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**CANADIAN BROADCAST STANDARDS COUNCIL  
ATLANTIC REGIONAL COUNCIL**

CKEN-AM re Newscast

(CBSC Decision 95/96-0134)

Decided February 14, 1997

P. Schurman (Chair), R. Cohen (*ad hoc*), K. MacAulay, C. McDade,  
Z. Rideout, C. Thomas

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## **THE FACTS**

In its three newscasts on January 15, 1996, the broadcaster reported on a traffic accident which had resulted in the death of the complainants' daughter. The station apparently dealt with her death in terms similar to those which follow in all three newscasts, excerpts from two of which follow:

The story as presented on the noon news:

A young Kings County woman who was involved in a fatal accident about a year and a half ago has lost her own life in another fatal accident. New Minas RCMP have identified nineteen year old [victim] of Canning as the victim of Friday afternoon's single car accident just outside Canning. [She] was involved in another accident in June of 1994 when she ran over a Kentville man who had fallen off the back of a motorcycle. It was never determined whether [he] died from the fall or from being run over. But police determined charges weren't warranted in that accident.

The story as presented on the 2:00 p.m. news:

A young Canning woman who endured more than her share of tragedy has been identified as the victim of an accident late last week. Nineteen year old [victim] was the lone occupant of a car that went out of control and crashed on Highway 358 just outside Canning Friday afternoon. [She] was cleared of any wrongdoing in a fatal accident in Kentville a year and a half ago. Her car struck a man who had fallen off the back of a motorcycle, but police said she wasn't at fault.

## **The Letter of Complaint**

The deceased's family wrote to protest the

malicious and unforgivable act on the part of the radio station [Annapolis Valley Radio], and [the announcer], and the Daily News Paper to smear and humiliate the name of an innocent young girl just to make a news story more dramatic.

Their letter pointed out that the controversy created by the report had interfered with the family's ability to grieve their loss.

The question the family is asking is why was that all brought up and announced along with the accident which took her life? The way it came across the radio is that she finally got what she deserved.

[...]

Since when does a news reporter have the right to deliberately exaggerate a death report to such a point that it becomes more important than the loss of an innocent life?

### **The Broadcaster's Response**

On February 13, 1996, the Director of Operations of Annapolis Valley Radio responded, stating that

While it is regrettable that our broadcast caused your family grief, it was never our intention to be malicious and it remains our contention that we weren't.

[...] The facts of this story are not in dispute and what we did was to report the facts. The reason for bringing up the first accident was to point out the tragedy your daughter dealt with in her short life.

[...]

We understand the reporting of fatal accidents is a sensitive matter to family members and we strive to be compassionate. We stick to the facts, as opposed to sensationalism, and what we did in this tragic story was to report the facts. Because there was no malice intended, we didn't anticipate the grief it would cause the family. After receiving some calls from family members we omitted reference to the first accident after three newscasts over two hours, not because the facts were wrong, but out of respect for the family. Ordinarily, it would have been on five more newscasts over the next four hours.

The complainants were unsatisfied with this response and requested, on February 22, 1996, that the CBSC refer the matter to the appropriate Regional Council for adjudication.

As has occasionally occurred in other matters, the complainants in this case provided the CBSC with additional written reasons for seeking further action. Their second letter of February 29, 1996 indicated that they were seeking an on air apology by the newscaster who had not known the victim or her suffering as a result of the earlier accident. In the letter they stated that they "were angry and hurt beyond words" by his actions.

### **THE DECISION**

The CBSC's Atlantic Regional Council considered the complaint under the Radio Television News Directors Association of Canada (RTNDA) *Code of (Journalistic) Ethics*.

Articles 2 and 4 of that Code read as follows:

## ARTICLE TWO:

News and public affairs broadcasts will put events into perspective by presenting relevant background information. Factors such as race, creed, nationality or religion will be reported only when relevant. Comment and editorial opinion will be identified as such. Errors will be quickly acknowledged and publicly corrected.

## ARTICLE FOUR:

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 listened to a tape of the program in question and reviewed all of the correspondence. The Regional Council considers that the broadcaster's newscast did violate Article Two of the Code.

### **The Content of the Program**

The Atlantic Regional Council members consider that it is essential to distinguish very carefully between the issue of privacy, on the one hand, and that relating to the provision of background information, on the other. They also consider that the issue of a local broadcaster operating in a small community has some bearing upon their decision in this case.

### **The Question of Privacy**

The *RTNDA Code of (Journalistic) Ethics* provides that "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."

There can be no question but that the reporting of the tragic death of the young woman in this case was a further unhappy moment for an already grief-stricken family. In this instance, the disclosure of the identity of the deceased, the nature of her death and the location of the accident are all justifiable, if sad, aspects of the news. Regrettably, the reporting of the story occurred on the day of the funeral, which must have exacerbated the grief which the family felt. The apparently inadvertent timing of that report was unfortunate but it does not in any way change the opinion of the Atlantic Regional Council on this point.

In this or any other small community, an event of this nature would undoubtedly be considered important. Moreover, on reading and re-reading the parents' letter, the Council members understand the entitlement of the broadcaster to report the story. Indeed, fatal automobile accidents are generally dealt with by news directors as matters of importance in large metropolitan areas, as well as in small communities of this type. In the circumstances, the Council considers that the broadcaster did nothing which could be considered to be in breach of the provisions of Article 4 of the Code, which requires respect for the dignity and privacy of individuals.

## **The Relevance of the Background Information Provided**

The matter did not, however, end at the question of the invasion of privacy since the broadcaster chose to include information beyond the identity of the individual, the nature of the accident and its location. In this case, the broadcaster determined that there was *other* information which would be of interest to its listeners, namely, that relating to a previous accident in which the complainants' daughter had been involved as driver (although absolved of any guilt or fault in that regard). It is the appropriateness of the inclusion of that background information which is in question.

The Council considers it material to observe that it accepts most of the contentions raised by the broadcaster concerning the broadcast. For example, it accepts fully the statement of CKEN-AM that it had no *intention* to be malicious. The Council also considers that the broadcaster was *not*, in fact, malicious in reporting on the previous accident. The Council also agrees with the broadcaster that it did not exaggerate the story and that "The facts of the story are not in dispute and what [it] did was to report the facts."

The issue does, however, go beyond questions of accuracy, sensationalization, exaggeration and malice, for broadcasters *also* have an obligation, when they wish to include other material than the straight facts of the story they are reporting, to restrict their presentation of such material to issues of "*relevant* background information."

The Council is of the view that, in reporting on the previous accident, the broadcaster presented irrelevant (although accurate) information that had the effect of harming the feelings, if not the reputation, of the family of the deceased and the deceased herself. Pointing out the earlier accident was, at the very least, insensitive and, in any event, not necessary to put the story into perspective and, at worst, it was irrelevant and prejudicial. The Council in fact finds that there was no supportable purpose for suggesting a link between this private citizen's involvement in the past accident and the one that led to her death. The Council does not consider that the ironic twist to the fate of the young woman is a sufficient justification for the reporting of the earlier accident.

Furthermore, in the Council's view, a broadcaster operating in a small community is under a *particular* responsibility to be sensitive in reporting on matters involving members of its populace. The Council reserves its right to deal with any such situation in future in the context of a larger and more impersonal community but it does consider that the background information noted above ought not to have been reported here. That being said, the Council does acknowledge that the broadcaster's decision to pull the story after receiving telephone calls objecting to their news report was responsible and sensitive in the circumstances.

## **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. In this case, the broadcaster's response was considerate and thoughtful, thus meeting the CBSC standards.

**Content of Broadcaster Announcement of Decision**

The broadcaster is required, within thirty days of the release of this decision, to announce it, in the following terms, during peak listening hours and to confirm to the Secretariat of the CBSC and to the complainant that it has done so:

The Canadian Broadcast Standards Council has found that CKEN has breached certain of the news and public affairs provisions of the Radio and Television News Directors Association *Code of Ethics*. By referring to a past accident in its January 15, 1996 reporting on the death of a young woman, the Council considers that the station presented irrelevant background information that had the effect of unnecessarily harming the feelings, if not also the reputation, of the deceased and her family.

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