
APPENDIX B

CBSC Decision 09/10-1457 CHCH-TV re a report on *CHCH News* (vehicle accident)

The Complaint

The following complaint was filed with the CRTC on March 15, 2010 which forwarded it to the CBSC in due course

Sorry, not sure if my last message was sent through therefore I'm resending it.

I'm not quite sure if you are in fact the correct individuals who I would file a complaint with regarding my situation.

My husband was involved in a collision March 9th, 2010. A woman was critically injured and is now recovering. CHCH News (Hamilton), covered the story. Although [*sic*] they covered the story all week without once attempting to contact my husband. Therefore the public had already made their own conclusions.

Another media source had already embellished a few things the police had told her, therefore my husband was advised by a lawyer not to speak with the media.

Monday, March 15th, 2010, a reporter from CHCH news showed up on my doorstep unannounced. My children had just went [*sic*] outside therefore I didn't want to shut my door and leave my children to fend for themselves.

I stepped outside and asked the reporter (Allan), to step off the property, stated I did not want to appear on the news and did not want my face all over the news.

He proceeded to step closer and stated he was only there to get my husband's side of the story. I told him my husband was not home, I was not at the scene of the accident. I stated that it was hard enough the media was claiming all week my husband did not try to stop.

Allan then stated, "oh so he did try to stop" and persisted on asking me other questions, therefore I told him I was calling my husband. I put my husband on the phone with Allan hoping he would then leave our property.

My husband asked him to leave and stated that he was told not to talk to the media. We had also told Allan what we were saying was off the record to which he stated off the record meant nothing.

I feel Allan preyed on my ignorance regarding the media's rights, as well as my vulnerable state as I was upset, crying. It has been a very difficult time for us since my husband's accident.

At one point, I stated to Allan it would be unfair if they plastered my face all over the news to which he replied, "he's only filming me". Therefore, implying only he would be visible during the segment!

I'm not quite sure what the media's rights are regarding this matter. Regardless of the media's rights, I feel my wishes and civil rights should have been respected.

I called CHCH news the afternoon in question and spoke to a gentleman named [M.]. I explained to [M.] what had happened and stated to him as well that I did not want to be on the news. He asked me if I was not directly involved in the accident then what was my problem of not wanting to be on the news.

I responded that it was my right to not want to appear on television. He stated he would get his reporter's side of the story and go from there.

They aired me on the news that night. They showed a clip of the entire front of our home and stated they were at our house, they showed me as well as filmed our dog who was inside our home.

I feel I had a civil right to ask not be viewed, CHCH could have simply reported they attempted to contact my husband who was advised by a lawyer not to speak to the media.

I spoke with Allan over the telephone Tuesday, March 23rd. He denied saying that only he was being filmed! I also asked if they wanted a genuine story, why did they not call and ask my husband for an interview rather than showing up at [our] home unannounced. I pointed out that they are claiming to only have wanted my husband's side of the story yet they drove to [our city], from Hamilton not knowing whether or not my husband would be home.

Allan replied at that point they did not know where we lived. I told him obviously they did as they seemed to have found the doorstep very easily.

He replied they looked in the phone book for [our last name] and were going based on that information.

I pointed out that their plan was to go to every [house with that last name] until they found the correct home to which he replied, "yes".

I then pointed out that they already had the camera rolling prior to me going to the door, therefore if they weren't sure if they had the proper [home] why were they already filming?

I then stated, so say there was a family, who's having a nice day with their children or something, and then CHCH news shows up on their doorstep, they answer the door to have camera's in their faces, meanwhile they have the wrong home, I then stated, "you would do that to someone?"

Allan replied with a "yes".

I do realize freedom of the press, reporters have a job to do as well, but where should the line be drawn? A human also has the right to be respected.

What sort of Journalistic Standards and Practices must a reporter follow? If CHCH news has their own Standards and Practices, shouldn't they be made available to the public so they know what to expect when confronted by the media?

The complainant wrote again when she had not received the broadcaster response by April 29:

I would like to inquire as to whether the 21 days is to be calendar days or business days! I have yet to hear from CHCH-TV regarding the issue in question.

When I spoke with Mr. Allan Sweeney, March 23rd, I mentioned some of the journalistic standard and practices policies I read online. Mr. Sweeney asked where I heard this information therefore I responded from the CBC Canada website. Mr. Sweeney retorted, at CHCH news they follow their own rules. Therefore I did a little more research to find I had [been] mistaken and CHCH News in fact does not follow the same practices as CBC.

Although I would greatly appreciate confirmation as to whether CHCH News must comply with the standards and practices of CBSC.

Broadcaster Response

The broadcaster provided the following response to the complainant on April 29:

The objective of CHCH News is to inform our communities in a fair and balanced manner. In this particular case, we had already reported on the accident which had left the woman on the motorcycle with very serious injuries. At first her survival was in doubt. In speaking with her family several days later we discovered that though she was getting better she would likely remain paralyzed.

This was the first time the family had commented on the accident – a week or so after the event – perhaps because they were waiting until they were reasonably certain she would survive, hence the time that elapsed before our attempt to reach the driver, Mr. [A.].

We sought comment from Mr. [A.] in fairness, to offer an opportunity to respond to the family's remarks. Al Sweeney, a 30-year journalism veteran whose career includes reporting positions at CBC, CTV and Canadian Press, was assigned to do so and went to [the relevant city] in search of him.

Whatever reports appeared in other media that week are beyond our control. Mr. Sweeney's sole objective on this day was to seek information and balance.

It must be noted that Mr. Sweeney clearly identified himself as a reporter. There seems to be no dispute about that. His camera person was behind him but in the open and, as stated in the complaint, Mr. Sweeney has a different recollection of what was said regarding what was being "filmed".

Mr. Sweeney asked several questions and several answers were given. When Mr. [A.] was contacted by phone he informed Mr. Sweeney that he had been told not to speak and asked Mr. Sweeney to leave his property, which Mr. Sweeney and his camera person did.

When I was contacted a short while later by [the complainant] and asked to intervene, I spoke with Mr. Sweeney, as I promised I would, and determined that the single comment that he planned to include in his story was [the complainant]'s expression of support for her husband:

[The complainant]: This was an accident and everybody is saying that he didn't even stop when he ran her down. He tried to stop.

Mr. Sweeney: He tried to stop?

[The complainant]: He's not an animal. He's not a freakin' monster. It was an accident and we feel bad enough as it is.

People certainly have the right to turn down media inquiries. But a comment made to a reporter, especially one who has clearly identified himself, is reportable.

And in this case, that comment was compelling, reflecting something about what the [A.] family was going through, a comment that actually added a sympathetic perspective. For that reason, we decided to include it in our story.

Additional Correspondence

The complainant submitted her Ruling Request on May 2, elaborating on her concerns:

Hi,

I've received the reply from CHCH News.

To our knowledge, [Ms. J.]'s survival was never in doubt. Both my husband and I were told she would pull through.

Paragraph 1 states: "In speaking with her family several days later".

Paragraph 2 states: "This was the first time the family had commented on the accident -- a week or so after the event -- perhaps because they were waiting until they were reasonably certain she would survive, hence the time that elapsed before our attempt to reach the driver, [Mr. A.]

In fact, [J.J.], Ms. [J.]'s sister, appeared on CHCH News during the 12:00 pm news hour, Wednesday March 10th, 2010 with her comments regarding the accident. Less than 24 hrs after the event!

I specifically remember, as a friend of ours informed us of [J.J.]'s appearance. We then watched the 6:00 pm news to view the segment with [J.J.] for an updated report on Mrs. [J.]'s condition. [J.J.]'s concern was that her sister would remain paralyzed. We specifically remember [J.] being upset, she was under the impression my husband made no attempt to stop as well as stating it was difficult to see her sister lying there, not being able to feel her feet and legs as well as stating her sister could never ride her bike again, or take her kids to the park, etc. Her survival did not seem to be in doubt.

When I spoke with [CHCH-TV News Director], the day in question, he responded that he would get his reporter's side of the story and go from there. Therefore, would it be fair to suggest the same should have been done in my husband's case!? After hearing the

family's side, would it not have been fair to contact my husband for his side of the story prior to proceeding? Therefore the communities could have been informed in a fair and balanced manner. Forewarning our family of their plan to attend our home would have proven to be more fair and balanced!

Further, Paragraph 3 states: "We sought comment from Mr. [A.] in fairness, to offer an opportunity to respond to the family's remarks." Of the very few questions asked by Mr. Sweeney, none of them inquired about the family's remarks!

My understanding was that CHCH News wanted my husband's side of the story regarding the accident, not to retort to the family's remarks.

Obviously, the family is very angry with my husband ... with reason. We do not put blame on the family for their feelings. It seems to me this type of approach to the story would cause a conflict of interest between both parties. Airing the victim's family's side of the story, then approaching the opposing party's family at their home unannounced to get a response to the family's remarks seems very unfair to all parties involved.

I can understand their pain to an extent. My brother was hit by a vehicle at a very young age and passed due to his injuries. Friends of ours' daughter was hit by a vehicle last year attempting to cross a street; she passed from her injuries as well. The only difference is our loved ones are no longer with us!

Therefore we can definitely sympathize with the family.

My concern is the manner in which my feelings were obtained as well as the intrusion at our home.

I don't mean to sound crass, but surely if a sincere professional interview was wanted, my husband would have been contacted by telephone to set up a proper interview, rather than setting off to [the relevant city] "in search of him".

Set off to search for my husband, from Hamilton to [our city] to get HIS side of the story, NOT knowing whether he would be home or not and yet apparently not knowing where he resided!

If Mr. Sweeney has a different recollection of his retort in regards to my statement, (it was not fair if my face would be shown all over the news), I'm quite certain CHCH News had a copy of the unedited taping and could have noted dialogue, word for word, as [CHCH-TV News Director] did in his response, regarding my statement that my husband is not a freaking monster. When I confronted Mr. Sweeney via telephone regarding what was being filmed, he replied that he may have said it but didn't recall saying it. I recall his response being "he's only filming me".

I do not feel the comment added a sympathetic perspective, as a few days after the airing my husband and I received many phone calls from friends and family informing us of derogatory comments being said about he and I [*sic*] on social networks regarding the news segment.

Specifically, one comment made by a female individual that she was going to run my husband over with her truck. Now keep in mind, the public is aware we reside in [our city], and now due to the news segment, they know what our home looks like, including myself and our family pet.

Statement from [CHCH-TV News Director]'s response -- "People certainly have the right to turn down media inquiries. But a comment made to a reporter, especially one who has clearly identified himself, is reportable."

When I looked out my window on the day in question, I saw the CHCH News vehicle. I then saw the camera man take his place and Mr. Sweeney making his way to our front door.

As my children were outside, I opened the door and asked them to leave and to get off the property. Mr. Sweeney proceeded to come closer and stated he only wanted to get my husband's side of the story. At that point, he had yet to identify himself. I stated that my husband was not home and to leave the property. Therefore, it's fair to suggest I made an attempt to turn down media inquiries. Unfortunately, my wishes were not respected.

For the record, I was not making a comment, I was expressing my feelings in regards to the media's unexpected visit and certainly did not anticipate the media would ignore my civil rights and wishes. Regardless whether the media felt it was a compelling statement, my wishes were not to be aired on the news.

As I mentioned in my initial complaint, CHCH News also aired the front of our home as well as our dog who was inside our home.

Further, regarding my wishes for CHCH news to leave the property, it was only when Mr. Sweeney refused to leave that I became more upset and stated it was bad enough everyone was saying my husband made no attempt to stop. It was stated by [CHCH-TV News Director] that several questions were asked. To my recollection the only questions asked by Mr. Sweeney were what our plans were (did we plan on visiting Ms. [J.] at the hospital) as well as stating "So you do have children", prior to his departure off our property as well as asking if my neighbours were aware of the accident!

When Mr. Sweeney got off the phone with my husband, he did not immediately leave the property. He handed me the phone and then stated, "So you do have children". Therefore, obviously attempting to obtain more information from myself. Most likely attempting to get me to open up.

I also stated to Mr. Sweeney it was unfair as my children were outside and the neighbours were watching. This is when Mr. Sweeney inquired as to whether the neighbours were aware of the accident. Certainly, the neighbours' knowledge or lack of knowledge is completely irrelevant.

Anytime any individual is at fault in an accident is most definitely not a proud moment for that individual and certainly not one you would want to report to all your neighbours.

I had also stated to Mr. Sweeney it was unfair, as my husband has a child from a previous relationship whom he had not had the chance to speak with, and it would be unfair for him to find out in this manner. Mr. Sweeney's reply was, "What are the chances his child is watching CHCH News?" He showed no compassion for my family!

Mr. Sweeney surely must have sensed I was in a weak state and fragile, as I was shaking and upset. Yet he proceeded to push for information. I telephoned my husband and put him on the phone with Mr. Sweeney in hopes that he would be satisfied to hear

my husband's voice and leave. I did not have the option to shut my door as my children were outside.

I'm not understanding how it seems I'm being centered out as having answered a few questions being justification for airing me on the news!

Specifically, I had stated what I was saying was off the record, as I did not want to appear on the news. I reiterated what I had said was off the record to which Mr. Sweeney replied, off the record means nothing.

Perhaps CHCH News felt the only reason I did not want to be aired was due to the fact my husband was at fault in the accident. Reality is, as my own individual, I have never enjoyed the spotlight. I do not like to be recorded, I detest taking pictures. I was asked to be in a commercial that was being taped while I was at a local mall and I declined for the simple fact that I do not wish to be aired publicly.

At the very least, CHCH News could have contacted me and attempted to work out a happy medium, such as reporting my comment without being physically aired on television. Perhaps any other happy medium we could have worked out rather than absolutely disregarding my feelings and wishes.

When I spoke with Mr. Sweeney via telephone March 23rd, I mentioned some of the journalistic standards and practices policies I read online. Mr. Sweeney asked where I heard this information, therefore I responded from the CBC Canada website. Mr. Sweeney retorted at CHCH news they follow their own rules.

Therefore I contacted CBC, who explained the journalistic Standard and Practices policies listed on their website are specifically for CBC. I did a little more research and am now aware CHCH-TV must adhere to the Codes administered by the CBSC!

Article Four - Privacy

Broadcast journalists will respect the dignity, privacy and well-being of everyone with whom they deal, and will make every effort to ensure that news gathering and reporting does not unreasonably infringe privacy except when necessary in the public interest. Hidden audio and video recording devices should only be used when it is necessary to the credibility or accuracy of a story in the public interest.

*How was it in the public's best interest to reveal exactly where we reside by airing the entire front of our home, my identity as well as our dog inside our home? In doing so, anyone who wishes to seek revenge on my husband can look up the J ["A"s] in the [city] phone book (as CHCH News claimed they did), and easily pinpoint the exact home!

I anticipated my concerns would be resolved in a fair and truthful manner. Unfortunately, false statements such as ... the first time the family commented was a week or so after the accident, etc. ... has left me to wonder, if CHCH News feel they represented the story in a fair and balanced manner, why are they attempting to conceal the truth?