
CANADIAN BROADCAST STANDARDS COUNCIL

BRITISH COLUMBIA REGIONAL PANEL

CIVT-TV (CTV British Columbia) re a report on *CTV News* (“Fatal Highway Crash”)

(CBSC Decision 09/10-1300)

Decided November 19, 2010

S. Warren (Chair), R. Cohen (*ad hoc*), J. Doobay, G. Leighton, M. Loh, T. Plasteras

THE FACTS

One of the reports broadcast during the 11:00 pm CTV British Columbia newscast, *CTV News*, on CIVT-TV (Vancouver) on February 19, 2010, was entitled “Fatal Highway Crash”. The newscast was anchored by Bill Good and Pamela Martin and the report was filed by reporter Renu Bakshi, who was live at the scene of the accident in Delta. The report was broadcast at 11:25 pm. The transcript of the newscast was as follows:

Martin: To other news now, and it is deadly serious. A head-on crash in Delta has killed at least three people.

Good: CTV’s Renu Bakshi is live at the scene on Highway 17. Renu, what’s the latest out there?

Bakshi: [first few words inaudible due to sound problems] and a fourth person will most likely die. It’s a very sad situation out here. You can see the crews still working on the scene behind me [points behind her where there are vehicles and lights]. Three bodies are still in those cars. Chopper 9 flew over the accident shortly after it happened at about 7:45 tonight. This was a fiery head-on crash. [Aerial shots of highway with wrecked vehicles, emergency vehicles with lights flashing and emergency workers attending to the scene, including wheeling a stretcher with a body on it] A mini-van got off Highway 99 and went the wrong way on Highway 17. This mini-van traveled more than one kilometre before it hit a small car with two people inside. And those two people died at the scene. The driver of the mini-van also died and his passenger was airlifted to hospital. And, as I mentioned, it’s really not looking good for him. Highway 17 northbound is still closed and

it will be for several hours yet. One thing that we can tell you about this car crash is that the mini-van was traveling at highway speeds for it to cause this kind of an impact, a fiery crash. And, again, three people have died and, uh, the fourth person will most likely die. Pamela?

Martin: All right. Thank you for this, Renu.

The following complaint, dated March 3, 2010, was sent to the CBSC and copied to CTV British Columbia. The complainant began by recounting the steps he had taken to lodge the complaint, first with CTV, then with the Canadian Radio-Television and Telecommunications Commission (CRTC) and finally with the CBSC (the full text of all the relevant correspondence can be found in the Appendix).

Renu Bakshi is a news anchor at CTV. For the 11:30 pm newscast on Fri. Feb. 19, she reported from an accident scene outside the city proper for CTV. She was on the scene this time and not at the newsroom. She said in her live broadcast from it that there had been a head-on crash of 2 automobiles with 3 people dead and 1 being airlifted to hospital. She stated twice that the one who was airlifted to hospital – and I quote – “will likely die”. It was the case on these 2 occasions in her report that she linked together the facts that this victim who was taken to the hospital was probably going to die. Obviously her point was that his being taken to hospital was certainly not going to save his life in her opinion. She did not say anything else in this connection.

Undoubtedly this is pure, sheer, mere and complete unfounded assumption, conjecture and speculation on her part. Colloquialisms suffice to make my point: where does she get off or have the right to utter on this injured’s expectant or anticipated demise in this manner and in this situation? Such is unethical; it lacks integrity. It cannot but lack for a sore, dismal lack of accuracy as she offered no justification for this ungrounded view. For, I assert, she would not and could not have had any such thing. Her belief, opinion or conclusion was not identified by her as other than her pronouncement.

I believe that I have made it plain and clear. It revealed a serious lack of delicacy and sensitivity. One only has to think of that victim’s family and/or friends seeing that newscast and hearing her guess that he is going to be breathing his last, hospital or not.

[...]

P.S. I wish to add some things to further and better make my point. I think and say some more too. I trust that nothing is repetitive, but if so I apologize for it. They are in no particular order. I certainly wish to know the basis, reason or justification for her comment in addition to my other concerns raised herein which arise as a result of her making them. It would seem – and properly so – to be solely a matter between doctor and patient and not at all one between a reporter and an accident victim whether he or she lived or died. That is, her being right or wrong about that is not the issue here. It is her assumed right or power or liberty to make such a statement without limitation or restriction. It can only be presumed that she considered this to be the case as she said it not once but twice. A predictor of life or death at least in these circumstances and possibly others too, I surmise, cannot be within her province or sphere of business. If I am wrong, I certainly wish to be informed of it. My view being that her broadcast in this connection being an improper one. It was her news: hospitalization did not change her bet that he was going to die.

[...]

It is irrelevant to my point, but, however, the only way to determine her accuracy is to ascertain if the victim lived or died. I believe that my point is made again in this way, with falsity and distortion are being invited [*sic*] in such reporting by her. She was inconsiderate and discourteous to the victim and his friends and family, I say. It was not fair to them. Finally, I pose the questions: In this instance subject of my complaint [*sic*] what was her news-gathering resource, and what was the quality of information here? Based on her reckless guess, I am sure or so it seems to me [*sic*]. She did not the survivor's sex [*sic*]. I was a viewer of the broadcast.

The station's Vice President and General Manager responded on March 31. That response read in pertinent part as follows:

On February 19, 2010, we sent a reporter to broadcast live from the scene of a traffic accident on Highway 17 for our 11:00 pm news. As you note, our reporter stated on air that one of the victims was "likely to die". Here are the circumstances that led to this statement.

Two RCMP investigators at the scene spoke to our reporter for several minutes before our broadcast. They told her that a mini van with two occupants had been travelling the wrong way on Highway 17 at highway speeds when it crashed into an oncoming car carrying a couple from Ladner. The vehicles crashed head-on and caught fire. The couple, as well as the driver of the van, died instantly. His passenger was pulled from the wreckage and airlifted to hospital. The two investigators on the scene told our reporter that, "Judging from the scene, he will most likely die." They used these words on at least two occasions. The investigators also stated they had never seen such a gruesome crash and they believed the survivor would most likely perish because he'd suffered such extensive burns and injuries. During our broadcast, our reporter relayed these statements as they had been presented to her.

We regret that you were left with the impression that our reporter was speculating. She was not. Again, she was reporting exactly what she was being told by the investigators at the scene.

You may be interested to know that although seasoned investigators did not believe the man would survive, given his injuries, the good news is that the man who was airlifted from the scene did, in fact, survive. Our reporter was subsequently in contact with his wife who repeatedly called his survival "a miracle". She said the family has been praying for his recovery and thanking God for "a miracle".

[...]

The complainant returned his signed Ruling Request on April 19 and added the following comments:

We have tried to deal with it to our satisfaction. The code(s) are not observed. In referencing CTV's response by letter to me of March 31, 2010, I will refer to Renu Bakshi as the "reporter", the two RCMP investigators as the "police", the victim/survivor as the "survivor" and [...] its writer, as [VP-GM]. The reporter did bad and wrong as herein set out. I include by reference here my complaint letter of March 3, 2010 on file and I begin this way: The facts are as per my letter and the VP-GM's. You will note that I have the reporter stating that the survivor "will likely die" whereas the VP-GM has me saying in mine that the reporter said that he was "likely to die". Nothing turns on it. The VP-GM further states in his: "... our reporter relayed these (police) statements as they had been presented to her", "... she (the reporter) was reporting exactly what she was being told by

the investigators (police) at the scene”. And the reporter’s “... report was fair and accurate ...” and the VP-GM couples his point that the reporter “was reporting exactly what she was being told...” by the police with “we regret that you were left with the impression that our reporter was speculating. She was not.” I will say more on this matter, but for now it will suffice to state that she in fact stated on air just a bare repetition of it without more; namely, what the police had told her, the pivotal question being, did her sole speculation and her not doing “more” – leaving out the rest, her source – result in her report being a faulty, wanting one, notwithstanding the VP-GM’s conclusion and explanation in this respect?

Next, plainly and clearly, the police (the source) indulged themselves in speculation as per the VP-GM’s letter in the first instance. The reporter parroted it without giving a source for it, barebones as it were, in any fashion or form at all. In my view, it goes without saying that all viewers would gain the impression that, without her giving a source for her opinion, that it must be hers alone. The speculation, the appearance became the reality. It must be taken that she knew what she was doing, no doubt, when, without sourcing it, she aired her then-speculative view, one that had come about as a result of her adopting as her own the police’s one, I opine. That is a most reasonable explanation, for she did not even see fit, at very least, to accompany it with the familiar “A source tells me”, etc. As I said, she knew what she was doing or ought to have known it. I cannot conceive that inadvertence was at play. She had to know that the speculative thoughts uttered by her would be taken as her own only. She was convinced of the correctness of the police’s conjecture or assumption, ignored them and ran with it as her own.

Of course, the guesswork was wrong and everyone was glad for that being the case. It indicates the pitfall of speculation, no doubt, and its very nature. I object to the bare repetition of it without more sourcing (I do not think that it should be permitted at all), for then it necessarily results in an inherently misleading, incomplete, unthorough, unreliable and inaccurate report, as here something was certainly missing from hers which in turn begged the question: “How does she know?” She was silent about it. It was bad and wrong. Notwithstanding that point of sourcing, then here the reporter’s on-air speculation was inconsiderate, unfair, improper, indelicate and insensitive to do so. One only has to think of the survivor’s relatives and friends seeing and hearing that and imagine their mental anguish and distress on such. It should not be allowed. Here, there survivor had been taken to the hospital to save his life.

It was bad and wrong. I should have mentioned that the VP-GM’s letter does not expound on why she reported in this form except to say she reported exactly what she was being told. I think that I have made my point: I maintain that without sources, it is bad and wrong to speculate on air in such circumstances about such things, as was the case here, i.e. life and death, medical competency is required, therefore to remove it from idle speculation. None was here and so true, I am sure, the reporter lacked qualification or capability.

I have said it over and over again that the reporter did not use her sources and offered, then, none, although there were some, on the facts.

I am sure that the VP-GM would grant the fact that the police were speculating here. Anyone would do so in my opinion. He holds that the reporter was not speculating because she was only reporting what she was being told by them. I say that his view is flawed; namely, a repeater of speculation does not change or alter the nature of it – he speaks speculation and she did so here without any qualification of it whatsoever, say, by source. She mouthed the exact same thing – she owned it on her own by herself. An after-the-fact qualification (the VP-GM’s – she was told it) changes it not one iota.

THE DECISION

The CBSC's British Columbia Regional Panel examined the complaint under the following provisions of the Canadian Association of Broadcasters' (CAB) *Code of Ethics* and the Radio-Television News Directors Association of Canada – Association of Electronic Journalists (RTNDA) *Code of (Journalistic) Ethics*:

CAB Code of Ethics, Clause 5 – News

- 1) It shall be the responsibility of broadcasters to ensure that news shall be represented with accuracy and without bias. [...]

CAB Code of Ethics, Clause 6 – Full, Fair and Proper Presentation

It is recognized that the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of each broadcaster. This principle shall apply to all radio and television programming, whether it relates to news, public affairs, magazine, talk, call-in, interview or other broadcasting formats in which news, opinion, comment or editorial may be expressed by broadcaster employees, their invited guests or callers.

RTNDA Code of (Journalistic) Ethics, Article 1 – Accuracy

Broadcast journalists will inform the public in an accurate, comprehensive and fair manner about events and issues of importance.

RTNDA Code of (Journalistic) Ethics, Article 8 – Decency and Conduct

Broadcast journalists will treat people who are subjects and sources with decency. [...]

RTNDA Code of (Journalistic) Ethics, Article 13 – Sources

Broadcast journalists will make every effort to attribute news on the record. Confidential sources should be used only when it is clearly in the public interest to gather or convey important information or when a person providing information might be harmed.

The Panel Adjudicators read all of the correspondence and viewed the news report in question. The Panel concludes that CIVT-TV's broadcast of the challenged news report did not violate any of the aforementioned Code provisions.

Accuracy

It is evident that, in the reporting of *news*, there will be considerable emphasis on newness, freshness and the competitive wish of broadcasters to be *first* with "breaking news". None of that motivation excuses inaccuracy in reporting but the B.C. Regional

Panel of course recognizes that information may later be revealed that will contradict the information available at the time of the report. That said, it is only reasonable that the accuracy of any report will be assessed based on the information available to the broadcaster *at the time of the report*. Subsequent developments or changes to a situation will not generally factor into the CBSC's determination. Previous CBSC decisions have dealt with the issue in the following way.

In *CICT-TV re News Item (Murder in the Park)* (CBSC Decision 98/99-0146, June 16, 1999), the Prairie Regional Panel dealt with a report about the stabbing death of a young man. The report included an interview with a woman identified as the "Victim's Friend" who said "I think it was over drugs because [the victim] was into it". The complaint came from the murdered man's parents who were upset that the report had sensationalized the story. They argued that drugs had not yet been confirmed as a factor in the murder and that the woman was not a friend of their son, so the report should not have included her unsubstantiated allegations. The complainants later submitted a letter of recantation signed by the woman stating that she was not a personal friend of the victim, had no direct personal knowledge of the facts and regretted her on-air comments. The Prairie Panel pointed out that its assessment of the broadcast was based solely on the information that was available to the broadcaster at the time:

[T]he Council considers it very important to make it unequivocally clear that it did *not* rely on the letter of recantation in assessing CICT-TV's coverage of the High River murder under the Codes. Even assuming total legitimacy in its creation, all this letter would indicate, at its best interpretation, is that a *subsequent* change occurred in the factual situation. The point is that the Council must look at the facts *as they existed at the time* of the broadcast. It is only on the basis of these facts that CICT-TV's News Director could have acted. Any *new* after-the-fact information could not reasonably be considered by the CBSC in evaluating the report of CICT-TV at the instant of the broadcast. The old adage that "Hindsight is twenty-twenty" has its fullest application here.

In *CJLS-FM re a PC Party advertisement about the NDP* (CBSC Decision 08/09-1787, January 12, 2010), the Atlantic Regional Panel dealt with an advertisement rather than a news report, but the applicable principle related to the timing of the assessment of the ad content was no different. The somewhat complex circumstances were as follows. During the provincial election in Nova Scotia in 2009, the Progressive Conservative Party produced an advertisement that targeted the NDP's campaign funding practices. The underlying source of the PC Party's complaint filed with the Chief Electoral Officer of Nova Scotia was the Nova Scotia *Members and Public Employees Disclosure Act (MPEDA)*, which prohibited a political party from accepting, directly or indirectly, more than \$5,000 in campaign contributions from a single organization in one year. The NDP had accepted \$45,000 in contributions in total from nine separate union organizations, but then the umbrella union group, the Mainland Building and Construction Trades Council, offered to reimburse the individual unions for their contributions. The PC Party complaint called into question whether the full \$45,000 was in compliance with the law,

since, as alleged, it came from a single source. Even before the Chief Electoral Officer issued her decision on the matter, the NDP volunteered to return the funds in order to avoid any controversy.

In any event, the challenged advertisement stated that “the NDP accepted \$45,000 in illegal campaign contributions from union bosses. Only after the NDP was caught, weeks later, they gave it back. [...] \$45,000 in illegal money, from union bosses. Ask yourself, can we afford union bosses to be on both sides of the bargaining table? The NDP: a risk we can’t afford.” A listener complained that it was inappropriate and contrary to the advertising clauses in the *CAB Code of Ethics* to accuse the NDP of “illegal” activity. The Atlantic Panel agreed. It found breaches of the advertising clauses of the *CAB Code of Ethics* for inaccurate use of the word “illegal”. The decision of the Chief Electoral Officer was released in February 2010 and it too found that the NDP had done nothing illegal, but, what is important for the purposes of the present BC Panel decision is that the Atlantic Panel pointed out that its determination was based on the facts that were “available at the time of the broadcast.”

In applying that standard to the matter at hand, the BC Panel considers that it was reasonable for the reporter to conclude that the “fourth person will most likely die” on the basis of: 1) the obvious severity of the fiery crash; 2) the fact that the victim was being airlifted rather than transported by ambulance; and 3) the undoubted provision of information by the RCMP officers on the scene. The fact that the injured passenger survived, as indicated in the letter of CTV’s Vice President and General Manager, does not in any way affect the judgment of the reporter on the scene of the accident, who was making her assessment on the basis of the information available at the time of the broadcast.

While the Panel fully appreciates that the reporter was speculating as to the probable result, it does not consider that she in any way *misled* her audience. First, she was on the scene and, in terms of the viewers, *who were not*, she was in the best position to provide them with useful information that would enable them to assess the severity of the event. Second, although the Panel will have more to say below regarding her choice of language, she was careful to use the tempering conditional adverb “likely”. In other words, she was not baselessly *predicting* the outcome, she was conditionally assessing the prospect for the sole survivor of the collision. The Panel does *not* agree with the complainant’s assessment of Renu Bakshi’s words that “Obviously her point was that his being taken to hospital was *certainly not going to save his life* in her opinion. [Emphasis added.]” His conclusion regarding her choice of words was she was *absolutely* predicting the worst result, but the reporter’s words indicated that “it’s really not looking good for him” and that “the fourth person will most likely die.” Likelihood, yes. Certainty, no. Of course she was speculating as to the likely, if not then apparent, outcome. On occasion, that is precisely what a reporter needs to do to benefit the

audience. The Panel finds no breach of either Clause 5(1) of the *CAB Code of Ethics* or Article 1 of the *RTNDA Code of (Journalistic) Ethics*.

The Reporter's (and Complainant's) Choice of Language

The Panel here repeats the range of the complainant's accusations relating to the reporter's choice of words: "pure, sheer, mere and complete unfounded assumption, conjecture and speculation on her part"; "unethical; it lacks integrity"; "sore, dismal lack of accuracy"; "serious lack of delicacy and sensitivity"; "inconsiderate and discourteous to the victim and his friends and family". To be clear, the Panel disagrees, as already discussed, that the reporter's words were "complete unfounded assumption, conjecture and speculation". Her conclusions were based on an on-the-spot assessment. She saw the vehicles. She saw the three dead bodies *still in the vehicles*. She unquestionably spoke with the officers who had been at the scene longer than she had. She knew the sole survivor was being airlifted to urgent medical care and hospitalization. There was, to repeat the Panel's conclusions in the previous section, fair conjecture and speculation on her part. Consequently, there was nothing unethical on her part. There was no lack of integrity in the report. The (fortunate) lack of accuracy relates to the ultimate outcome of the delivery of medical care, not to a "sore, dismal lack of accuracy". The audience would not have been better served by a conclusion that "we have no idea what the fate of the sole survivor will be." The foregoing being said, the Panel does consider that slightly different words *could* profitably have been used. The reporter might, for example, have observed that the surviving passenger was "in critical condition", that "his life was in danger", that "his injuries were severe" or even "life-threatening". The Panel does not consider that her words were indelicate or insensitive, much less inconsiderate or discourteous. Moreover, the Panel notes that the broadcaster had taken care not to even identify the surviving victim. The words she used were simply not as reflective of "traditional" reporting of severe traumatic incidents as they might have been. They were certainly not unfair or improper, in terms of Clause 6 of the *CAB Code of Ethics*.

Sources

The complainant's principal criticism in this regard was that "she in fact stated on air just a bare repetition of it without more; namely, what the police had told her, the pivotal question being, did her sole speculation and her not doing 'more' – leaving out the rest, her source – result in her report being a faulty, wanting one." He then added: "The reporter parroted it [the police "speculation", being his characterization] without giving a

source for it.” He returned to the point again, saying “she did not even see fit, at very least, to accompany it with the familiar ‘A source tells me’, etc.”

On this point, the Panel considers the complainant’s concern to be somewhat odd and without any foundation. Simply stated, the broadcaster is under no obligation to disclose its source, nor even by the use of such noncommittal words as “a source tells me.” Broadcasters need to deliver *accurate* news, as this decision has made clear, but they need not cite chapter and verse in the story to support that accuracy. And Article 13 only deals with the preference of news directors for non-confidential sources, while delineating the circumstance in which *confidential* sources may be used.

In the matter at hand, the reporter was clearly not on the site of the accident at the time of the accident. She arrived later. Consequently, it is clear that almost all the information she was able to report had to have been given to her by someone else, in all likelihood the RCMP. She could, of course, tell by looking at the vehicles that the collision had been serious and that a fire had been involved. There was, however, no way for her to know, without having been told, that: one vehicle had travelled a kilometer in the wrong lane before striking the other car; “the mini-van was traveling at highway speeds”; or that “the fourth person will most likely die.” She treated all three pieces of information equally. There was no attribution for any one of the three points that differed from the others. And, practically speaking, it ought to have been evident to any viewer of that news story that the RCMP investigators were the source. Even if there had been medical or paramedical personnel at the scene, that would not have obliged her to disclose that they, and not the police, had advised her. Because none of the speculation or opinion regarding any of the three issues was wild or farfetched, the fact that the reporter repeated what she had been told without identifying the source was not remotely a problem in this instance.

Broadcaster Responsiveness

In all CBSC decisions, the Council’s Panels assess the broadcaster’s responsiveness to the complainant. In the present instance, the Panel finds that the response of the broadcaster’s Vice President and General Manager focussed directly and thoroughly on the issue that concerned the complainant. Indeed, he reviewed the issue with appropriate detail and explanation, and provided information about the ultimate fate of the sole accident survivor, which, after all, contradicted the prediction of the station’s reporter at the time of the accident. That said, the complainant clearly did not share the broadcaster’s perspective, which is his right and the reason for which any complaint file is ultimately referred to a CBSC Panel for adjudication. In the end, it is the thoughtfulness of the response that determines whether the broadcaster has met the

CBSC membership responsibility of responsiveness, and the Panel considers that CIVT-TV has fully met that membership obligation in this instance.

This decision is a public document upon its release by the Canadian Broadcast Standards Council. It may be reported, announced or read by the station against which the complaint had originally been made; however, in the case of a favourable decision, the station is under no obligation to announce the result.

APPENDIX

CBSC Decision 09/10-1300 CIVT-TV (CTV British Columbia) re a report on CTV News (“Fatal Highway Crash”)

The Complaint

The CBSC received the following complaint dated March 3, 2010. It was also copied to CTV British Columbia:

Before I enter upon the details of my complaint concerning a broadcast by the the broadcaster on Friday, Feb. 19, 2010, I contacted the broadcaster by phone the next day on Feb. 20 at its newsroom/assignment desk and voiced my complaint to one there. He said that someone would call me on Mon. Feb. 22. No one did so I phoned again there on Tues. Feb. 23 and expressed my complaint to another. He said that he would have to “try” to call me back in a week. He gave me CRTC’s tel. no. that dealt with these matters. I phoned it; I was told that I was misinformed by CTV. The woman who to me there said that it was a matter for you, CBSC, not it. I then contacted you and spoke to [the CBSC Director of Policy], being dissatisfied with CTV’s lack of contact as promised, its uncertain contact of me in a week’s time and its misinformation to me. Afterwards, on Feb. 23, I called CTV again and told them that I would proceed in the manner here with you. They said that I was right in your dealing with it. So I do so. You will see that I faxed this to them too.

Renu Bakshi is a news anchor at CTV. For the 11:30 pm newscast on Fri. Feb. 19, she reported from an accident scene outside the city proper for CTV. She was on the scene this time and not at the newsroom. She said in her live broadcast from it that there had been a head-on crash of 2 automobiles with 3 people dead and 1 being airlifted to hospital. She stated twice that the one who was airlifted to hospital – and I quote – “will likely die”. It was the case on these 2 occasions in her report that she linked together the facts that this victim who was taken to the hospital was probably going to die. Obviously her point was that his being taken to hospital was certainly not going to save his life in her opinion. She did not say anything else in this connection.

Undoubtedly this is pure, sheer, mere and complete unfounded assumption, conjecture and speculation on her part. Colloquialisms suffice to make my point: where does she get off or have the right to utter on this injured’s expectant or anticipated demise in this manner and in this situation? Such is unethical; it lacks integrity. It cannot but lack for a sore, dismal lack of accuracy as she offered no justification for this ungrounded view. For, I assert, she would not and could not have had any such thing. Her belief, opinion or conclusion was not identified by her as other than her pronouncement.

I believe that I have made it plain and clear. It revealed a serious lack of delicacy and sensitivity. One only has to think of that victim’s family and/or friends seeing that newscast and hearing her guess that he is going to be breathing his last, hospital or not. Please deal with my complaint.

P.S. I wish to add some things to further and better make my point. I think and say some more too. I trust that nothing is repetitive, but if so I apologize for it. They are in no particular order. I certainly wish to know the basis, reason or justification for her comment in addition

to my other concerns raised herein which arise as a result of her making them. It would seem – and properly so – to be solely a matter between doctor and patient and not at all one between a reporter and an accident victim whether he or she lived or died. That is, her being right or wrong about that is not the issue here. It is her assumed right or power or liberty to make such a statement without limitation or restriction. It can only be presumed that she considered this to be the case as she said it not once but twice. A predictor of life or death at least in these circumstances and possibly others too, I surmise, cannot be within her province or sphere of business. If I am wrong, I certainly wish to be informed of it. My view being that her broadcast in this connection being an improper one. It was her news: hospitalization did not change her bet that he was going to die.

Since I made my complaints to CTV three times, the last one informing them of my proceeding before the CBSC, I presume that CTV has seen fit to preserve the tape in question.

It is irrelevant to my point, but, however, the only way to determine her accuracy is to ascertain if the victim lived or died. I believe that my point is made again in this way, with falsity and distortion are being invited [*sic*] in such reporting by her. She was inconsiderate and discourteous to the victim and his friends and family, I say. It was not fair to them. Finally, I pose the questions: In this instance subject of my complaint [*sic*] what was her news-gathering resource, and what was the quality of information here? Based on her reckless guess, I am sure or so it seems to me [*sic*]. She did not the survivor's sex [*sic*]. I was a viewer of the broadcast.

Broadcaster Response

The station responded with a letter dated March 31:

Thank you for this opportunity to respond to your complaint to the Canadian Broadcast Standards Council (CBSC) dated March 3, 2010.

On February 19, 2010, we sent a reporter to broadcast live from the scene of a traffic accident on Highway 17 for our 11:00 pm news. As you note, our reporter stated on air that one of the victims was "likely to die". Here are the circumstances that led to this statement.

Two RCMP investigators at the scene spoke to our reporter for several minutes before our broadcast. They told her that a mini van with two occupants had been travelling the wrong way on Highway 17 at highway speeds when it crashed into oncoming car carrying a couple from Ladner. The vehicles crashed head-on and caught fire. The couple, as well as the driver of the van, died instantly. His passenger was pulled from the wreckage and airlifted to hospital. The two investigators on the scene told our reporter that, "Judging from the scene, he will most likely die." They used these words on at least two occasions. The investigators also stated they had never seen such a gruesome crash and they believed the survivor would most likely perish because he'd suffered such extensive burns and injuries. During our broadcast, our reporter relayed these statements as they had been presented to her.

We regret that you were left with the impression that our reporter was speculating. She was not. Again, she was reporting exactly what she was being told by the investigators at the scene.

You may be interested to know that although seasoned investigators did not believe the man would survive, given his injuries, the good news is that the man who was airlifted from the scene did, in fact, survive. Our reporter was subsequently in contact with his wife who repeatedly called his survival “a miracle”. She said the family has been praying for his recovery and thanking God for “a miracle”.

We at CTV News believe this report was fair and accurate and in accordance with the guidelines administered by the CBSC. CTV British Columbia is a member in good standing of the CBSC and complies with its guidelines.

We, however, sincerely apologize for your experience in trying to speak to someone at CTV about this matter. Your repeated calls should have been followed up and we hope this response now addresses your concerns.

Thank you for taking the time to write. Viewer feedback is always appreciated.

Additional Correspondence

The complainant returned his signed Ruling Request form dated April 19. He wrote on the form itself that CTV’s response was “dated March 31, 2010, but I received it by courier on Mon. April 5, 2010. I am filing this Ruling Request form within 14 days of receiving it; namely, this date, Mon. April 19, 2010. I make comments in this connection supporting my complaint and rebutting the response that are contained on pages 2 and 3, this page being 1.” His additional attached comments were as follows:

I make these respectful submissions. My comments, in detail, are as follows:

We have tried to deal with it to our satisfaction. The code(s) are not observed. In referencing CTV’s response by letter to me of March 31, 2010, I will refer to Renu Bakshi as the “reporter”, the two RCMP investigators as the “police”, the victim/survivor as the “survivor” and [CTV British Columbia’s Vice-President & General Manager], its writer, as [VP/GM]. The reporter did bad and wrong as herein set out. I include by reference here my complaint letter of March 3, 2010 on file and I begin this way: The facts are as per my letter and [the VP/GM]’s. You will note that I have the reporter stating that the survivor “will likely die” whereas [the VP/GM] has me saying in mine that the reporter said that he was “likely to die”. Nothing turns on it. [The VP/GM] further states in his: “... our reporter relayed these (police) statements as they had been presented to her”, “... she (the reporter) was reporting exactly what she was being told by the investigators (police) at the scene”. And the reporter’s “... report was fair and accurate ...” and [the VP/GM] couples his point that the reporter “was reporting exactly what she was being told...” by the police with “we regret that you were left with the impression that our reporter was speculating. She was not.” I will say more on this matter, but for now it will suffice to state that she in fact stated on air just a bare repetition of it without more; namely, what the police had told her, the pivotal question being, did her sole speculation and her not doing “more” – leaving out the rest, her source – result in her report being a faulty, wanting one, notwithstanding [the VP/GM]’s conclusion and explanation in this respect?

Next, plainly and clearly, the police (the source) indulged themselves in speculation as per [the VP/GM]’s letter in the first instance. The reporter parroted it without giving a source for it, barebones as it were, in any fashion or form at all. In my view, it goes without saying that all viewers would gain the impression that, without her giving a source for her opinion, that it

must be hers alone. The speculation, the appearance became the reality. It must be taken that she knew what she was doing, no doubt, when, without sourcing it, she aired her then-speculative view, one that had come about as a result of her adopting as her own the police's one, I opine. That is a most reasonable explanation, for she did not even see fit, at very least, to accompany it with the familiar "A source tells me", etc. As I said, she knew what she was doing or ought to have known it. I cannot conceive that inadvertence was at play. She had to know that the speculative thoughts uttered by her would be taken as her own only. She was convinced of the correctness of the police's conjecture or assumption, ignored them and ran with it as her own.

Of course, the guesswork was wrong and everyone was glad for that being the case. It indicates the pitfall of speculation, no doubt, and its very nature. I object to the bare repetition of it without more sourcing (I do not think that it should be permitted at all), for then it necessarily results in an inherently misleading, incomplete, unthorough, unreliable and inaccurate report, as here something was certainly missing from hers which in turn begged the question: "How does she know?" She was silent about it. It was bad and wrong. Notwithstanding that point of sourcing, then here the reporter's on-air speculation was inconsiderate, unfair, improper, indelicate and insensitive to do so. One only has to think of the survivor's relatives and friends seeing and hearing that and imagine their mental anguish and distress on such. It should not be allowed. Here, there survivor had been taken to the hospital to save his life.

It was bad and wrong. I should have mentioned that [the VP/GM]'s letter does not expound on why she reported in this form except to say she reported exactly what she was being told. I think that I have made my point: I maintain that without sources, it is bad and wrong to speculate on air in such circumstances about such things, as was the case here, i.e. life and death, medical competency is required, therefore to remove it from idle speculation. None was here and so true, I am sure, the reporter lacked qualification or capability.

I have said it over and over again that the reporter did not use her sources and offered, then, none, although there were some, on the facts.

I am sure that [the VP/GM] would grant the fact that the police were speculating here. Anyone would do so in my opinion. He holds that the reporter was not speculating because she was only reporting what she was being told by them. I say that his view is flawed; namely, a repeater of speculation does not change or alter the nature of it – he speaks speculation and she did so here without any qualification of it whatsoever, say, by source. She mouthed the exact same thing – she owned it on her own by herself. An after-the-fact qualification ([the VP/GM]'s – she was told it) changes it not one iota.