may be disturbing,” which allowed readers to choose to view the full image or not.

In reviewing the article, parties’ correspondence, and relevant material submitted, the NNC considered standards surrounding the treatment of sensitive content in published images.

The NNC would note that the scope of the complaint, as filed, is limited to the use of graphic material, and does not extend to the overall decision to publish an image of an individual charged with violent crime.

Standard practice calls for sensitivity when reporting on and publishing photographs of tragic events and stories involving victims of violent crime. It is also standard practice to present readers with relevant images to the story and to include captions about the content and source of the image.

In this case, the NNC agreed with the complainant that the image is graphic in nature, that the subject of the story is sensitive, and that the material should be treated accordingly to avoid causing undue harm.

At the same time, the NNC has also stated that images are powerful tools that can serve to educate readers about the impact of a particular incident. Council noted that the NNC material cited by the complainant does not indicate support for an absolute prohibition on graphic content. Council emphasized that, depending on the circumstances, presenting sensitive material may be warranted so long as it is treated with appropriate care.

The NNC supports the view that news organizations weigh a number of factors when dealing with sensitive material. The responsibility to provide the public with comprehensive coverage on important issues must be weighed against causing undue harm, especially to victims of violent crime.

In this case, the NNC observed that the news organization put considerable care into the decision to publish the photograph before concluding that presenting readers with the image was in line with reporting in the public interest.

In reviewing the article in question, the NNC noted that it included the statement, "SooToday has obtained a reader-submitted photo that appears to show [the accused] shirtless with bloodied shoes near the Station Mall, shortly after the boardwalk attack." For this reason, the NNC is of the view that the article provides context about the nature and source of the image.

That said, the NNC would emphasize that when reporting on sensitive subjects, particularly in the rare cases where potentially disturbing or graphic material may be presented to readers, best practice is to include a warning to readers at the top of the page, whether in print or online, indicating that the story contains material that some readers may find disturbing. For this

reason, the NNC is supportive of the news organization's steps to update the article to include a warning to readers about the sensitive nature of the content.

Addressing reader queries promptly at first instance may go a long way to remedying reader concerns. At the same time, the NNC recognizes that it takes time for newsrooms to provide considered responses to issues raised, and understand that in this case, the newsroom received a number of queries which may have resulted in a longer response time.

For the reasons outlined above, Council found the matter resolved due to corrective action.