

Additional material for ch. 17: Coroners' courts

Section numbers from the book are used. Its content provides fuller explanations and context.

17.11 Ethical considerations when covering deaths

Media reports of suicides, including in coverage of inquests, should not reveal excessive detail of the suicide method, to help minimise the risk of others using that method to take their own lives.

Examples are given here of how the Independent Press Standards Organisation (IpsO) and the Press Complaints Commission (PCC) have ruled on alleged breaches of what is now clause 5 of the Editors' Code of Practice. As explained in 2.1.1 in *McNae's*, IpsO replaced the PCC in 2014. Adjudications are made for IpsO by its complaints committee. For convenience, this is referred to below merely as IpsO

Case study: In 2018 IpsO ruled that *The Forester* breached clause 5 by specifying in an inquest report the type of ligature a man used to take his own life by hanging. His widow complained about the report, which had the headline: 'Mental health worker refused help for his own depression'. The newspaper argued that the report did not contain excessive detail of the method of suicide used by her husband, and that the detail published would not lead to simulative acts. It said that a death by hanging normally implies some sort of ligature was used, and that the report did not reveal how the ligature had been secured, or applied, by the man in his suicide, but just stated it had been used. IpsO acknowledged that newspapers are required to make difficult judgments on what details should be published from inquests, and that *The Forester* had given 'careful consideration' about what level of detail to publish. But, IpsO said, the newspaper had not advanced a justification for specifying the ligature which the complainant's husband had used, nor did the report include any justification as to why this item had been specified. IpsO ruled that *The Forester's* publication of detail identifying the type of ligature he used was excessive and 'presented the possibility that it might lead to simulative acts' (*Jones v The Forester*, 25 May 2018).

Case study: In 2016 IpsO ruled that the *Lancashire Evening Post* had breached clause 5 by the inclusion of excessive detail of suicide method in a report of an inquest. The ruling was on a complaint made by the stepmother of the woman who took her own life. The report, reflecting the inquest's evidence and verdict, stated that she had ended her life by hanging herself in a hotel room 'mirroring the death of her mother seven years earlier'. The report included that in the hours before her death she had been three times over the drink-drive limit, and had taken three drugs, which it named. The online version of the report identified the item from which she had been found hanged. Two captions to photos of her in that report – they showed her posing for photographs at home and on holiday – referred to her death and identified the item she had used as a ligature in the suicide. The *Post* told IpsO that this detail in the captions had been automatically copied from information attached to the photos by the freelance agency which supplied them, and had since been removed. The *Post* said that it did not consider that identifying the item from which the woman had been found hanged constituted excessive detail. It had not included information, such as how the ligature had been applied or secured, that would enable anyone to imitate the method, the newspaper said. IpsO said that the online report had included a number of details relating to the method of suicide, which were not included in the print article. IpsO noted in particular that inclusion

of details concerning the items the woman had used in the suicide illustrated that they were easily accessible and could have led to simulative acts. Ipso said that these details were clearly excessive, and their publication was irresponsible, and breached clause 5. Ipso accepted that some of the information had been accidentally published because the photographer's caption had been automatically included with the image file. Ipso added that both the print and online versions of the report had stated that the woman had consumed alcohol and had taken three specific drugs in the hours before she died, but there was no suggestion in the report that she had consumed the alcohol and drugs as part of the method of suicide, and so the inclusion of these details did not breach clause 5 (*Farrow v Lancashire Evening Post*, 11 February 2016)

Case study: In 2012 the PCC ruled that a newspaper had breached (what is now) clause 5 in an inquest report. A man had taken his own life by inhaling gas. The newspaper said that details it published had been placed in the public domain through the inquest, and their omission would have prevented it from fully explaining the coroner's verdict. But the PCC said that the report contained the name of the gas, how it had been obtained, and the manner in which it had been inhaled, and that, taken together, this level of detail was excessive (*A woman v Wiltshire Gazette and Herald*, 1 November 2012)

Case study: In 2010 the PCC did not uphold a complaint that the *Southern Daily Echo* had breached clause 5 in an inquest report. A man had taken his own life by inhaling helium. The *Echo's* report said that he had bought a 'blow up balloon kit', which included 'helium canisters', and had died after 'inhaling too much' of the gas. The PCC said that, even though it was a fairly uncommon method of suicide, the *Echo* was entitled to report the basic details of the method. Details about the precise apparatus that had been constructed - and how much gas had been inhaled - might well have been excessive in breach of the Code, but they had not been included, the PCC said. It was satisfied that the newspaper had published 'a suitably limited level of detail' (*Ms Rosie Nicol-Harper v Southern Daily Echo*, 30 September 2010).

Case study: In 2010 the PCC ruled that *The News* (Portsmouth) breached clause 5 in an inquest report about a woman who killed herself by taking pills. The report said her handbag had been found to contain pill packets for a set number of a named anti-depressant, and gave the precise quantity of pills that were missing and the dosage she had ingested (compared to the therapeutic dose). It also referred to the amount of alcohol found in her blood. The editor acknowledged that the reference to the number of missing pills might be considered excessive. He agreed to amend the online version of the story and circulated information to all staff about the requirements of the Code clause. The PCC noted that the report contained the name of the anti-depressant, the number of pills missing from the packet and the post-mortem result showing the level of drugs in the deceased's system. It said that, taken together, this was sufficient information to spell out to readers the precise method of death. It concluded that this level of detail was excessive (*A woman v The News (Portsmouth)* 28 January 2010).

Case study: In 2009 the PCC upheld a complaint by parents that a report published by the *Reading Chronicle* contained too much detail about how their daughter killed herself. She had consumed poisonous leaves. The report set out the precise type of leaf that had been used, the fact that the leaves had been ingested, the specific type of toxin found in the leaves, and the fact that death would have been quick as there was no antidote. The newspaper said it had taken care to remove a reference to how the leaves were prepared which, in its view, was the sole detail that could have led to copy-cat suicides. It considered that it was important to report the fundamental cause of death and said that this particular method of suicide was 'not that rare'. The PCC ruled that the level of detail was excessive. It said the report included the type of leaf used, how the deceased found out about it, the fact there was no antidote, and a reference to the speed of the process. The PCC said that, taken together, it was concerned that this information may have been sufficient to spell out to others how to carry out such a suicide (*Mr and Mrs Marsh v Reading Chronicle*, 30 April 2009).

Case study: In 2009 the PCC ruled that several national and local newspapers had breached clause 5 in reports, from an inquest, about how a man cut off his own head with a chainsaw to protest at having his flat repossessed. For example, it upheld a complaint against the *Crawley Observer* website. The PCC said: 'The article contained a long and graphic reference to the method of suicide. It set out the precise apparatus that had been constructed by the individual to enable his death.' The newspaper said it had taken the article from a live feed from the Press Association (PA) and published it unamended. PA had subsequently made clear that it had quickly realised that the content of its copy was too explicit, and then issued a second version of it. Unfortunately, this did not replace the version on the *Crawley Observer's* website, due to 'a procedural failure at PA'. Even before being aware of the PCC complaint, PA took several steps to ensure that the situation would not be repeated. The PCC said it was crucial that newspapers minimise the risk of copycat suicides. 'This means that, particularly in inquest reports (many of which will be provided by external agencies), care needs to be taken in the editing process to remove excessive detail.' The *Daily Mirror*, whose coverage also set out the precise apparatus that had been constructed by the man to enable his suicide, argued that the method of suicide was so exceptional that the reporting of it was in the public interest. The *Mirror* said it did not consider that the reporting could encourage copycat suicides. It also questioned whether the restriction on the right to report inquests in full was practicable for newspapers or consistent with the principle of open justice. But the PCC ruled that the *Mirror* was among the newspapers whose coverage had breached the Code. The PCC said it disagreed with the suggestion that the Code should not restrict detail in inquest reports. Clause 5 of the Code enshrines the right to report inquests, but this does not mean that publishing every detail will always be acceptable, it added. The *Daily Mail*, also ruled to have breached the clause in coverage of the inquest, said it had removed detail from its article as soon as it had been made aware of the problem. It pointed out that online publishing was a 24-hour job, relying on sometimes inexperienced journalists working under tight time pressures. The PCC also ruled that *The Sun's* and the *Daily Star's* coverage had breached clause 5. Both their reports referred to the existence of the chainsaw, how it had been positioned and how it had been activated. The PCC noted that both newspapers had taken care to remove much of the graphic detail. But the PCC said that, while this was 'a difficult

judgement call', it felt that on balance their articles 'still included slightly too much detail to comply with the Code' (various adjudications issued 2 January 2009).

Case study: In 2009 the PCC ruled that the *Daily Sport* had breached the Editors' Code by publishing a list of what it said were the 10 most popular 'suicide hotspots' in the United Kingdom. The Choose Life organisation complained that the newspaper had provided unnecessary detail which might encourage vulnerable people to visit the places shown and take their own lives. As such, the article was highly irresponsible, it said. The *Daily Sport* said that the article was a fair and balanced factual report in the public interest, based on information in the public domain. The PCC said that the Code does not seek to prevent a newspaper reporting on the general subject of suicide, or investigating a pattern of suicides, in a manner that serves the public interest. But the PCC said that the *Daily Sport* article was 'an entirely gratuitous guide to where individuals have killed themselves', which explicitly pointed out to people that there were a number of options about how and where to attempt suicide. This was clearly excessive in the context. The PCC said that it was also concerned that the light-hearted presentation of the piece - which referred, for instance, to one bridge as being a 'well-known favourite for Britain's top-yourself tourists' - may have glamorised suicide in the eyes of some readers. As the Code is designed to minimise the chances of imitative suicides, this was a further breach of the Code, the PCC said (*Choose Life v Daily Sport*, 1 August 2009).

In this 2009 ruling, the PCC said that references to the whereabouts of individual suicides in the context of a newsworthy event - such as an inquest report - are generally acceptable under the Code. But it should be noted that in a blog in 2018, Ipsos's head of standards Charlotte Unwin posed the question of whether journalists should specify the location where someone has gone to take their life, 'if that location is a key part of that person's suicide'. She said: 'Could the details of a location be considered part of a method of suicide? I'd be interested in hearing journalists' thoughts on this point.' For her blog see Useful Websites, below.

Guidance

Charities which work to reduce the number of suicides have issued guidance to the media – see Useful Websites, below – to minimise the risk of imitative suicides.

The Samaritans' guidance says, for example, that the media should avoid referring to a location as a 'suicide hot spot', adding: 'Try not to illustrate a report with specific locations, such as a bridge or cliff, especially if this is a place where people frequently take their own lives.' The guidance says too that media reports should not use an emotional or dramatic image in this context – for example, a person standing on a ledge.

The guidance states: 'While saying someone hanged themselves or took an overdose is acceptable, detail about the type of ligature or type and quantity of tablets used is not.'

It adds: 'Never say a method is quick, easy, painless or certain to result in death. Try to avoid portraying anything that is immediate or easy to imitate – especially where the ingredients or tools involved are readily available.'

It says too: 'Avoid any mention of the method in headlines as this inadvertently promotes and perpetuates common methods of suicide.'

The Samaritans' guidance says too that published reference to a suicide should not over-simplify what might have been the cause(s) of the suicide, or specify that a suicide achieved a result – for example, exposed a bully - or make or quote statements, including from social media tributes, which suggest the community or other people are honouring or romanticising the suicidal behaviour. For example, it warns against quoting a tribute that the dead person is now an angel, and says that reference to a suicide should not use repeated pictures of the person who has died – for example, online 'galleries' should be avoided. It says that the media should question if a large or prominently placed picture of the person who has died is necessary. The guidance adds that what is published should ideally make the point that suicides are preventable, referring to a source of support such as the Samaritans.

Inclusion of 'gratuitous' detail can breach codes

The media should avoid, when covering an inquest, publishing detail insensitively, because this could breach the general protection in codes of ethics for the feelings of bereaved people. Relevant content in the Editors' Code and the Ofcom Broadcasting Code is referred to in 4.9 in *McNae's*.

Case study: In 2016 Ips0 ruled that the *Gravesend News Shopper* had breached what is now Clause 4 of the Editors' Code. It reported the inquest into the death of a depressed woman who had hanged herself in her bedroom. The report included a quote, from evidence at the inquest, that a neighbour had described seeing the woman's body hanging like a 'plastic doll'. The newspaper's position was that it was necessary to include the comparison of the dead woman to a 'plastic doll'. But Ips0 said that this comparison was gratuitous, 'given the potential for such an emotive description to cause distress', and that its inclusion represented a failure to handle publication sensitively. Other complaints made by the woman's mother about the article were not upheld (*Taylor v Gravesend News Shopper*, 15 March 2016)

17.12 Treasure inquests

Historically, coroners' courts have decided whether historical objects found on or buried in the ground should be classed as 'treasure'. The Crown or a franchisee has legal rights to take possession of valuable objects ruled to have been treasure deliberately hidden by a past generation—for example, buried for safety during warfare. The Treasure Act 1996 amended this ancient law to encourage those who use metal-detectors to declare discoveries so that museums can decide if they want the found objects. For the Government's guidance on this law – see Useful Websites, below. The Act has various definitions of treasure, including:

- a found object which is not a single coin, which contains at least 10 per cent of gold or silver and which is at least 300 years old, and any other object found with it.

Anyone with reasonable grounds for believing an object they have found might be classed as

treasure is required to notify a coroner within 14 days of the discovery or the realisation. Failure to do so is punishable by a fine or a jail term of up to three months.

The coroner, once notified or if he/she has reason to suspect any other found object is treasure, must hold an investigation, which could involve an inquest with a jury if there is 'sufficient reason'. If the find is ruled to be treasure, the British Museum or National Museum of Wales is given the opportunity to acquire it. The finder can be paid a reward, based on the treasure's market value, from public funds, and some money may be awarded to the owner of the land on which the treasure was found.

The reward may be reduced, or not even offered, if the finder was trespassing or illegally disturbing an archaeological site. If the object is not classed as treasure or no museum wants it, the finder can keep or sell it, subject to the rights of the land-owner or occupier.

Useful Websites

<http://www.samaritans.org/media-centre/media-guidelines-reporting-suicide>

Guidance from The Samaritans charity about coverage of suicides

<https://papyrus-uk.org/guidelines-for-journalists-reporting-suicide/>

Guidance from the Papyrus charity, which aims to reduce suicides by young people

<https://www.ipso.co.uk/news-press-releases/blog/ipso-blog-reporting-suicides-at-notorious-locations/>

Blog by Ipsos's head of standards: 'Reporting suicides at notorious locations'

<https://www.gov.uk/treasure>

Government guidance on treasure including definitions