

Donna Fleming v Pick Me Up

Clauses noted: 1, 5, 16

Mrs Donna Fleming complained to the Press Complaints Commission that Pick Me Up had paid an associate of a convicted criminal for an article of 8 July 2010 headlined "Forensics tore my flat apart" in breach of Clause 16 (Payment to criminals) of the Editors' Code of Practice.

The complaint was upheld.

The article was a first person account of a woman (Emma Cooke) who had discovered she had slept with a man (Scott Riley) on the night he had killed the complainant's mother. The complainant said that Emma Cooke's association with Scott Riley was not merely a fleeting one, but that they were longer standing acquaintances who shared the same friends. She saw no purpose to the article other than financial gain for both the magazine and Ms Cooke at the expense of her mother's death.

The magazine did not consider that Emma Cooke amounted to an "associate" of Scott Riley in the context of Clause 16 of the Code. It did not believe that the term encompassed passing acquaintances. By having a one night stand with an individual she later found out to be a killer, the magazine maintained that Emma Cooke was also a victim of Scott Riley and entitled to tell her story.

Adjudication

Freedom of expression dictates that individuals are generally entitled to tell their stories - regardless of their involvement or association with crimes - and magazines and newspapers are permitted to publish such stories. However, the Editors' Code places certain restrictions on whether newspapers and magazines are entitled to offer payment for them. Clause 16 (Payment to criminals) prohibits payment to "convicted or confessed criminals or to their associates - who may include family, friends and colleagues" for stories which "seek to exploit a particular crime".

It was the Commission's view that the sexual relationship between Ms Cooke and Mr Riley placed Ms Cooke within the reasonable definition of the term "associate". There was also some suggestion of a pre-existing acquaintance between the two.

The article was focused entirely on Ms Cooke's association with a murderer immediately after he had committed the crime. In the Commission's opinion, there could be no doubt that the story, therefore, exploited the existence of that crime. While Ms Cooke had a right to discuss her experiences, the Commission did not consider that payment for the story was justified in this instance.

The complaint was upheld.

Mrs Fleming also complained that the article included a number of inaccuracies in breach of Clause 1 (Accuracy) and represented an intrusion into her family's grief in breach of Clause 5 (Intrusion into grief or shock) of the Editors' Code.

The complaint was not upheld.

The complainant considered that the publication of the article showed a lack of compassion for the family at an extremely distressing time. She found the images used to illustrate the article highly distasteful, especially given that she and her family had been unaware of the type of knife used by

Scott Riley. She also pointed out a number of inaccuracies: that the image of the car in the article was the wrong colour; that Emma Cooke had not met up with Scott Riley at 3am, but rather some time later; and that Scott Riley had been arrested by police five days after the crime (not three) and was not charged until several months later (not at the time of arrest).

The magazine stated that it had taken care not to include gratuitous details or details which did not already exist in the public domain about the death of the complainant's mother. Attempts had been made to contact the family through the police without success. The images of the car and knife used were generic and intended to support the story visually. The magazine pointed out the article had stated that Emma Cooke had left the nightclub at 3am and subsequently seen Scott Riley rather than seeing him at 3am.

Adjudication

The publication of a story relating to the death of her mother would naturally be distressing for the complainant and her family. However, Ms Cooke was entitled to tell her story regarding her involvement with Scott Riley. In the Commission's view, the article did not include information that was gratuitously graphic or out of proportion to what was already in the public domain. While the accompanying image of a knife may have been distasteful, the Commission did not consider that the article was in breach of Clause 5 (Intrusion into grief or shock) of the Code.

The complainant had highlighted a number of minor inaccuracies in the article. It is important that newspapers and magazines take care at all times that information they publish is correct. That said, the Commission had regard for the nature of the article, which was Emma Cooke's own account of her personal experience of the incident and the aftermath. Readers would be aware that the article reflected her own memory and interpretation of the events, rather than necessarily being simply a factual report. The discrepancies highlighted by the complainant would not significantly impact upon readers' understanding of the crime and the outcome. The Commission acknowledged the areas of dispute, but found that there was no breach of Clause 1 (Accuracy) of the Code.

Adjudication issued 20/5/2011