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**CANADIAN BROADCAST STANDARDS COUNCIL  
ONTARIO REGIONAL COUNCIL**

CFTO-TV re Nightbeat News

(CBSC Decision 92/93-0216)

Decided February 15, 1994

Marianne Barrie (Chair), Al MacKay (Vice-Chair), Susan Fish, Paul Fockler,  
Robert Stanbury

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## **THE FACTS**

During its Nightbeat News program of August 18, 1993, CFTO-TV aired a report on the murder of a Toronto woman. The story explained that the woman's ten year-old son had witnessed his father apparently murdering his mother and that the boy had in vain placed a 911 call, stating that his mother was being stabbed. The police did not arrive in time to save the woman.

The entire news report was filmed outside the apartment building in which the murder had taken place. It included footage of the victim's son sitting in the back of a police car being comforted by an unidentified woman. Tragically, at the very moment of the murder, the victim's mother was seeing her lawyer about what could be done to protect her daughter from her estranged husband. The news story also showed the victim's mother in great distress upon her return to the building only to learn that her daughter had just been murdered.

The woman's husband was charged with the murder. Only the previous night, the victim had called police to have her husband removed from the building; however, by the time they arrived, he had already left. The CFTO-TV story also included a home video clip of the woman and her husband in happier times.

A viewer wrote to CFTO-TV on August 19, 1993 complaining about the program, stating in part:

My concern relates specifically to the objectionable and unnecessary film coverage of the grief displayed by the ten year-old boy and his grandmother. In my view, this is a grotesque invasion of privacy. Surely, individuals [...] ought to be allowed to grieve without fear that their

horrible tragedies and personal sufferings will be telecast by irresponsible and insensitive news directors/newscasters.

There was simply no need for the extended film coverage of the grandmother's reaction upon being advised that her daughter had been murdered. Similarly, why subject a ten year-old boy to this kind of treatment.

The viewer also asked CFTO-TV to supply him with a copy of the station's internal guidelines with respect to news coverage under such circumstances.

On August 20, 1993, the Vice-President of News and Public Affairs of CFTO-TV wrote to the viewer, stating in part:

The story [...] contained shocking video. We had no difficulty judging in advance that it would be objectionable to some viewers and upsetting to all.

[...] The story also contained shocking facts [... the victim] died apparently despite her own attempts to help herself, a call to the police and the efforts of her mother to see that she was protected.

[...]

The facts of the video in question are that it was taken entirely on the street outside the apartment building where the crime occurred. Everything on the video took place in view of the public.

Its content is the same as video about similar emotion-laden stories shown on newscasts, and indeed pictures published in newspapers throughout Canada from any number of datelines.

In accordance with the *CBSC Manual* and its responsibilities as a member of the CBSC, CFTO-TV also advised the viewer that CFTO-TV was a member of the Canadian Broadcast Standards Council with the consequence that the viewer was entitled to take the complaint to the Council, if unsatisfied with its reply. It also enclosed a copy of the CBSC brochure explaining the Council's procedures.

The viewer wrote back to the station on August 24, 1993, indicating his dissatisfaction with the station's reply. He stated, "your letter [...] misses the point [...] the question of 'violence against women' is one that is not even remotely relevant to the substance of my complaint." The viewer noted that CFTO-TV had not provided a copy of its internal guidelines with respect to news coverage.

The viewer also wrote to the CBSC on August 24, 1993 requesting that his complaint be considered by the CBSC's Regional Council.

The station's Vice-President of News and Public Affairs responded to this letter on August 27, 1993, stating in part,

[T]he shots of (the victim)'s son and his grandmother were on the screen for about 33 seconds -- not continuously...33 seconds in 96 seconds does not seem ... to be particularly prolonged, to use your word [...]

[T]his case brings the issue down to whether journalism as a whole has any business showing human grief at all...I doubt that either one of us would wish to be responsible for wholesale censorship.

The station also informed the viewer that CFTO-TV did not have written guidelines about the showing of human grief.

On September 1, 1993 the viewer again wrote to CFTO-TV to express his dissatisfaction at the station's response. He asked that the station apologize to the family of the victim and consider developing some guidelines about the showing of human grief. The viewer also contacted the CBCSC, enclosing the complainant waiver form.

## THE DECISION

The Ontario Regional Council of the CBCSC (composed of five members, broadcaster member Don Luzzi being unavailable) considered the matter under Clause 6 of the *CAB Code of Ethics*. The clause reads as follows:

It shall be the responsibility of member stations to ensure that news shall be represented with accuracy and without bias. The member station shall satisfy itself that the arrangements made for obtaining news ensure this result. It shall also ensure that news broadcasts are not editorial. News shall not be selected for the purpose of furthering or hindering either side of any controversial public issue, nor shall it be designed by the beliefs or opinions or desires of the station management, the editor or others engaged in its preparation or delivery. The fundamental purpose of news dissemination in a democracy is to enable people to know what is happening, and to understand events so that they may form their own conclusions.

Therefore, nothing in the foregoing shall be understood as preventing news broadcasters from analyzing and elucidating news so long as such analysis or comment is clearly labelled as such and kept distinct from regular news presentations. Member stations will, insofar as practical, endeavour to provide editorial opinion which shall be clearly labelled as such and kept entirely distinct from regular broadcast of news or analysis and opinion.

It is recognized that the full, fair and proper presentation of news, opinion, comment, and editorial is the prime and fundamental responsibility of the broadcast publisher.

It was clear to the Regional Council that this case turned upon its understanding of the term "proper presentation of news". To assist them in this understanding, the Council considered the provisions of Article 4 of the Radio Television News Directors Association Canada (RTNDA) *Code of Ethics*, which the Council had begun administering in November, 1993, subsequent to the broadcast of the Night Beat News program in question. Article 4 of that *Code* states:

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 viewed the tape of the program and reviewed all the correspondence between the complainant and CFTO-TV.

The assessment of the matter was not free from difficulty. The portrayal of grief in an increasingly violent world frequently crosses our television screens. The reporting of the events giving rise to the grief and thereafter the grievers themselves is on each occasion "a judgment call". The speed and facility of modern technology permit stark nearly instant access to these terrible events and their aftermath. The British Broadcasting Standards Council, in its more discursive *Code of Practice*, provides some helpful criteria in Clause 4(b)(i) of Section V, *Taste and Decency*. It reads, in part:

Care must be taken not to take advantage of people in deep shock, even if it is not immediately recognisable, persuading them into an expression of their emotions or of views, for example, which they may later regret. Approaches must be made with discretion.

The Council's assessment of the coverage of such matters must vary with the facts of each case but there will be a commonality of criteria to consider. While each will revolve around the exercise of discretion, one of the most important individual criteria to consider will be the invasion of privacy. This is not a case in which an interview of the son or mother of the deceased was sought. Nor did the camera or reporter enter a private dwelling. All of the shots were taken in the street. The report was not, in other words, *intrusive*.

Another important criterion will relate to the notion of exploitation. As provided in Clause 4 of the *RTNDA Code of Ethics*, respect for privacy and dignity, which the Council understands to include grief, should be shown and reporting which touches on these matters should only be "to the extent necessary to satisfy the public interest and accurately report the news." The portrayal of grief should not be unduly or unnecessarily prolonged and should not be exploited for sensational effect. This issue cannot be assessed merely on a "stopwatch" basis. It must take into consideration time, the nature of the approach of the reporter and the ultimate presentation of the story.

In this case, the Regional Council determined that the story, although painful for the complainant (and others, no doubt) did not constitute an invasion of privacy or a gratuitous, sensationalized or exploitative presentation of the story. Consequently, it decided that the CAB *Code* had not been breached by CFTO-TV in the airing of this news report. The station's portrayal of the family's grief did not contravene provisions for the "full, fair and proper presentation of news" as stipulated in the CAB *Code of Ethics*.

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