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**CANADIAN BROADCAST STANDARDS COUNCIL  
BRITISH COLUMBIA REGIONAL COUNCIL**

CHAN-TV (BCTV) re Newscast (Toronto Subway Death)

(CBSC Decision 97/98-0383)

Decided May 20, 1998

E. Petrie (Chair), S. Warren (Vice-Chair), R. Cohen (*ad hoc*), H. Mack and D. Millette

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## **THE FACTS**

In its 6:00 p.m. newscast on September 27, 1997, CHAN-TV (Vancouver) reported the story of young woman who had been pushed by a stranger into the path of an oncoming Toronto subway train. The report identified both the assailant and the victim by name, indicating that the former was now in police custody charged with first degree murder as the latter had died in hospital from her injuries nine hours after the incident.

The news report, which lasted less than a minute, included video footage of the victim being rolled away by emergency care workers. A close-up of the victim's bloody and lacerated face was shown.

## **The Letter of Complaint**

On September 29, 1997, a viewer sent a complaint to the CBSC which stated (in part):

On Saturday 27<sup>th</sup> instant at about 18:11 p.m. [Channel 6 Victoria and Channel 8 Vancouver] transmitted, during a news broadcast, a report about a young woman being pushed onto the Toronto subway line into the path of an oncoming train as the result of which she sustained fatal injuries.

This item included a close view of the dying but still partly conscious woman's bloodstained face from which anyone who knew her, including her nearest and dearest, would have easily identified her and witnessed her condition and obvious distress. And we complain about the paparazzi!!

May I suggest that the full force of your organization should be brought to bear on the inept and sometimes brutal reporting activities of these channels, which, in my opinion should be brought to closure a.s.a.p.!

Last time, November 20<sup>th</sup> last year, I complained about a film clip of a man being doused in gasoline and having an ear ripped off. This was worse - it was real.

## **The Broadcaster's Response**

The Vice President/News Director of CHAN-TV (BCTV) apologized to the complainant in his response dated October 16. His letter read as follows:

Your letter of September 29<sup>th</sup> to the Canadian Broadcast Standards Council has been forwarded to me for response.

On this occasion, I must agree that the use of the picture of the face of the woman in this incident was inappropriate. While that picture was contained on a pre-edited tape which originated in Toronto and came to us in the form it ran, it should have been caught here by our production staff and was not.

Our policy is to eliminate visuals which gratuitously depict violence and to use only those pictures which are necessary and relevant to proper telling of the story. In this case, the story would have been well and clearly told without resorting to use of this particular four second shot.

I apologize if the use of this shot caused you distress. This oversight has been brought to the attention of the staff members involved and I don't anticipate a repeat.

The complainant was unsatisfied with the broadcaster's response and requested, on October 22, that the CBSC refer the matter to the appropriate Regional Council for adjudication. With his request, the complainant added a note in which he referred to another matter which has no bearing on the disposition of the present complaint.

## **THE DECISION**

The CBSC's B.C. Regional Council considered the complaint under provisions of the Canadian Association of Broadcasters' (CAB) *Voluntary Code Regarding Violence in Television Programming* of the as well under provisions of *Code of (Journalistic) Ethics* of the Radio and Television News Directors Association (RTNDA). The texts of the relevant provisions of these Codes read as follows:

### **Clause 6, CAB Violence Code (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 extra-ordinary 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, *RTNDA Code of (Journalistic) Ethics*

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

#### Article 4, *RTNDA Code of (Journalistic) Ethics*

Broadcast journalists will always display respect for the dignity, privacy and well-being of everyone with whom they deal, and make every effort to ensure that the privacy of public persons is infringed only to the extent necessary to satisfy the public interest and accurately report the news.

The Regional Council members viewed a tape of the program in question and reviewed all of the correspondence. For the reasons discussed below, the Council does not find that CHAN-TV sensationalized the news item in question but does find that the depiction was in breach of certain of the news and public affairs provisions of the *CAB Violence Code* and that the broadcaster failed to respect the dignity of the victim, in violation of Article 4 of the *RTNDA Code of (Journalistic) Ethics*.

### **The Visuals Included in the Report**

This complaint is two-fold. The viewer has expressed concern both for the violent content in the broadcast, claiming that this report was worse than other violent content on television because “this was real”, and for the privacy of the individual victim, pointing to the fact that “this [news] item included a close view of the dying but still partly conscious woman’s bloodstained face”.

It goes without saying that television news reports often contain visuals depicting acts of violence. This is to be expected, for television is by its nature a visual medium. Audiences expect more than “talking heads” in their newscasts and it would be unreasonable on the part of broadcasters not to provide the video elements which are so essential to the

medium. That being said, Canada's private broadcasters and radio and television news directors have created codes which express their agreed limitations to the depiction of violence. These are found in Clause 6 of the *Violence Code* and Article 3 of the *RTNDA Code of (Journalistic) Ethics*.

While the CBSC has interpreted these provisions on a few occasions, no one decision has dealt with a precisely similar set of facts. In general terms, the CBSC has set out the need for the broadcaster to strike a balance between the editorial judgment in the selection of video clips to be used, according to Clause 6.1, and the requirement of Clause 6.6 that “equal care ... be taken not to sanitize the reality of the human condition.” As the Ontario Regional Council put the issue in *CHCH-TV re the Ricki Lake Show* (CBSC Decision 95/96-0105, April 30, 1996),

There is established, in other words, in the area of broadcast standards, a balance between the public's need to know and the way in which that knowledge should be conveyed. The issue is ultimately one of reasonableness of treatment.

In *CTV re News Report (Police Shooting)* (CBSC Decision 94/95-0213, March 26, 1996), the same Regional Council found that the broadcast of video footage of a woman being shot by California police was a “totally unnecessary pictorial representation of violence” as the story had “no fundamental relevance [...] to Canadian viewers” and appeared to turn on the mere *availability* of the video component. Such is not the case here. The story was obviously of relevance to Canadians and it clearly did not get reported on the basis of the availability of the footage, as in the CTV decision. The footage here did not drive the story; it was an add-on.

While, in the matter at hand, the B.C. Regional Council accepts that the news story was inherently violent and that *some* pictorial representation of the violence that occurred may have been acceptable, it finds that the shot of the victim's face as she lay dying on the paramedics' gurney was utterly unnecessary to the story. It added no clarification of any of the issues, no expository value to the sad tale, and no information which the viewer required to understand the series of events. The additional depiction ought reasonably to have been expected to make a viewer cringe or, at least, feel discomfited. The Council agrees with the broadcaster's acknowledgment that the “story would have been well and clearly told without resorting to use of this particular four second shot.”

Despite the use of the close-up of the victim's face, the Council finds no reason to conclude that BCTV had “sensationalized” the news item, contrary to provisions of the *RTNDA Code of (Journalistic) Ethics*. The shot was unpleasant but not spectacular. It was gory but not glorified. In the end, while it was unnecessary, and, in *that* sense, gratuitous, it was not sensational and consequently not in breach of Article 3 of the *RTNDA Code of (Journalistic) Ethics*.

The Council considers, however, that the inclusion of a close-up of the lacerated and bloody face of the victim in the last moments of her life in the report failed to respect the dignity of the victim. In the Council's view, there is a distinction to be made with respect to showing other less readily identifiable parts of a person's body, such as arms, legs, torso, etc. and showing the victim's face. It is not so much an issue of the identification of the individual (especially in this case where the victim had been named) as it is an issue of identification of pain, agony, distress, even distortion of the individual, in short, an affront to the dignity, if not the privacy, of the victim and her family and friends.

### **Broadcaster Responsiveness**

The CBSC always recognizes the broadcaster's obligation, as a CBSC member, to be responsive to complainants. In this case, the Regional Council finds that the broadcaster's response was particularly considerate. The Council notes that, in its brief response, the broadcaster first accepted responsibility for "the use of the picture of the face of the woman in this incident [which] was inappropriate," then explained how the mistake occurred, and, finally, indicated that steps had been taken to avoid further such "repeats". Consequently, while there was a breach of the Codes, based, it should be underscored, on the feed of the item from a Toronto station, the B.C. station is to be praised for its frank, thoughtful and equitable response to this complaint.

### **CONTENT OF THE BROADCASTER ANNOUNCEMENT**

The station is required to announce this decision forthwith, in the following terms, during prime time and, within the next thirty days, to provide confirmation of the airing of the statement to the CBSC and to the complainant who filed a Ruling Request.

The Canadian Broadcast Standards Council has found that BCTV breached provisions of the Canadian Association of Broadcasters' *Violence Code* and the Radio and Television News Directors' *Code of (Journalistic) Ethics* in its 6 p.m. newscast of September 27, 1997. By including a video shot of the lacerated and bloody face of the victim of a Toronto subway murder, BCTV unnecessarily depicted the violence associated with that tragedy, contrary to the provisions of the *Violence Code*. The addition of that shot of the victim's face in the last moments of her life also failed to show respect for the dignity of the victim as required by the *RTNDA Code of (Journalistic) Ethics*.

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