
**CANADIAN BROADCAST STANDARDS COUNCIL
ONTARIO REGIONAL COUNCIL**

CTV re News Report (Police Shooting)

(CBSC Decision 94/95-0213)

Decided March 26, 1996

A. MacKay (Vice-Chair), R. Cohen (*ad hoc*), P. Fockler, T. Gupta,
R. Stanbury, M. Ziniak

THE FACTS

During its Canada AM broadcast of July 11, 1995, CTV's 7:00 a.m. newscast included as its final story a 22-second item, which was introduced and described by the news reader, Elliott Shiff, in the following terms over the background video component of the segment:

A controversy in California where police shot and killed a woman following a high-speed chase. A warning: these next pictures are graphic. The woman eventually stopped her van and walked to the front of it. Police claimed she was carrying a handgun and was aiming the weapon at officers. Some dispute the fact she was even armed. This is the twelfth such police shooting in the California county since November.

About 9 seconds into the news report, the news reader alerted the audience to the graphic nature of the forthcoming sequence, which showed the woman getting out of her van and being shot about 7 seconds later.

The Complaint

On July 20, a viewer wrote a letter to the CRTC complaining about the newscast. That letter was then forwarded to the CBSC. In the letter, the complainant said:

A news clip showing a woman being shot and killed by police in my opinion was both an obscene pictorial representation and excessively violent for public broadcasting. I found this extremely disturbing.

The complainant then made some very specific points about the news clip. These included the fact that the event was not covered on the CBC, in the *Ottawa Citizen*, the (Montreal) *Gazette*, or in the Canadian Press and the fact that the event was shown in “graphic detail”. He posed the rhetorical question: “Why was this shown?” and answered it by saying that “It was not a major news story ... It was shown, in my opinion, only for its sensationalism.”

The Broadcaster’s Reply

The viewer’s letter was sent by the CBSC to CTV and the network’s Vice-President of News responded to the complainant on August 17 in the following terms:

I have screened the tape of the item in question and agree with you that it was, indeed, graphic in nature. Our news editor felt it was necessary to show this story given the fact that the woman was the twelfth person shot by this same California Police unit in the last two years. This kind of footage, shown without a more in-depth explanation of the story is, in fact, contrary to CTV’s journalistic standards. We have therefore reviewed CTV’s policy with this editor and will ensure that all our editors are reminded of and adhere to this policy.

CTV also has a policy of warning viewers about coming footage that may be disturbing in order to allow parents to prevent their children from being exposed to the item. The warning was effected that morning.

The viewer was unsatisfied with this response and requested, on August 30, that the CBSC refer the matter to the appropriate Regional Council for adjudication.

THE DECISION

The CBSC’s Ontario Regional Council considered the complaint under the *Voluntary Code Regarding Violence in Television Programming* of the Canadian Association of Broadcasters (CAB) as well as the *Code of (Journalistic) Ethics* of the Radio and Television News Directors Association. The pertinent paragraphs of Article 6 of the *CAB Violence Code* read as follows:

CAB Violence Code, Article 6 (News & Public Affairs Programming)

- 6.1 Broadcasters shall use appropriate editorial judgment in the reporting of, and the pictorial representation of violence, aggression or destruction within their news and public affairs programming.
- 6.2 Caution shall be used in the selection of, and repetition of, video which depicts violence.
- 6.3 Broadcasters shall advise viewers in advance of showing scenes of extraordinary violence, or graphic reporting on delicate subject matter such as

sexual assault or court action related to sexual crimes, particularly during afternoon or early evening newscasts and updates when children could be viewing.

- 6.6 While broadcasters shall not exaggerate or exploit situations of aggression, conflict or confrontation, equal care shall be taken not to sanitize the reality of the human condition.

Article 3 of the *RTNDA Code of Ethics* reads in pertinent part as follows:

Broadcast journalists will not sensationalize news items and will resist pressures, whether from inside or outside the broadcasting industry, to do so.

The Regional Council members viewed a tape of the program in question and reviewed all of the correspondence. The members are of the opinion that the program is in violation of both the *CAB Violence Code* and the *RTNDA Code of (Journalistic) Ethics*.

The Airborne Hazing Precedent

This is the not the first occasion on which the CBSC has had the opportunity of considering the news and public affairs provisions of the *Violence Code*; on the only other occasion, also involving a CTV Canada AM newscast, *CTV re Canada AM (Airborne Hazing)* (CBSC Decision 94/95-0159, March 12, 1996), the Ontario Regional Council made the following observations:

The Code recognizes that society has a right, if not an obligation, to have presented to it the reality of the news, however unpleasant or even intolerable that news may be from time to time.

This does not, however, open the floodgates to *every* bit of reality which could be defined as news or every bit of every story which *ought* to be brought to the attention of the Canadian public. Elements of editorial judgment must be exercised on many levels. Since, in the first place, there are innumerable stories competing for the time available in any newscast, a story ought to be reported for reasons "beyond simply engaging the audience's attention", as CTV News' Vice-President said in his letter of August 16. A story broadcast simply to engage the public's attention would likely be characterized as sensationalism and thus in breach of the *RTNDA Code of Ethics*.

Almost every story which must be told will require editorial judgment as to *how* it will be told. Nor will every story requiring such judgment ultimately come to the CBSC's attention. Such rare occurrences will generally be those which, in their edited form, still attract viewer attention by reason of their frightening, violent, graphic or other unpleasant characteristics. In each such case, the broadcaster must temper the public's need to know with the measure of how *much* needs to be known so as not to exceed the bounds provided in the *Violence Code*.

The Ontario Regional Council considers that the application of these principles here must lead to a conclusion differing significantly from that in the *Airborne Hazing*

matter. In that case, the item was significantly longer (about 70 seconds) and the video component, which was only used halfway through the piece, lasted 15 seconds. Furthermore, it was clear *from the beginning of that item* that unpleasant footage would be shown: the news reader's "tone, visual cues and words made it apparent from the end of the first sentence that the news item would be unpleasant. Her explicit warnings were given before the video clip ran."

Most relevant of all to the members of the Ontario Regional Council is the issue of *context*. In the *Airborne Hazing* case, the issue was itself relevant to Canadians; it involved Canada's armed forces; and it was not the first disturbing story related to Canada's recent military experiences. Moreover, in the 33 seconds preceding the screening of the potentially offensive video portion, the context was definitively established in the following terms:

Good morning, everyone. We begin this morning with another horrifying look at the ugly side of the Canadian military, from a home video that can only be described as a vulgar record of some very repulsive and racist acts. The video was shot in the summer of 1992 during a hazing ceremony for new members of the Canadian Airborne Regiment. You may not want to see this or hear this. It shows drunk soldiers being smeared with human feces, urine and vomit. Again a warning. You will find these pictures shocking and offensive.

Viewers were told what they would physically see, what the material represented, why it would be shown and what its relevance was. It was a case in which the Council felt that the information was so relevant to viewers that Article 6.6 had to be invoked to ensure that the broadcaster's duty not to show excessive or unnecessary violence in the news would be tempered by its responsibility to take "equal care ... not to sanitize the reality of the human condition." In sum, the Ontario Regional Council concluded that CTV's handling of the *Airborne Hazing* matter, a difficult and unpleasant story, could not have been better. It was adroit, thoughtfully edited and sensitive to potential viewer concerns. Consequently, the Ontario Regional Council decided in favour of the broadcaster in that case.

The Case at Hand

The case at hand stands in stark contrast. There was no fundamental relevance of this American story to Canadian viewers, nor was there *any* attempt made to establish such a link. In general terms, there was no editorial context given for the piece, for viewers in any country. Furthermore, except for the moment of the shooting, no story was even told. There had been no information on the reasons for the shooting and no details on whether the woman in question had been armed. There was neither introduction nor follow-up. The Council believes that the airing of the news item simply turned on the *availability* of the video component. The piece ran *because* of the video clip whereas, in the case of the *Airborne Hazing*, there was a story *without* the clip. It was, of course, a better story with it but there was a

story to be held. In this matter, the Council considers that there was none, other than the “shock value” of the film clip itself.

In consequence, the Council considers that the running of the news item in question constituted a totally unnecessary “pictorial representation of violence”, contrary to the *CAB Violence Code*, and that, in airing the story without providing any context, the broadcaster had sensationalized the news, contrary to the *RTNDA Code of Ethics*.

Nor did the presence of an advisory alter the view of the Council, which is, if anything, concerned by the proximity of the warning to the video portion for which the alert was given. Not only was the advisory not placed at the *beginning* of the news story, it was almost halfway through the segment and only 7 seconds before the actual shooting. There was scarcely time for a viewer to respond to the warning before the shot was fired. Furthermore, it should be borne in mind that the reference in Article 6.3 of the Violence Code to the need for advisories “particularly during afternoon or early evening newscasts and updates when children could be viewing” should *not* be viewed by broadcasters as being limited to “afternoon or early evening” time periods. The Council considers that the emphasis is to be placed on *any* time periods “when children could be viewing” and early on a July morning is precisely when one could expect young viewers. In any event, the Council does not consider that a better-placed advisory would have overcome the *other* issues which have resulted in its negative conclusion in this matter.

The Broadcaster’s Response

In addition to assessing the relevance of the Codes to the complaint, the CBSC always assesses the *responsiveness* of the broadcaster to the substance of the complaint. This requirement to be responsive to audience complaints is a responsibility of membership in the CBSC and was first established in the CBSC’s decision in *CFOX-FM re Larry and Willie Show* (CBSC Decision 92/93-0141, October 26, 1993). In this case, the Regional Council considers that CTV’s Vice-President, News, was responsive to the complainant in acknowledging that the item was, in some respects, “contrary to CTV’s journalistic standards.” Nothing more is required.

Content of Broadcaster Announcement of the Decision

CTV is required to announce the decision, in the following terms, during prime time within the next thirty days. It is also required to provide confirmation of the airing of the decision to the CBSC and to the complainant.

The Canadian Broadcast Standards Council has found that CTV has breached the *CAB Violence Code* and the *RTNDA Code of Ethics* in broadcasting a news story of a California Police shooting on July 31, 1995. The story provided no context for its video depiction of a woman being shot by the Police and was considered by the Council to be an unnecessary and sensationalized depiction of violence.

This decision is a public document upon its release by the Canadian Broadcast Standards Council.