

Police, media take heat for stories on tot's death

By ROSEMARY TODD
The Spectator

THE LAWYER for the guardian of a three-year-old girl who died Tuesday says regional police had "their own agenda" when they released information about the death to the media.

And The Spectator, which printed the "police propaganda," has in turn put pressure on the police through its coverage to charge the guardian, he said.

"It makes him (the guardian) the object of unwarranted suspicion," said David Midanik, who represents Ken Jarvis, the legal guardian of Felicia Elizabeth Kotowick and her brother Joseph, 5.

Created issue

"Before you print the police propaganda you print, you should think about their motive," he told a Spectator reporter, adding police could compare statements given to the media by the guardian with those given to the police to determine inconsistencies in testimony. "If there's enough pressure, they'll charge."

"The fact is, there is nothing unusual about these circumstances," he said of the incident.

"You have created an issue here," said Mr. Midanik, who works independently on Queen Street West in Toronto. "What happened here is a little girl hurt her head."

Rob Austin, managing editor of The Spectator, said last night that Mr. Midanik "has a valid point."

"However, if Mr. Midanik has been following our coverage of matters within the police department, he will have seen that we are not propagandists for the police," he said.

"We make judgment calls based on information we have on hand, from sources — in this case, the police and the child's guardian," he added. "In the end, we rarely know the absolute truth — and that is the reality we and our readers must accept."

Hit head

Felicia Kotowick, of Bro Street, was taken to Hamilton General Hospital by ambulance 2:30 a.m. Tuesday. She was later pronounced dead. According to Mr. Jarvis, she had been jumping on her bed when she fell backward hitting her head on the floor.

Police are conducting a criminal investigation into the death.

Later Tuesday, the Hamilton Wentworth Catholic Children's Aid Society took Joseph into their custody.

Regional police spokesman Bob Buck said Mr. Midanik called the police department yesterday and "suggested we put ourself into a libellous situation."

"If he has a problem with the way we handled this, then he has a number of avenues he can take," Staff Sergeant Buck said. "Otherwise, this is not worthy of discussion in the media."

Persecuted

On Wednesday, regional police released to local media information revealing the name, age and address of the victim and some of the details concerning her transfer to Hamilton General Hospital.

The release said detectives from the child abuse branch were called to investigate the sudden death of the girl, assisted by the CCAS. An autopsy performed late Tuesday had not been finalized and the exact cause of death had not yet been determined, it said.

"However, there has been enough evidence generated to warrant this matter being treated as a criminal investigation," the release said.

Yesterday, Mr. Midanik said Mr. Jarvis has been persecuted as a result of the police press release and the media, but said "I can't say anything you've (The Spectator) printed is not factual."

Mr. Midanik said he has instructed his clients — Mr. Jarvis and his common-law wife, Laurie Ann Werry, 19 — not to speak with The Spectator or the police about the circumstances of the death.