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**STRIKING THE BALANCE BETWEEN VIVID
REPORTING AND PRIVACY**

**A comparison of crime coverage between the UK and Japan:
Reporting tragedy with humanity and depth**

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Introduction

Tragedy is news. Reports about people involved in a crime, whether they are victims in the middle of grief or offenders at the centre of public anger, should make enough impact for people to think, not just about the story, but also the background: its cause, its conclusion, the appropriate punishment, the role of the criminal justice system, and the social structure which brought about the crime. All should be part of the readers or audiences' consideration.

The aim of criminal reporting is to serve the public good. Though the cases might be shocking the details are facts about our society. People need to be informed both about the dark side of the world but also to get new perspectives on society, and how to deal with crime and punishment as part of our open democracy. However, crime journalism is often offensive to those who are approached by the journalists. It is no doubt burdensome for the victims and their family to have to deal with journalists' questions and provide answers about their agony. The suspects or defendants in the proceedings also need to be scrutinised. News can also be exaggerated, biased, or even untrue so that the public is misled. People on both sides of a crime are exposed to the public gaze. Their privacy is invaded. Neighbours are often surrounded by hordes of journalists for several weeks.

As a journalist in charge of criminal and legal reporting, I have experienced these difficulties for sixteen years. I have to confess that I myself have sometimes been insensitive, sometimes even inhumane. In the midst of intense competition with other journalists, I have written stories which possibly caused pain to the victims or prejudice against the suspects. It is not surprising that, even though this work is important, young reporters tend to shrink from it because of its excesses.

Journalistic work is definitely different from compiling academic or educational statistics or narrowly trimmed 'case studies' in law textbooks. It must be vivid. It must be sensitive. Each report must convey the lives of human beings. Joseph Pulitzer once said "[T]here is only one way to get a democracy on its feet in the matter of its individual, its social, its municipal, its State, its National conduct, and that is by keeping the public informed about what is going on".¹ The aim of news is to help people participate in a democratic community. This is the reason why I believe such reporting is necessary to stimulate people's emotions and react within a social context.

Knocking on the door of the family of a murdered child or telephoning them is an intrusion. But it also informs the story. To conduct an interview with the family about a murdered daughter must be extremely painful for the parents, but face to face communication is essential. Media reports of a murderer's personal history help people understand the background of the crime,

¹ Alleyne Ireland, 'An Adventure with a Genius—Recollections of Joseph Pulitzer', Lovat Dickson, Limited Publishers, p97-98

often in its social, or socio-economic context, and may provide a way to deter further tragedy.

We have to balance respect for privacy, sensitivity, and responsible reporting, with freedom of information, exercised in the public interest. I have tried to find some ways to resolve the tensions through research into journalistic practices in the UK and Japan.

In this report, I start with some murder cases in Japan and the UK, describing what happened between the media and both victims and offenders. I then move on to the behaviour of public bodies, especially the police, and the media. From there, I go on to describe the role of journalism in our society. Finally, I make some proposals for how we can report vividly but also sensitively.

I suggest a new approach—'*slow journalism*'. It might sound strange at first. But think of fast food and its equivalent in journalism. Fast food is easy, fast, stimulating, lurid, but above all, less nutritious—sometimes even harmful. Slow food is made from carefully chosen, traditional, and often organic foods in order to rediscover the flavours and savours of regional cooking and banish the degrading effects of fast food, which symbolises our life enslaved by speed.² Slow journalism just like slow food is not about being lazy but taking care and time, especially when you are dealing with sensitive subjects and people in shock. Time to get beneath the surface and let the story breathe. I do not ignore the importance of rapid or fast reporting. But just like food, nutritious, journalism often requires good ingredients and time.

² The Official Slow Food manifesto, from Carlo Petrini 'Slow Food—the Case for Taste', Columbia University Press

1. Victim

At the beginning of this paper, I compare and contrast the murders of two schoolgirls, one in the UK and one in Japan. What were the similarities and differences in how the media dealt with the story of the victims and their families? What happened to the families, and how did they feel about the journalists?

A. Kaede's Case

Outbreak

A seven-year-old schoolgirl, Kaede Ariyama, disappeared on the way home from school on 17th November 2004. Her mother Eri received a text message on her mobile phone on that day which said 'I have your daughter.' Kaede's murdered body was found a day later in a gutter in Heguri, about 6 kilometres from her home in Nara city, Japan with abrasions on her limbs and bruises on her face. The next horrifying text message was: 'I will get her sister next' accompanied by her sister's picture.

Soon after the police announced that they had found the body at 3.30am on 18th November, Kaede's house was surrounded by a large number of journalists. They asked her parents, Shigeki and Eri, for an interview. Their reaction, in the immediate aftermath of their loss, was complete shock: "when we arrived back home from the police where we had seen the body and had identified her as our daughter, we found journalists taking flash pictures of the house repeatedly. We felt harassed, and could not understand why they didn't leave us alone to grieve. TV programmes showed Kaede's photograph. We don't know how they obtained it. We decided to avoid further exposure of her by taking her body directly to the funeral parlour from the police, without going back home. We said to her that we were so sorry, you must have wanted to come home."³

The parents decided to refuse to respond to any journalist's inquiries.

Sexual Assault

In reporting Kaede Ariyama's murder case, the 'mainstream' media, the daily broadsheet newspapers and TV news programmes, were reluctant to report that Kaede had been raped or describe how badly she had been treated. One of the most shocking aspects of the case is that the offender knocked several teeth out of her mouth. They used headlines such as 'the body was

³ The Asahi Shimbun 22nd April 2005 p37

damaged' even though they referred to the missing teeth in their main text.

The weekly magazines, which are more vivid and sensational, took a different path. They released some details about the injuries. Weekly Bunshun, which is one of the highest selling weekly magazines, published a detailed report about an image sent to Kaede's mother's mobile phone, which showed the dead body of her daughter. The report said "her clothes were taken off and she was completely naked. It seemed that she was made to pose unnaturally. Even detectives avoided looking at it".

The magazine also described foam on her mouth that several teeth had been pulled out and it was believed that the perpetrator used pliers to do it. The reality was horrific. Kaede suffered further physical injury. The offender allegedly had attempted more terrible assault, which was revealed after the suspect, Kaoru Kobayashi, had been arrested. However, no media reported this. Even sensational weekly magazines failed to disclose the fact. It was obviously too shocking to report and too intrusive into her family's grief.

Kaoru Kobayashi was arrested after a full scale investigation lasting two weeks. The 36 year old former newspaper delivery man soon admitted both the kidnapping and the murder. It was revealed that he had criminal records in 1989 on suspicion of molesting a small girl in the city of Osaka and was arrested in 1991, suspected for the attempted murder of another little girl. His character, as a suspected paedophile, filled the news⁴.

He was charged with murder and eventually sentenced to death. He is currently on death row.

Funeral

In most homicide cases, coverage of the funeral is a great problem. The family want a quiet time to grieve. But, especially in high profile cases, the funeral is important news in the series of events after the discovery of the murder. It is another way of showing how cruel and damaging the crime has been.

Kaede's parents felt hostile against the media from the beginning. On a very difficult day for the family, reporters at Kaede's funeral tried some self regulation. Nara police press club⁵, which is an organisation of local police reporters from 15 news agencies, newspapers, and broadcasters, suggested a code of conduct for funeral reporting to avoid a crush of reporters and chaos. It made a pooling arrangement with non-press club journalists which limited coverage to representatives from newspapers, broadcasters, and magazines, and required them to stay in the press enclosure of 1.5metres by 2.5metres.

⁴ Kyodo News 30th December 2004

⁵ Press club system has some challenges and, from my point of view, also misunderstood. In this case, it proved quite helpful to the family.

Investigation and Trial

In Kaede's case, journalists tried to report on the victim's family. However, the hostility of the parents towards the media which started the initial days of the case did not disappear once judicial proceedings against the offender, Kaoru Kobayashi, began. They released a brief statement on 11th April 2005, a week before the first trial of Kobayashi: "We cannot help feeling distrust toward mass media as well as indignation against Kobayashi. We remember the repeated flashes of cameras, the obnoxious noise from helicopters, contents of reports, letters [which asked the parents for an interview] from reporters posted to us, litter, including cans and cigarettes [around the house]. We want you to know how we feel, and ask you to stop harassing us."

The parents never had any direct contact with journalists.

Courtroom

At the trial, the parents always took a back seat in the courtroom. During the trial, some reporters tried to look round to see the parents so they could describe them for their articles, but their attempts were always blocked by court officials who shared the annoyance of the parents.

The accused, Kobayashi, showed no remorse. He yawned as the public prosecutor made his closing speech and demanded the death penalty.⁶ His provocative behaviour made the relationship between the parents and the press deteriorate still further. Surprisingly he sent a letter of apology after the sentence via his attorney and the local police, but it was declined and returned by the family. Then the lawyer disclosed his letter to the press, and the report made the parents angry. "When we saw the letter we had rejected on television, we were as shocked as when the intimidating mobile text message was sent to us from the offender. We cannot understand why the letter we had rejected was broadcast...It plunged us into the depths of despair".⁷

B. Sarah's Case

Outbreak

Seven-year-old schoolgirl Sarah Payne disappeared on 1st July 2000 from a cornfield in Sussex in the UK near the home of her grandparents where she had been playing with her brothers and sister. After a major search, her dead body was found in a field, some 15 miles from the place where she had disappeared. It was badly decomposed.

⁶ Kyodo News 'I want early good bye', 10th October 2006

⁷ Kyodo News "Two years...clock has stopped" 17th November 2006

Sarah had been missing for seventeen days. Her mother, Sara Payne, and father, Michael, repeatedly spoke at news conferences to appeal for members of the public to help in the search for Sarah. It was tough for the parents. Michael was literally shaking from head to toe at the news conference, but they chose to do it because they would do anything to help find Sarah.⁸ In addition, Sarah's brothers, Luke, then 11, Lee, then 13, and her sister Charlotte, then 6, visited the police and presented them with a thank-you card⁹. They were even turned up at the press conference just after the body was found and identified as Sarah, appealing for public help to search for the murderer.

When Sarah's body was found, they received a lot of requests for interviews. Michael was opposed but Sara felt they should because she thought they owed a debt to the media. Sara described later how her voice faltered and she was not sure if she could carry on¹⁰. However, she managed to make a speech, "I don't think anyone should be allowed to do that to anybody. We believe in justice, and death is too good for this person [who committed her daughter's murder]".

A man was arrested and charged with her abduction and murder in February 2001. Roy Whiting then revealed that he had a history of child sexual offences. On 12th December 2001 the court found him guilty and he was sentenced to life imprisonment.

Memorial Service and Funeral

The funeral of Sarah Payne was covered by many journalists. And, in effect, it was done twice. Sarah's parents, Sara and Michael Payne wanted to have a memorial service first, which was open to everyone and as an opportunity for the family to say "thank you" for help or support, followed by a completely private funeral.

The memorial service was run as a public one. Nearly a thousand people gathered to say farewell to Sarah, and there was full coverage. Journalists were even involved in the setting of the day, as a newspaper photographer enlarged Sarah's school photo into 6 feet by 4 feet for the service.

The funeral, which the parents intended to be private, however, turned out to be public. They were obliged to compromise after various media requests. Inside the church, were family and friends only. Loudspeakers were put in the field outside, which was full of the press.¹¹ It was reported widely with photos and footage of Sarah's small coffin.

⁸ Sara Payne, *A Mother's Story*, pp36-37

⁹ Jonathan Duffy, 'Sarah Payne: The media's role', BBC Online, 18th July, 2000

¹⁰ Sara Payne, *A Mother's Story*, p60

¹¹ Sara Payne, 'A Mother's Story', p71

Parents, Media, and Investigation

Sarah Payne's family had a very different reaction from that of Kaede's parents. They saw the media as helpful. After the news conference in which they called for public cooperation in the search for their missing daughter, they received sacks full of post every day. There were letters, cards, poems and pictures which offered support. After Roy Whiting was found guilty on 12th December, 2001¹², they paid their tribute to the media for treating the family with respect, but they sometimes felt harassed by journalists.

The news of the finding of Sarah's body was broken to her siblings not by the parents who had been talking with the police liaison officer about how best to tell their children this shocking news gently but by a breaking television news report. "It was the worst case scenario", the liaison officer, detective sergeant Sean Scott, said in the interview with the Guardian Unlimited.¹³

On the morning of Christmas day, several photographers appeared to photograph the family holding their cameras out of their house. Although the photographers were not aggressive, indeed some were apologetic saying "we are really sorry, our bosses made us come. We didn't want to", Sara was so shocked that she told them, "I know you're only doing your jobs, but not today, lads".¹⁴

Sara was also upset at the trial. Sara and Michael were stunned to observe Whiting's not guilty plea and offhand attitude. On leaving the court, they could not pause to give any comment outside¹⁵. Though this was not caused by the media, it is easy to understand that they felt much more uncomfortable because of the presence of the press. Even more terrible was the fact that the forensic pictures of Sarah's body were stolen from the lawyer's office and offered for sale to tabloid newspapers. However, no newspaper bought the photo of the naked and badly decomposing body of Sarah.¹⁶

Michael was under constant pressure from the media coverage. On the night when the couple were invited to the reception of 'The Pride of Britain' award by the Mirror, Michael lost his temper and ran out shouting "I'm sick of seeing us every time I turn on the TV or read a newspaper. I can't take any more pictures and interviews. I just want to get on with my life. I want things to be like they were. I want everything to go back to normal".¹⁷

In fact, being highlighted by the media was hard not just for Michael but for Sara as well. Judith Longman, the publicity director at Hodder & Stoughton, the publisher of her book 'A Mother's

¹² Julia Day, 'Paynes pay tribute to media', MediaGuardian.co.uk 12th December, 2001

¹³ 'Payne family's battle for recover', the Guardian Unlimited, 12th December, 2001

¹⁴ Sara Payne, A Mother's Story, p86

¹⁵ Sara Payne, A Mother's Story, p122

¹⁶ Sarah Hall, 'Photos of Sarah's body offered for sale', The Guardian, 9th January, 2002

¹⁷ Sara Payne, A Mother's Story, p135

Story' said "[the book will] describe...for the stress placed upon [the Paynes], their marriage, and their family by the constant media interest in them".¹⁸

Vulnerable Families

These two families—one in Japan and the other in the UK—experienced the murder of their daughters. In both cases, the crimes were appalling, the perpetrators savage and inhumane, and the media coverage extensive. However, the families' reactions to the media were different. While Kaede's parents became hostile and avoided contact, Sarah's family used the media to communicate, and had a good relationship with journalists.

There seem to be various factors which made the difference, for example, personalities, culture, the work of police liaison officers, and also the behaviour of journalists. But there is nothing to indicate that the journalists in Sarah's case were better behaved.

In spite of the differences, the two cases provide a good basis to discuss what is damaging in the relationship between journalists and vulnerable families, and, therefore, what could improve this situation, which I argue in the final chapter.

¹⁸ Jamie Doward, 'Sara Payne tells her ordeal', *The Observer*, 28th December 2003

2. Suspect/Defendant/Offender

In serious crime cases, reporters bombard the suspects. In this chapter, I look at two other child murder cases in the UK and Japan and a more recent and notorious serial killing to show how the media reported on the offenders. What happened to them, and did they deserve it?

A. Suzuka Hatakeyama

The Death of Two Children

On 18th May 2006, the local police in Akita in the north of Japan found the dead body of a seven-year-old schoolboy, Goken Yoneyama, in the park 80 metres from his home¹⁹. His neighbour, Suzuka Hatakeyama, then 33, was suspected. The police investigation targeted her, and she was arrested for dumping his body on 4th June²⁰, followed by another arrest for murder in the same month²¹.

During the 17 days of the investigation, the media invaded this small rural town. Reporters took over the community, visiting all the neighbours by turns. They surrounded Suzuka's mother's house where she had been from the outbreak of the case. Many articles were published and various reports were broadcast.

The reason she was in the spotlight was that the previous month her own daughter, Ayaka, 9, was found drowned on the bank of the river, some 6 kilometres from her home.

The murder of two little children is shocking enough to attract journalists in Japan which is still relatively safe although it is suffering from a growing crime rate. In addition, this case raised an issue of police competence. The police treated Ayaka's death not as murder but as an accident, so they did not carry out an investigation. This was big news.

Arrest and Lawyer

Journalists strongly suspected Suzuka. She became a target of the media as well as the police. Some fifty reporters, photographers, and TV crews surrounded her temporary residence. It went on for twenty-four hours a day, seven days a week. "We started watching her residence from 19th May. After a few days, her family members had to give up going out to work. We wondered if we were entitled to disturb not only her but the peaceful life of her family",²² said Ippei Minetoshi who covered this case as a staff reporter of the Asahi Shimbun newspaper.

¹⁹ Kyodo News, 18th May, 2006.

²⁰ Kyodo News, 4th June, 2006

²¹ Kyodo News, 25th June, 2006

²² The Asahi Shimbun 20th July 2006, pp14-15

According to Akio Yano, a staff reporter from Kyodo News who covered the case, she could not go shopping without being accompanied by dozens of reporters. Neighbours complained of the journalists' behaviour—litter, noise, parking, trespassing, threatening attitude of photographers especially against children, and the sounds of mobile phones.

According to Yano, one of the important reasons why the journalists kept on watching Suzuka's place was that some police detectives were scrutinising her from a car outside the house, which implied that she was under their surveillance and being arrested.

After Suzuka's arrest on 4th June, the news reports got much harsher. On the day after her arrest, all newspapers' front pages displayed huge pictures of her being brought to the police station by policemen. There was fierce competition to report her personal life including her bankruptcy. Her appeal to reporters to go away from her house was seen widely on TV. There were allegations of her being a sex worker.

Her arrest made it impossible for the media to approach her directly so they turned to her lawyers. Akita Judicial Press Club²³ which contains reporters who cover crimes in Akita prefecture from national and local newspapers, news agencies, broadcasters requested regular press conferences. This was supposed to protect Suzuka's mother from relentless visits by journalists.

This kind of lawyers' news conference is sometimes held in Japan. One of the reasons is the Japanese criminal justice practice: the country's criminal proceeding act allows police officers and public prosecutors to apply to court for detention of a suspect for twenty-three days after arrest before charge, which applies successfully 99.52% of the time.

In Suzuka's case, the lawyers set three conditions: (1) journalists must stop harassing Suzuka's family (2) journalists must stop using images which might identify Suzuka's family (3) journalists should only ask for interviews through the lawyers, and interviews should be minimised.

Some reporters complained saying this limited press freedom, but eventually all members of the press club accepted the offer because it was quite attractive, even though it was valid only for the members of the press club and it meant that they had to accept a disadvantage compared with the journalists outside the club.

The press conference had an effect different from what was intended. Suzuka once confessed to the murder of two children under interrogation but retracted it afterwards. The press spotlighted this "confession".

Nonetheless, these lawyers' news conferences should be regarded as effective. They help reduce intrusion in the regard to the suspect.

²³ It is also a press club criticised by foreign journalists, but the problem of this organisation is not relevant directly to this particular issue.

B. Ian Huntley and Maxim Carr

The Murder of Two Girls and the Suspect

In Soham, a small village in the east of England, Jessica Chapman and Holly Wells, both 10, went missing on 4th August, 2002 and were later found dead in a ditch at Lakenheath in Suffolk.

In this case, former school caretaker Ian Huntley and his girlfriend Maxine Carr were arrested. Huntley was charged with the murders of the two girls, and Carr with conspiring to pervert the course of justice. Both pleaded not guilty but on 17th December 2003, the court found Huntley guilty of the murders and sentenced him to two terms of life imprisonment. Carr was cleared of assisting the offender but found guilty of conspiring to pervert the course of justice and given three and a half years.

During the trial, the court was told that Huntley had once been charged with the rape of a child but it had been dropped. He had been recruited as the caretaker of the school in spite of his criminal record.

The relationship between Huntley and the media was complicated. At the beginning of the investigation, he pretended to be a good neighbour and showed his concern for the safety of the two missing girls. He became well known among the journalists who covered the case because he watched each daily press conference at the school hall and plagued them with questions.²⁴

'Background' Reporting

Reporting about Huntley and Carr often focused on their 'background'.

On 25th August, 2002, the News of the World published an article about the sex life of Huntley and Carr. The Sun reported that he purchased a pornographic magazine in jail. The Daily Star reported, in an article titled 'Sex shock past of murder quiz lovers', that Huntley's brother had married his ex-wife.

In such a major case, crime reporters pore over any detail of a suspect's life. Drawing a clear distinction between the acceptable and unacceptable is often difficult. These details are often simply titillating. Are such details in the public interest? If Huntley's experience of bullying in his school days is revealed as just a funny story, its value as news is low. However, if it is reported in the context of his mental state and the effect on his personality, and, is followed by proper analysis by an expert, it could be regarded as significant.

News must be interesting and demonstrate curiosity. But interesting and curious stories are not

²⁴ Sarah Hall, 'Bully and charmer: how Huntley mixed it with the media' The Guardian, 18th December, 2003

necessarily news.

Ex-Convict

In Carr's case, what made her life difficult after her release was the media itself. She wanted to and tried to rebuild her ordinary life as an ordinary person, except she was the notorious Maxim Carr, ex-girlfriend of the double murderer of schoolgirls. The nature of the coverage became quite similar to celebrity news and gossip.

The problem with this type of coverage is that it prevents ex-convicts from being rehabilitated. Despite their crime, they deserve the right to rebuild their lives and to become good citizens. Even coverage of their daily life may often arouse fresh prejudice about them.

This process is not only harmful for ex-convicts' human rights, but also for society. Being excluded from society means they might commit a new crime.

In Japan, journalists are very reluctant to report about former offenders after their release. Their rights to rehabilitation are regarded as vital. Most media remove the identity of offenders from their internet database after three or five years. Should Japanese media cover an ex-convict, they make him or her anonymous.

Bob Satchwell, the executive secretary of the Society of Editors, argues that public are entitled to know that those people are living among us. What they are not entitled to do is to discriminate against those people²⁵. However, the issue of balance between value and damage is not overcome by this argument. Some stories about ex-convicts should be reported for the public good, such as revealing the truth about the crime, or its background in depth. That might outweigh any damage to the ex-convict. But shallow reports about their daily life should not be regarded as having a greater value than the opportunity to rehabilitate.

C. Tom Stephens and Steven Wright

Press Warned

In Ipswich, in the east of England, five prostitutes were found murdered in December 2006. The two men arrested by the police became hot property for all the British media. Tabloid newspapers uncovered their private life whether the story seemed to be relevant to the crime or not. As a result, their lives were damaged; especially the man questioned first, Tom Stephens, who was reported vividly with huge photographs. He ended up without a charge. Another man, Steven Wright, was eventually charged with five murders but it is difficult to say whether he deserved to have his private letter from prison to his girlfriend exposed.

²⁵ In an interview with the author in March, 2007

At the news conference announcing he had been charged, which was held by Suffolk police and the Crown Prosecution Service (CPS) on 21st December, 2006, the CPS Senior Prosecutor, Michael Crimp, stressed that, “At this time I would like to remind you of the need to take care in reporting the events surrounding this case. Steven Wright stands accused of these offences and has a right to a fair trial before a jury. It is extremely important that there should be responsible media reporting which should not prejudice the due process of law”.²⁶

It is true that this statement was not directed to Wright’s human rights but pointed to the necessity to respect due process. Nevertheless it had the effect of deterring offensive reporting against the defendant. Contempt of the court is criminal offence, which is a serious potential threat to the media. Journalists must be independent of public authorities. Even though a warning like this works as a sort of deterrence to irresponsible journalism, a genuinely independent media should not have to rely on this sort of direction coming from the authorities.

²⁶ BBC online, ‘CPS Statement on Murder Charges’, 21st December, 2006

3. Police

In criminal reporting, the police are an important source for the media. However, there are difficulties about the free flow of information. Is there such a thing as a right to know? How do the police in Japan and the UK deal with the information they hold?

A. Police and Public Information

Crime Victim Support Plan

Japanese police forces do not have specific written standards to define their relationship with the media.²⁷ In most criminal cases, until the beginning of this century, the victims were identified by name, address, age and occupation. But this *de facto* standard now seems to be changing in response to a movement for victims' rights. In the UK, the police have press relationship guidelines but they suggest that they only release the identity of dead persons. Survivors should not be named. So what is the extent of journalists' right? What can we do?

The Japanese government endorsed a basic plan to support victims of crime on 27th December 2005. It includes a police policy that they should have discretion to decide whether a victim's name is released in each case. This was a consequence of pressure from a movement of crime victims' group who had suffered from media coverage. Media groups such as the Japan Newspaper Publishers and Editors Association and the National Association of Commercial Broadcasters in Japan strongly criticized the plan. The victims' group, however, also did not welcome it wholeheartedly. Masato Takahashi, a lawyer supporting the group, described it as "a product of compromise". "We are not satisfied with this plan at all. Disclosure of victims' name should be controlled by the victims themselves, not by the police. We know that this is absolutely opposite to the media's viewpoint and that concluding something needs compromise"²⁸.

The police had already tended not to reveal the victims' name in many cases. This governmental decision seems to reinforce their tendency, although all prefectural polices have told Kyodo News that they will keep their existing criteria. The number of police press releases which do not mention the name of the victim have, in fact, increased. Niigata prefecture police arrested a man who stole ancient art objects worth about 1 million yen (some £45,000), but did not release the victim's name and age, just giving an indication of when it had happened. Journalists argued, but the officer just said that the victim was 'a man in his 50s'. When Tottori prefectural police arrested a nurse in September 2005, for theft of a million yen (some £45,000) from a patient's bag while in

²⁷ It is possible they have some secret standard hidden behind their organisation. Japanese police is so closed institute that most of the codes and the rules are not disclosed to the public.

²⁸ At the NAVS meeting with media people on 18th March 2006 at Tokyo

hospital, the police concealed the name of the hospital, arguing that the hospital was a kind of victim. Surprisingly, the hospital people told the reporters: “We are responsible. We don’t want our name to be concealed”.

Personal Information

In addition, Japan has enforced the Act for the Protection of Personal Information in April 2005, which obliged organizations which treat personal information such as name, address, age, and so on to obtain permission before disclosing it to other people. After media resistance, the bill was amended and the media was excluded from the regulation, but this law provided a good excuse for both public and private organizations to avoid cooperating with journalists. The health ministry stopped disclosing names of applicants who passed the national exam for medical doctors and dentists from 2005 in the interest of privacy²⁹. Takahama city’s election management panel refused to disclose the birthday of one of the candidates of the city council. Reporters complained, but council officers responded by saying that it was personal information³⁰.

Basically, Japanese journalists do not have the right to access public documents of the criminal justice system, especially documents before indictment, for instance, arrest warrants, search warrants, detention warrants, or any other record of investigation. In some high profile cases, public prosecutors release a summary of the indictment statement, but the names of victims and other ‘private’ detail (which are decided discretionally) are hidden. This treatment makes the relationship between legal enforcement officials and journalists difficult. Without firm ground, journalists have to rely on favour and sympathy of police officers and prosecutors. Therefore, journalists tend to curry favour with them, and are unlikely to criticize investigators. Criminal reporting is thus easy to control by them. Journalists do not like opposing against authority.

In the British situation, the Association of Chief Police Officers (ACPO) has specific standards for media relationships. In their Guidance Notes, it states:

‘[T]he Police Service is committed to openness and accessibility. It believes in the greatest possible flow of information to the media’

In spite of these finely written standards, British police officers and crime journalists do have their arguments about the release of information. In January 2007, Derbyshire police were criticised because they had refused to issue photographs of two prisoners on the run who had committed murder. According to the Derbyshire Police, Jason Croft and Michael Nixon, both 28,

²⁹ Kyodo News, 22nd June 2005

³⁰ Kyodo News, 30th September 2005. Takahama city is situated in Aichi prefecture.

had absconded from Sudbury Open Prison in October and November respectively.³¹ But they declined a request from the Derby Evening Telegraph because there was no policing purpose to be served by the release of these photographs in Derbyshire, as inquiries indicated that two absconded prisoners had fled the county and posed no risk to Derbyshire residents. It might meet the regulation of the ACPO guidance notes which say the major consideration in which photos are released is whether they need to warn the public about a dangerous person outweighs the possibility of jeopardising any subsequent court hearing. But it hardly jeopardises the purpose of ensuring their capture and seems to put the human rights of murderers above other citizens. After the Lord Chancellor criticised the police as “absolute nonsense”, the Greater Manchester force—a different police service—released the images.

B. Police and Victims

Liaison Officers in Kaede’s Case

Japanese police started a victim support plan in 1996. The Division of Support for the Victims in the National Police Agency leads the policy to help victims and provide financial aid for them. Currently more than 20,000 police liaison officers are at work.

Kaede’s case might show one of the worst relationships between the family of a crime victim and the media. Though police liaison officers passed the media’s request for an interview on to the family, the family were hostile toward the media and they absolutely refused to give any interview. They only released some brief comment at court through police officers. It is believed that police liaison officers could not suggest to the family that they make contact with the media. Therefore, news coverage concentrated on the proceedings of the police inquiry such as forensic evidence and the confession of the offender, Kaoru Kobayashi, whilst the ordeal of the parents was reported less well.

Liaison Officers and Paynes

In the case of Sarah’s murder, police liaison officers played an important role between the family and the press. Liaison officer Dave Dowell encouraged the parents to attend a news conference at the beginning of Sarah’s disappearance. A few days after Sarah’s death was discovered, Mike Alderson offered Sara and Michael Payne a further news conference, saying “it’s up to you, of course, but it would be helpful to us if you made a personal appeal for

³¹ Derbyshire Constabulary, ‘Derbyshire Constabulary responds to misreporting in the media over release of photographs of absconded prisoners’, <http://www.derbyshire.police.uk/news/182.html>

information to find Sarah's killer.”

It shows that police liaison officers work to implement the policing purpose. Nevertheless, liaison officers' work in the UK should be considered remarkable. According to Abigail Uden, a senior broadcast journalist for BBC Oxford³², police liaison officers persuade victims' families to offer a photograph of the victim in many cases. Statements are sometimes offered through the police. It seems to be profitable for three parties: the victim's families can avoid repeated requests for photos by the press and also the shock at an unexpected appearance of the image in the media, police can impress people in the case and make the investigation easier, and the press can obtain these materials readily.

³² In an interview with the author on 23rd April 2007

4. Press

Journalism is a competitive profession. But does intense rivalry contribute to news quality? What is the role of the media in reporting crime now and in an increasingly digital age?

A. Competition

Pressure

Journalists are working under severe competitive pressure. Competition itself is necessary; it often encourages journalists to produce good work which engages the public fully. But when it comes to the 'battlefield' of criminal reporting, it can be rough.

When a serious crime happens, a huge number of reporters crowd into the victim's family, neighbours, friends, etc. Then they start struggling against each other in a very constricted area. This is the notorious 'media scrum'.

In the initial phase of criminal reporting, the main focus of competition is 'how to be new' rather than 'how to be original'. Information which can be collected in such a short period must be limited. Stories at the beginning are often easily understandable and predictable rather than surprising or unforeseeable. They describe, for example, the victim's loving personality, condolences from friends, horrible descriptions by eyewitnesses, very short comments from the victim's family, etc. In addition, Japanese journalists have to seek for the victim's photographs which are in many British cases provided by the police. Then, the focus moves on to the offender. It is a manhunt by journalism. It is wrong to say that they are insignificant small matters. But, in quite a lot of cases, the balance between the public interest and the burden on the victims, or even the offenders, is problematic.

If you find a good story or an attractive photograph in some rival paper in the morning, it means you are left behind and you are seen as a failure. While this kind of sentiment is strong, especially in Japan whose society is highly homogenised and respects harmony, the tendency is seen even in British journalistic processes. This makes the competition harsher.

French sociologist Pierre Bourdieu criticises the nature of the press saying that "If Libération gives headlines to a given event, Le Monde can't remain indifferent, although, given its particular prestige, it has the option of standing a bit apart in order to mark its distance and keep its reputation for being serious and aloof. But such tiny differences, to which journalists attach great importance, hide enormous similarities. Editorial staff spend a good deal of time talking about other newspapers, particularly about "what they did and we didn't do" ("we really blew that one") and what should have been done (no discussion on that point)—since the other paper did

it.”³³

My experience confirms that. As a law correspondent, I was often woken by night shift editors' telephone calls in the middle of night—precisely 3:30am, the time of delivery of newspapers to central Tokyo—asking: “Have you read today's Asahi Shimbun Newspaper? Their front page shows a story you have not mentioned us whatsoever, can you follow it?”

Journalists' desire not to be left behind plays a key role in the media scrum. In a scene, for example, which many reporters and photographers are waiting for an appearance of a criminal suspect such as Suzuka in front of the house, retreating from the place carries a fatal risk.

Robin Stacey, a night editor from The Times, says, “Peer pressure really does play a big part. They want to be totally the same as anybody else, and the other hand they want to be different. ...There are a lot of papers. A wants to be unique and B doesn't want to be left behind. The paradox.”³⁴

Bitter Fruit

The result of this harsh competition and peer pressure often results in an unhappy outcome, even for the winner. Kiran Randhawa, a reporter for the Evening Standard, says “When I got a picture of a terror suspect arrested in the recent terror raids in Birmingham, I was ecstatic as it was an exclusive. Later, however, I was worried that we could have ruined this person's life by putting his picture on the front page, when he may not even be charged.”³⁵.

She also provides another important experience. “[I]n one case, a few years ago, a photographer and I were trying to get a chat with a family of a woman who had killed herself, leaving behind four children. The husband was very abusive towards us and did not want to talk. We then tracked down the grandparents, who had no idea their son did not want to talk to us, and they gave us a full chat and gave us pictures of the children. The grandparents, however, were very old and to be honest I'm not sure they even knew what they were doing, but I was under so much pressure from my editors, that I put away any moral reservations I had, and just did what I had to do to please my editors.”

This is quite understandable in the Japanese context. In February 1994, I reported exclusively on a breaking news story about fraud in the gaming industry - *pachinko*, which is very popular among Japanese people as a form of gambling. At that time I was the winner of the race. But after the arrest of some people and a series of reports, it ended up with the suspects being released

³³ Pierre Bourdieu, 'On the Television', translated from the French by Priscilla Parkhurst Ferguson, Pluto Press, p24

³⁴ In an interview with the author on 20th February 2007

³⁵ In the answer to enquiry in e-mail by the author, which was replied on 18th Mar 2007

without a charge. I was concerned that I had been exploited politically, because some part of the industry was believed to be connected with North Korea.

Another example from recent Japanese news is a scandal of young IT tycoon Takafumi Horie. In January 2006, he was arrested and charged with a breach of stock exchange rules. The investigation targeted money laundering and tax evasion but nothing illegal was found though his money flow which involved some famous financial institutions such as the Credit Swiss Hong Kong was widely reported as 'a highly sophisticated and malicious scheme' by the press. Akira Tachibana, a novelist who is famous for his knowledge of financial fraud, said in his recent book that "This overseas trading was called [by the media] as 'the dark side of the Livedoor [Horie's company]', but the reality is, though, it involved some off-shore companies, quite simple one."³⁶ The mass media's sensational reports, which were mainly fuelled by intense competition among the press, were thus criticised for shallowness and inaccuracy ten months later.

B. Competency of Professional Journalism

Digital Age and Newspaper

Severe competition does not always help consumers. In crime reporting, we often see news stories reported in order to justify lurid headlines. Other 'peer pressure' stories are neither good quality nor attractive. But how relevant is economic competition and the substance of news stories?

For many years, newspapers' circulation has been in decline and advertising revenue reduced both in the UK and Japan. There is an interesting comparison in newspaper circulation between 2001 and 2006 in Japan and the UK. According to statistics, it has changed considerably in the UK:

³⁶ Akira Tachibana, 'The Introduction to Money Laundering', Gentosha, 2006

Paper	Oct 2006	Oct 2001	Change(%)
The Sun	3,107,412	3,453,734	-10.03%
DailyMirror*	1,600,452	2,213,301	-27.69%
DailyStar	770,834	726,039	6.17%
DailyRecord	420,054	597,630	-29.71%
Popular	5,898,752	6,990,704	-15.62%
DailyMail	2,351,730	2,508,597	-6.25%
DailyExpress**	788,719	960,698	-17.90%
Medium	3,140,449	3,469,295	-9.48%
DailyTelegraph	900,043	1,024,135	-12.12%
The Times	656,278	725,247	-9.51%
Financial Times	439,774	473,901	-7.20%
The Guardian	384,701	439,029	-12.37%
The Independent	257,427	236,584	8.81%
Quality	2,638,223	2,898,896	-8.99%

*'The Mirror' at 2001 **'The Express' at 2001

MediaGuardian original source: Audit Bureau of Circulations

In Japan, the counterpart of Tabloids is the 'Sports Paper' which does not focus on just sports news, but on celebrities, crimes, and so on.

	Oct 2006	Oct 2001	change
General Papers	47,056,527	47,559,052	-1.06%
Sports Papers	5,253,951	6,121,701	-14.17%

source: The Japan Newspaper Publishers and Editors Association

It shows that in both countries, the circulation of quality papers has gone down less in percentage terms than the popular papers, which tend to rely more on scandal and sensation. This tendency could be explained by the fact that the information provided by popular papers is now being replaced by emerging media. Various websites and blogs offer celebrity news. They do not need well-trained professionals any longer. The consistency of the performance of quality papers in both countries suggests that quality news is not only better ethically but also financially.

'High quality' news might seem elitist and unexciting stories. However, we should consider the nature of news. People do not just *study* news, they enjoy it. Even sad, painful, alarming, or unpleasant news must be read. News is absolutely and fundamentally carried by curiosity. It is not just matters of public interest that attract attention but also those things which interest the public.

5. Society

Journalism is practiced in the public interest which is often used to justify the behaviour of reporters. But what does it comprise? What is the relationship between journalism and democracy?

A. Transparency

Openness

There is an important principle—namely, journalism has to supplement open justice. A democratic society requires its criminal justice system to be open, transparent and accountable. If those arrested or charged remain anonymous, human rights abuses such as wrongful arrest or malicious prosecution could not be discovered. Even when there is no such extreme failure, public scrutiny is indispensable for the maintenance of a democratic system.

Bob Satchwell, the executive director of the Society of Editors, says “It should be open. People can see if that person is being treated fairly, they are getting a fair trial. And the worst thing in the world which happens in the totalitarian countries, is the justice happening behind the bar if at all, behind doors, closed doors. No one knows what is going on. It’s very easy for the state to corruptly keep control. It undermines the rights of individuals to have a fair trial. It’s fundamental to a democratic society to get a fair trial in an open court.”³⁷

Some people, whether they are defendants or witnesses, may feel embarrassed as they are named in court reporting. But it is not a punishment to be displayed in newspapers or television news, rather it is a part of living in an open society. Journalists’ approach to criminal victims or offenders is open and independent of the police’s control over information.

When Shiori Ino, then 21, was murdered in Okegama, her father Kenichi and mother Kyoko suffered from the intrusive approach of journalists. However, it was the journalists who revealed that the local police force had neglected the parents’ suspicion of the ex-boyfriend who was eventually identified as the murderer. Kiyoshi Shimizu, a writer of a weekly photograph magazine ‘Focus’, investigated the homicide independently and eventually uncovered the misconduct of the local police.³⁸

The police were obliged to carry out an internal investigation and found that police officers were very obstructive to the parents’ accusation against the ex-boyfriend. They were hesitant to believe it and persuaded the couple to drop it. Appallingly, detectives falsified their statements

³⁷ In an interview with the author, on 23rd March, 2007

³⁸ Masakazu Honda, ‘Lawyers Network for Media Victims’, The Asahi Shimbun, 18th July 2001

to reduce the significance of stalking by Shiori's ex-boyfriend.³⁹

Vivid Reporting and 'Humanisation'

Transparency requires the 'humanisation' or 'personalisation' of crime reporting. Otherwise criminal justice would become a faceless phenomenon such like economic statistics or data. The details of tragedy are indispensable for both realism and to bring it home to readers. And the identity of those involved plays an important role in describing a real story.

Mike Sullivan, crime editor on the Sun, says "The one thing, crucial for a newspaper story, is to personalise. Stories have to be about people, otherwise it's boring."⁴⁰ Bob Satchwell of the Society of Editors says, "With speeding in road accidents, if it is a story about a fatal accident of a particular piece of road with no name, it's like a passing comment in their pub. But if there is a name, people will say 'that John Smith - we were at school', or 'that John Smith lived around the corner', and then talk about him for five or ten minutes. And if people talk about it, it humanises it and we are more likely to remember it."⁴¹ In human society, media should be mediating between people.

Problem of Anonymous Reporting

In Japan quite a few stories anonymise the victim or avoid a description which is unwelcome to the victim's family, even though it may be a fairly important fact. Parents who find their child's name as the victim of a shocking crime in newspapers or television programmes are inevitably shocked. This sometime leads sympathetic journalists to self-censor and if it is accompanied by sexual assault, the details are often suppressed. But murder cases are too serious to conceal the identities of the victims. Smaller crimes are also often reported without revealing the victim's identity.

In the UK, anonymous reporting is quite rare unless it is enforced for legal reasons. However, some cases in which the victim's honour might be undermined are sometimes reported without identity. On 31st January, 2007, the Guardian hid the identities of four men who were cheated into giving £250,000 to a con woman who tempted the victims with fake stories of serious illness as they replied to the lonely heart advertisement in a newspaper. In this fraud case, other newspapers displayed the identities of all the victims.⁴² However, it is doubtful whether they

³⁹ 'No to Police's Discretion', Kyodo News, 27th December 2005

⁴⁰ In an interview with the author, on 5th April, 2007

⁴¹ In an interview with the author, on 23rd March, 2007

⁴² Martin Wainwright, 'Serial bride jailed for £250,000 lonely hearts fraud', the Guardian 31st

needed this anonymity. In fact, one of the victims gave an exclusive interview to the Daily Mirror.⁴³

Some Japanese journalists are enthusiastic about anonymous reporting insisting that there is no public interest in naming a criminal victim — no one cares. Certainly, this is obviously less burdensome for surviving victims and their family. But what happens if all such kind of identification disappears? The pain might be reduced but what about the impact?

For example, compare these two ways of reporting the same event:

[Original]

Toddler's parents fear Algarve abduction

The parents of a three-year-old British girl who went missing last night while on a family holiday in Portugal fear she has been abducted.

Portuguese police were today searching for Madeline McCann who disappeared from the family's rented apartment while her parents Gerry and Katie dined at a tapas restaurant 200 yards away.

The family, who live in the village of Rothley, Leicestershire, are staying at the Mark Warner Ocean Summer Club holiday complex in the fishing village of Praia da Luz in the western Algarve. (the Guardian, 4th May 2007)

[Anonymised]

Toddler's parents fear Algarve abduction

The parents of a three-year-old British girl who went missing last night while on a family holiday in Portugal fear she has been abducted.

Portuguese police were today searching for the girl who disappeared from the family's rented apartment while her parents dined at a tapas restaurant 200 yards away.

The family, who live in a village in central England, are staying at a ocean leisure club holiday complex in the fishing village of Praia da Luz in the western Algarve.

What is lost is obvious.

If Sarah Payne had been described as 'an eight-year-old schoolgirl' and not named, it would have been very difficult to sympathise with her and offer help to her family. This is an important difference between journalism and data.

January 2007

⁴³ Sarah Arnold 'She Duped Me Out of Thousands...I Felt Like A Muppet', Daily Mirror, 4th February 2007

B. Victims and Society

Right to Be Left Alone

The importance of an open society and vivid reporting is challenged by people's desire for privacy. How can journalists justify disturbing the right to be left alone?

It is simple. We do not live alone. We live in a society. The public needs information about their society. In this context, 'the absolute right to be left alone' does not make sense. Each participant of the society must share in its information, experience, and challenges.

In an open democracy, people should be able to know what is going on, in a way that can encourage people to consider the consequences for society. The value of vivid reporting lies in this perspective.

Therefore, the right to be left alone should be argued carefully. This right could be considered to exist in a situation which has absolutely nothing to do with wider society or indeed requires insulation from society. But in a crime report, society is engaged. Its laws have been broken. The perpetrator should be punished. To define this boundary is difficult and is not helped by the bad behaviour of reporters.

In Japan, a public opinion poll about criminal victims conducted by the government in September 2000 showed that 68.8% regarded it 'problematic' that the media revealed the identity or showed photographs of crime victims. The proportion of those who thought 'the most problematic secondary damage against victims of crime is the media's privacy abuse' was 16.7%. This was second to 'mental shock and agony' of 50.9%.⁴⁴

However, we have already seen that Sarah Payne's family was supported by people because of the human interest of the coverage.

In Japan, Kaede's case is a painful example of the media having damaged the feelings of the family, but there is another more positive example. One year after Kaede's murder, a seven-year-old schoolgirl, Airi Kinoshita, was raped and killed in Hiroshima city. In this case, the media also reported her name as little as possible and refrained from describing her sexual abuse. Airi's family declined access to the media for quite a long time, but before the verdict against the offender, a Peruvian man, Jose Manuel Torres Yagi, 34, in the Hiroshima District Court, Airi's father Ken-ichi volunteered to appear in front of press on 26th June 2006 for the first time.

"Airi ... lived her life here. It is all right to use her name. It is all right that details of the sexual assault are reported if such reporting can result in preventing sexual crimes," said Ken-ichi, showing Airi's picture. He had changed his mind after reading newspaper reports on the trial which did not touch much on the details about the sexual assault.⁴⁵

⁴⁴ The Cabinet Office, Japanese Government 'The Public Opinion Poll About Criminal Victims'

⁴⁵ Kyodo News, 26th June 2006

These examples show that just staying away from these vulnerable people is not necessarily the best approach.

6. So what needs to change?

Given all that we have seen, what kind of improvements might be made to journalistic practice to serve the interests of the media and society but equally the victims and even the perpetrators of crime?

A. How to Approach—Victims and Suspects

Change 1 - Self-Regulation

Victims of crime need time to grieve. But if the media implement a ‘hands-off the victim’ policy to respect their quiet time, the journalistic responsibility to provide an interesting description about the crimes, cannot be achieved. As I have argued, such a policy would undermine the transparency of society. To share the victims feeling and know more about what happened, the victims have to be reported. Indeed, the victims themselves require news coverage, e.g. Sarah’s case and Airi’s case. Therefore, the problem is not whether to approach them, but how.

The necessity to report suspects is more easily understood. From the case studies shown in previous chapters, we can see a way of improving the reporting.

The first is by self-regulation. In the two murder cases in Japan, reporters used self regulation - a pool arrangement at Kaede’s funeral and refrained from surrounding the suspect’s house. This seems to have worked well, although it was too late. If this style of self regulation had been carried out from the beginning, there would have been less intrusion.

In Britain, the reporters in charge of Sarah’s case showed this sort of restraint. During the trial, the mother Sara Payne was so stressed that she often went to a pub nearby. She was sometimes accompanied by some of her family or police officers, having a break from court, and at lunchtime everyone came in to discuss how the case was going. “The press quickly realised that this was where we all met, and respectfully let us alone, choosing to drink in another pub, so we could have some privacy.”⁴⁶

Another example is seen in an experience of Kiran Randhawa, a reporter from the Evening Standard. It was a pool interview. She said, “Sometimes, if there are a horde of journalists outside someone’s house, we will elect one reporter, usually someone from the Press Association, to talk to the family on behalf of all of us, so that they are not bombarded with questions and requests for information from the whole ‘pack’.”⁴⁷

⁴⁶ Sara Payne, ‘A Mother’s Story’ p158

⁴⁷ In her reply to e-mail questions by the author

Change 2- Time and Medium

Next to self-regulation, a more positive way approach is to take time and think about the means.

Time is crucial to let upset people recover a little. Indeed, it must be nothing but time that changed the mind of Airi's father who had declined any interview since his daughter's murder. It took time for Shiori's father to develop a relationship with journalists.

Breaking news at the moment of an incident is, of course, vital for journalism, as is the unfolding factual story. On the other hand, it is only when victims are ready to speak, that journalists know their hearts. But how to do it?

In Japan, Shiori's father, who was annoyed by journalists at first, eventually came to understand their needs once a lawyer had intervened between them.

In Britain, Esther Addley, a senior reporter from the Guardian, reported on a British woman who had died in an airplane from Mexico when a package of cocaine in her stomach she was smuggling burst. When Esther tried to cover the story of Katriya Connor, 23, her mother, Gillian, declined to give an interview. Instead, her lawyer replied. Esther could not obtain much information from the lawyer, but was provided with a beautiful smiling photograph of Katriya which made the story vivid. Esther said "I wrote as much as I could based on what I know, but I didn't know very much and if I had spoken to the mother directly I would have known more, but she didn't want to speak to me. So I wrote as much as I could but I said to her "Even if I don't have very much information, even a photograph will help" and so she did give me the photograph but she didn't speak to me."⁴⁸ In this case, the lawyer at least passed her request for photograph to the mother.

Change 3- Use of Lawyers

In Britain, police liaison officers are a good medium between the victim's family and the media. However, they are a part of the criminal justice system.

In Japan, there is the 'victims' representative lawyer'. Some bar associations offer a representative lawyer for the victim's family. The lawyer represents them in the relationship between the police, the offender, their employer (criminal victims and survivors often too devastated to keep on working), and, of course, journalists.

But there are two problems with this. First, it is not always clear that these lawyers are straight with journalists. They may seek to protect their clients' privacy by simply ignoring journalists. Second, they may get in the way of a direct interview. Clearly some people are too upset or shocked to given an interview immediately but at some point they might be ready.

⁴⁸ In an interview with the author on 27th March, 2007

A journalist should not abandon any opportunity to seek an interview. To lose an opportunity for direct communication by the lawyer getting in the way would be regrettable.

Change 4- Approach to Offenders' Lawyers

To report offenders responsibly is difficult. The press have to be conscious about the risk of treating innocent people as criminals. In addition, even if they are guilty, there are questions about what is reported. Journalists have to be conscious of the need for eventual rehabilitation and re-entry into society.

Making approaches to alleged offenders' lawyers might help secure fair coverage. In Japanese practice, reporting the lawyers' view has been tried but remains rare. Suzuka's case was one example, even though it was followed by a bad relationship between lawyers and journalists.

B. Police, Public Bodies, and Society information

Change 5- Open Information Policy

The policy of handling information and the relationship between the police and the press in the UK is quite different from Japan. The ACPO's Media Advisory Group Guidance Notes set high standards for the flow of information. The following rule is especially remarkable:

'The Police Service should be supportive of a free flow of information to the media. This guidance is not intended to obstruct that, but to ensure that police forces adhere to the law and that individuals' rights are respected. It is recommended that the consent of victims and witnesses is sought in the first instance and, therefore, they should be asked the question: "We often find it helpful in our enquiries to pass on someone's details to the media. Do you object if we do that in your case?"'

This approach is in clear contrast to the usual practice of the Japanese police. Even though some information standards seems to be more open in Japan, the basic principle is not established.

It seems not to be an issue of journalism but of democracy. Who is the owner of public information, who should audit the information obtained, and what is an open process? Because of the short history of democracy in Japan, people are not used to discussing this critical point. So the media must argue for the journalists' rights to information, and thereby for the public's. Journalists have to describe what public good is achieved by news. When media are confident and eloquent about the public good, people in the wider society can understand the importance of journalism.

Change 6- Named but Not Shamed

It is not surprising that people are embarrassed by media coverage. It is understandable because viewers and readers like to talk about those who are shown in newspapers or television news. Even Sarah's mother, Sara Payne, who has had a good relationship with the media, felt annoyed by people's gossip.

"There were people locally that thought our lives were so much better now that Sarah was dead, as if a chauffeur-driven car, fancy hotel or bottle of champagne could make up for her loss. They also assumed we had taken vast sums of money from the media for interviews. They never said it to our faces, but friends of ours would get into arguments at the post office and bus stop, after overhearing people gossiping."⁴⁹

To spotlight someone, whether the person is good or bad, is not meant to hurt or embarrass but to describe news clearly in order to realise a transparent society. The English expression 'name and shame' and its Japanese equivalent 'Don't do anything that might be reported in a newspaper!' are based on misunderstanding of the role of journalism.

In Japanese journalistic practice, the reason for revealing the identity of criminal offenders is legal accountability. Where an arrest warrant is issued, a suspect is identified by his or her name in the article. Nevertheless, a mentally incapable suspect who is not formally charged might not be identified. The media also usually refrain from mentioning any name until the arrest or the issue of the warrant. This link between the identification of suspects and their legal situation sometimes suggests, wrongly, that to put someone in the spotlight means they are being punished.

Change 7- Mug Shots

In the UK, photographs seem to play a more important role than in Japan. They are often effective in creating a visually attractive page, but in crime reporting we have to be careful of the effect.

On 16th January 2007, the Guardian and the Daily Telegraph showed big mug shots of six defendants of the 21/7 bomb attack plot. The Telegraph put these photos on the front page and it looked like a 'wanted' poster. It is possible for this news to be regarded as a sort of manhunt story or detective drama.

While pictures make the report vivid and help members of public understand the case, they can also be seen as an attack on the accused. Editors should pay more attention to this kind of effect in order to clarify reporting as information, not punishment.

⁴⁹ Sara Payne, 'A Mother's Story', Pg129

Change 8- Informed Consent

Another way to improve public understanding and remove misunderstanding is to describe the journalistic purpose more clearly. Think of informed consent in the medical context. Kiran Randhawa, news reporter from Evening Standard, described her feelings as 'quite torn' in approaching criminal victims.⁵⁰ "You understand the victim's family want you to leave them be, but you also have a job to do." Her way to secure 'informed consent' from the victim's family is to explain the public benefit of news reporting, for example, how talking to the press could help a police investigation by encouraging witnesses to come forward.

This relates to the improvement of reporters' behaviour. There is a correlation between sensitive behaviour and the proper understanding of society.

C. Slow Journalism

At the end of this paper, I would like to employ the analogy of food as a metaphor for good and decent journalism. The murder of prostitutes in Ipswich was covered by all British national newspapers, broadsheets and tabloids alike, after the discovery of a third body in mid December last year, which revealed it to be a serial killing. The coverage continued on a daily basis until the arrest and charging of the alleged offender just before Christmas. Sometimes, four pages of a newspaper were occupied by stories of the incident. Similar things happen in Japan.

This kind of coverage provides superficial knowledge, but the substance is sometimes dubious. People in the middle of the confusion of a crime are too upset to give proper answers to reporters' questions. At this stage, experienced journalists know that truth is often jeopardized by confused information, groundless rumours, and, sometimes, malicious demagoguery.

This kind of news reporting is 'fast-food journalism' rushed by the requirement of speed. It is important to get news out quickly but also to be aware of the limitations, especially when dealing with sensitive issues and people in shock.

Competition in this area may be as intense as in the fast food business. But the fruits of the competition are sometimes not so much tasteful as bitter. At the beginning of 2006, the Japanese news agency Kyodo News received a complaint from the editor of a client newspaper about an interview with a real estate developer. The interviewee, Susumu Ojima, was at that moment the centre of public attention because he was responsible for faulty flats which were not earthquake-proof and in breach of construction standards - a key regulation of building in our earthquake-prone country. In fact, Ojima was arrested and charged four months after the interview. The editor from the regional newspaper said that the interview had only reported what Ojima had said and had given him a platform for himself rather than subject him to critical

⁵⁰ Answering to inquiries in an email by the author.

questions. The interview had been too easy going, a feature rather than an interrogation seeking to get at the truth.

Regrettably, stories that result from fast-food journalism are often less intellectually nutritious even if they are tempting. In addition, as shown in chapter 1 and 2, their ingredients are sometimes collected in a 'society-unfriendly' way.

The slow food movement is designed to improve diet, and to pursue good, clean and fair food. 'Slow' is the antithesis of fast. So what is slow journalism? The top priority is substance—to be 'intellectually nutritious', and of course 'intellectually delicious'. Slow journalism should tempt people to think in a social context, which meets the criteria of powerful journalism, and requires vivid and humanised reporting. It must not be lofty, boring nor academic, oriented only to accuracy. Slow food is not medicine. Slow journalism is exciting and surprising, because it should be the real practice of news reporting in depth.

In my experience, a piece of slow journalism in practice in criminal reporting was the story of a small but scary incident at a Tokyo train station. In November 2002, Katsuhiko Kobayashi, 42, was seriously assaulted and fell into a coma at Nippori Station in north east Tokyo. He was diagnosed as unlikely to recover and he remains unconscious still. I looked for the victim's family at the hospital to which he was sent, and eventually found them after questioning several dozen people. They were understandably very upset, and I tried not to bother them but to behave gently and considerately. What I offered them was my personal help. They were, of course, keen to know what was going on, so I and my colleague, the police correspondent, told them as much as possible, and then they often rang my mobile phone asking for new information.

This mutual relationship resulted in an exclusive interview. A week after the assault, the victim's brother, Hiroshi, told me: "Many journalists have come to us and asked for an interview, but we want you and your colleague to have it." The interview was conducted quietly and calmly, and their agony was revealed for the first time. Mutual understanding produced a good and original story.

Thus, slow journalism can provide 'intellectually nutritious' news and its process of production is less damaging.

However, it should be noted that 'the slow journalism' is no more than an analogy. While the slow food movement cannot aim to change all diet into slow food, slow journalism has to respect the role of fast-food journalism. It cannot be entirely replaced as that would be neither possible nor desirable. Breaking news goes on; following stories quickly is also important. So slow journalism cannot be the only way of doing news, but it should aim to grow in proportion. It must make media varied and exciting, and encourage people to respect the role of journalism.

Conclusion

To behave appropriately in approaching those who are at the centre of a tragedy is difficult. It is harder when it comes to asking tough questions. However, looking at some practices in reporting crime in both in the UK and Japan gives us some clues for the future:

- ? Taking time and choosing the right means to approach victims decently are important
 - ? When the story is hot, the use of pooling or a representative lawyer's press conference might be effective
 - ? Some types of offender reporting are harmful to society
 - ? The public interest requires detailed reports including identity and other essential information even if some people are keen not to have their tragedy reported, but the degree of detail requires this being thought through case by case
 - ? Vivid and colourful reporting is key to good journalism but it has to be sensitive and humane
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- ? Understanding the role of journalism and promoting 'informed consent' may increase trust, and reduce bad behaviour and thereby provide a better environment for the media

Reporting a tragedy is like touching the wound of a person in sorrow. Journalists cannot be too careful, but it should be noted that their wound is at the same time a wound in our society whose pain should be shared by everyone. Not to approach them or to report it is no doubt the simplest way to avoid intrusion, but it does not make sense in the context of journalism. To anonymise somebody might be an effective way of avoiding embarrassment, but it deprives news stories of their essential human dimension.

This paper is entitled 'Striking a balance'. To strike a balance is often understood as aiming to for an average. It should be no such thing; rather it is party of a tough struggle to walk the edge between a lively description that engages the public's interest while respecting the feelings of those we are reporting. It is the journalist's job to engage in the relationship between victims, offenders, the police or other public bodies in the public interest.