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The Ethics of Death Reporting in a Digital Age

If anyone had asked me prior to the fourth quarter of last year if I knew what "death knock" referred to I would have had to reply in the negative. Or I might have attempted a surreptitious online search, and absent any additional criteria, would have had to quickly decide if my inquisitor was referring to the journalistic or the paranormal interpretation of the phrase. I subsequently came to understand the journalistic meaning thanks to a late September Irish Times article, "Death knocks: the dark side of Journalism" (Anonymous, 2014), and an early November interview I conducted with a practising journalist as part of the required coursework for a Media Writing college module (Browne, 2014).

The Irish Times article is unremittingly negative. The author, who chooses to remain anonymous, and who identifies as being, or having been, a tabloid journalist, portrays every aspect of the death knock as an intrusion of the vilest sort. Family names and addresses are obtained through whatever means necessary, often with the assistance of police or local councillor; news journalists and photographers camp outside a house hoping that the family ultimately relents on their initial calls for privacy, granting an interview and producing pictures of the deceased on the understanding that they will be subsequently left in peace; and families who do not consent risk having Facebook pages scanned for the requisite photograph. The author takes an overt swipe at the ethics modules on journalism courses, and indeed those who teach them. Editors come in for similar criticism, with unflattering accounts of what they pressure the reporter to do in furtherance of the story or preferred photograph; it is clearly understood that returning to the newsroom empty-handed is not an option.

With the Irish Times, as with other broadsheets (or Berliners), the online comments section can often be as illuminating as the article itself, and can give a sense as to where sympathies lie. One commenter suggests that the article reinforces the need for press regulation to be "ramped up" but falls short of calling for legislation. Rather an ethical code of practice is recommended as part of a journalist's conditions of employment with an attendant obligation on an employer not to force them to break such a code. How this might be enforced is not addressed. Another set of comments

involves an exchange between two men claiming journalistic backgrounds. The first dismisses any defence that there is a therapeutic component in interviewing a family in the aftermath of a tragedy as nonsense, stating that it is merely "taking advantage of people at very vulnerable time". The second, while noting that nobody cares for doing a death knock or consciously volunteers for one, points out that there is a principle involved i.e. giving the subject of a piece a chance to comment. Another commenter believes that part of the responsibility lies with bullying editors who make journalists feel that their livelihood is at stake but that ultimately the readers who can't get enough of the "grubby details" are the "real culprits". Yet another echoes that latter notion of the reader's "morbid fascination". Two of the more in-depth observations come from those claiming to be current or former journalists. One believes the article is seriously unbalanced and profoundly unfair to him and the half dozen reporters he knows that regularly do death knocks. He states that families have often contacted him after a piece he has written has appeared in print to thank him. Another claims to have spoken to myriad grieving people over a long reporting career. He approached the families through next door neighbours and in the majority of cases was granted an interview; he notes one specific case in which the father of a boy who has been stabbed to death welcomed the opportunity to counter claims that his son had been in a gang; and he states that reporters have a duty to get the story right and that the only appropriate photograph is one offered by the family and not grabbed from Facebook or elsewhere.

When I interviewed Bill Browne (Browne, 2014), news journalist (and more) for the weekly newspaper *The Corkman*, the brief was to document his working life and how he got his start. The focus was not intended to be on any one aspect of his career but the death knock did come up in conversation without prompting. Unfortunately, in editing, much of what Bill had to say on the subject was sacrificed to broader themes. In light of this essay I revisited my interview audio recordings and original transcript. Some of what follows is to provide a measure of context for what Bill specifically has to say on the death knock.

Bill spent some years at *The Evening Echo* which we discussed in detail. Within a year there he was covering murders and tragedies. He'd get a 6am news desk call asking if he could go to Bantry or Ballydesmond or Tramore. He was recognised as being quite good at the work - he wasn't embarrassed about asking people questions and he was able to ring his copy, pages of notes, in over the phone which was huge. As a rule 95% of people were quite happy to talk to him. "Those that aren't you know straight away and you don't push it." The first thing the news desk would always look

for was a photograph. A head and shoulders shot of the deceased. Not of the incident, that was the photographer's job. "You can write 10 pages on a dead person but a photograph is key because it personalises the whole thing." Preferably as current as you can get but you go with what you have. He explained it in terms of his getting run over on the way home afterwards. " 'Bill Browne, do I know him?' Then they would look at his picture and go 'I know him. It's your man' ". He recalls the first murder he covered, the shooting of a drug dealer in Ballydesmond. He went to a local shop, bought a coffee, mentioned he worked for the *Echo* and the shop owner "sang like a bird". Told him everything and added "you know who you should talk to now". Wasn't there a little luck involved? What if people didn't want to talk to him? Happened on numerous occasions he said. You try somebody else. Keep going. You always get someone. You might get less relative copy but you'll have something. "If you don't go down to a scene you'll get nothing", Bill said, adding that if Sunday evening there was a murder in Charleville and he went in Monday morning and started ringing people they just wouldn't talk to him. They wanted the personal touch. Also if you met someone face to face you could gauge their mood, if they were telling the truth, how interested they were, how far you could push them and so on. You could ring the guards or a priest. A priest will either talk to you or they won't. "Some priests are great, some priests will literally tell you to f--k off".

"The death knock is the f--king worst of all". Robert Holohan was a young man murdered in Midleton by a family friend who dumped the body. The search went on for days. Bill covered it all from day one - from the time the lad went missing until the body was found through the arrest afterwards. He covered the funeral, everything over a period of 3 or 4 weeks. "That was intense, f--king intense". He knocked on the family's door after the funeral and "they were quite receptive".

He will never forget a Mitchelstown brother and sister killed in a car crash coming back from Oxygen. Bill knew a couple of the locals who would talk to him but the *Echo* news desk was ringing, hounding him to get a photo. "I can't get a f--king photo". The *Echo* asked him to ring the family and he said "I'm not ringing the family". Eventually under pressure he did. "Sorriest f--king thing I ever did". He got to speak to the father. "Are you for f--king real? I just buried my 2 children. F--k off." Bill said he learnt a big lesson and never did the death knock again after that.

We talked some more about acquiring photographs. Local GAA clubs were a good place. "It sounds callous and it is callous" but if it's a young person that died the very first place they would go to is Facebook. They've been threatened legally over using Facebook photos but Bill pointed out that it's public domain. He has also based a story on the comments which were left on Facebook and started with "Farewell my

lovely ... " or some other poignant message left. "Sounds callous but it's what people want to read".

For some reason I felt it necessary to point out that he shouldn't think I was judging him. "And I'm not justifying it. That's what people want to read and that's what I do".

Cooper (2012) in addressing the ethics around Facebook use, notes that social networking sites have proved invaluable to hard-pressed reporters looking for information on short notice. She describes the traditional doorstep and death knock as "journalistic rites of passage" and quotes several current and former journalists who almost uniformly hated the work. Cooper then moves on to describing the sea change wrought by the explosion in social media and how quickly those sites are accessed, and indeed are expected to be accessed, by news and picture desks. She draws a contrast between some journalists and editors who, like Bill Browne, believe anything in the public domain can reasonably be used with those who believe users see sites like Facebook as "public private" spaces akin to having a conversation in a pub.

Cooper lists a number of cases in which the UK's Press Complaints Commission (PCC) has ruled, with the public interest argument appearing to predominate, and also an instance in which a newspaper (the *Guardian*) contacted a widow about use of a Facebook photograph though there was no requirement for them to do so.

A Townend (2012) article following a Dart Center seminar on death reporting discusses evidence of press misconduct submitted to the Leveson inquiry but primarily concerns itself with the research on the death knock conducted by Sallyanne Duncan and Jackie Newton, two former regional journalists turned academics. This research, involving 49 regional press reporters, 6 editors or senior journalists and multiple interviews with bereaved families, is detailed in a chapter of "The Phone Hacking Scandal: Journalism on Trial" (Newton & Duncan, 2012) and also extracted in a Roy Greenslade *Guardian* article (Greenslade, 2012). Newton and Duncan believe that, evidence presented to the Leveson inquiry notwithstanding, interviewing the bereaved in the aftermath of a tragedy is an important journalistic duty and note that many encounters between reporters and bereaved are positive in nature, most especially in the regions. They note that while issues of intrusion and accuracy naturally arose so too did notions of exclusion where the family were not consulted about the content of a story about a loved one and felt they should have been. Newton and Duncan also advocate for ongoing training for journalists in the

area of bereavement and believe it would counter the negative perception of the death knock.

In a separate piece on the JMU Journalism site Newton (n.d.) lists three reasons for the death knock remaining a valid practice: the majority of families want to speak to the media; you gain access to the people who count and can be sure you have the facts; and it puts the family at the story's heart. Newton also suggests that "dodging" the death knock and "nicking" quotes from Facebook is more "shameful" behaviour. I tend to agree.

The book chapter (Newton & Duncan, 2012) addresses the digital death knock. i.e. the use of social networking sites as sources for the information necessary to compiling a story without visiting a bereaved family. The authors note that most of the reporters surveyed regarded material sourced as a starting point only, or a means of adding to a story, but not a substitute for interviewing the bereaved directly.

Reporters indicated they would use such material on its own only as a last resort and only if efforts to contact the family had failed. Most thought that direct quotes obtained in face-to-face interviews had greater value. Families expressed concern about the accuracy of online information and many expressed a preference for being contacted directly thereby allowing them some measure of control over the story.

The Guardian includes a very illuminating article on the death knock (Greenslade, 2010b) which describes how a journalist, Chris Wheal, acted as a buffer with journalists doing the death knock following the tragic accidental death of Wheal's young nephew. Wheal's account of how different news organisations behaved is an eye-opener. A magazine and a news service offered money for a story. Wheal did talk to most local papers and local radio but no national news organisation contacted him - they simply pieced their stories together from PA and syndicated local paper copy.

In a subsequent *Guardian* piece, Greenslade (2010b), details Chris Wheal's suggestions for a leaflet to be provided to bereaved families in the UK. The leaflet asks straightforward questions such as: do the family want nothing to do with the press?; are they willing to talk to each and every interested journalist?; would they prefer to speak to just one journalist who would in turn relay information to the rest of the media?; do they just want to provide printed material, photographs etc? The only question that arises is who is best placed to hand over the leaflet. Greenslade suggests a local journalist or a UK police liaison officer.

Perhaps unsurprisingly there are other articles and posts on the topic, presumably directed at journalists or aspiring journalists, such as the do's and don'ts of the death knock suggested by Bonnici (2012) on newspapertips.blogspot.ie.

Tom Felle (Felle, 2013; Greenslade 2013) makes some interesting observations about the Irish context in an extract from a chapter he contributed to the book "After Leveson: The future for British journalism". The independent Press Council (and the ombudsman role) was established in 2007 as a compromise after the government backed away from introducing press regulation and a privacy law. The Press Council is unique in that it is recognised in legislation but is not a statutory regulator. Though not a requirement national newspapers are signed up as are most, if not all, of the regionals. The code of practice covers ethical standards; accuracy of reporting; and rules intended to prevent intimidation and harassment, and to ensure respect for the privacy and dignity of an individual. The consensus seems to be that, notwithstanding the limited powers of the ombudsman, the system has worked well for Ireland as an exercise in "soft power". However Felle notes that the possibility of a formal privacy law was raised again in 2012 by then justice minister Shatter, and on that occasion barrister and Irish Times columnist Noel Whelan weighed in, specifically with reference to the bereaved needing protection from journalists seeking interviews and photographs. Felle however notes that reporting of tragic events is often in the public interest and that some bereaved families do want to talk to the media. He also agrees with the newspaper argument that privacy laws, well-intentioned though they might be, don't end up protecting ordinary citizens but rather those who can hire expensive lawyers to obtain gagging orders which prevents reporting on legitimate public interest issues.

It would appear that, absent any egregious behaviour which might provoke a legislative response, the current Irish system of press regulation will remain in effect in the near term. The civil courts obviously remain an option for those who believe they have been seriously wronged. Whether Irish politicians might be influenced by future UK adoption of a key Leveson proposal - an independent, statutory body to regulate the press with the power to investigate and levy fines - is unknown. What should be debated is if and how the online world - Facebook, Instagram, Twitter and so on - ought to be specifically accommodated. The Press Council might well argue that their principles, in particular that concerning privacy which includes the following language (5.3),

"Sympathy and discretion must be shown at all times in seeking information in situations of personal grief or shock. In publishing such information, the feelings of grieving families should be taken into account."

adequately address member obligations in respect of both the traditional and digital death knock. I would respectfully suggest that specifically outlining appropriate online conduct in the codes of practice would accord overdue recognition by the Press Council to the "connected" nature of the world in which we now live. I would further suggest that seeking the consent of the bereaved in respect of use of material obtained online, photographic or otherwise, be strongly encouraged if not in fact mandated. Public domain arguments aside it would seem to me the ethical and moral thing to do.

The Irish Press Council might also consider the notion of a media leaflet to be provided to the bereaved akin to that previously outlined in the Greenslade (2010b) article, with the clear understanding that family wishes could only be ignored if there were an overarching public interest.

Any statutory change altering the definition of privacy, whether in online or offline contexts, might well be the fallout from a European court ruling. Cooper (2012) notes that in the 2003 Peck v UK case, the ECHR decided in Mr Peck's favour in determining that the release of CCTV footage of Peck's attempted suicide to the media infringed on his privacy, and ruled that the fact Peck was on a public street did not prevent it from being understood as a private situation. I have no legal background but I don't see it as a huge leap from that decision to one which determined that a photograph posted to Facebook was intended for limited consumption regardless of the privacy settings employed.

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