
**CANADIAN BROADCAST STANDARDS COUNCIL
ONTARIO REGIONAL COUNCIL**

CITY-TV re Newscast (Toronto Humane Society)

(CBSC Decision 95/96-0226)

Decided October 21, 1996

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M. Ziniak

THE FACTS

Among its news broadcasts of June 12, 1996, CITY-TV (Toronto) reported a story which it had first covered the night before and continued to cover over the course of the next several days. On the June 12 newscast in question, CITY-TV began its coverage as follows:

Police have arrested a west-end couple after a raid of their home yesterday revealed some 70 dogs and cats living in filthy overcrowded conditions. Our videographer ... follows the story we broke last night.

The newscast included footage of the couple and the exterior of the building in question. It summarized the story by reporting that police had charged the couple with two counts of causing unnecessary cruelty to animals, one count of fraud and the conclusion that police were considering the laying of other charges. The final section of the news report was essentially a public awareness piece, informing viewers about the activities of animal welfare organizations.

The Complaint

The complainants, who were the persons accused by the police, wrote to the CRTC on July 5, 1996. That complaint was transmitted to the CBSC on July 16. The letter began with a number of allegations and complaints relating to the Toronto Humane Society itself, none of which falls within the ambit of consideration of the CBSC. In that letter, the complainants also complained about the coverage of CITY-TV. Among other things, they alleged:

CITY-TV was the first station to bring their cameras to my door on the day of the seizure. This biased coverage, in which only the THS vet and the THS worker were seen discussing the sad state of my animals, was later sold by CITY-TV to a number of other stations in the Toronto area. This fund raiser [*i.e.*, the arrest] was so well planned that cities and towns as far away as Ottawa had been alerted of [*sic*] this seizure days before it occurred. One hour after the suspect seizure happened Peter Wilson and myself were seen in livingrooms across Ontario.

This was not good investigative journalism since my side was never established. The message was clear: "sinister couple charged with cruelty to animals." My name and [that of the other complainant] were shouted across the airwaves. WE WERE NOT ASKED FOR OUR SIDE OF THE STORY. OUR CHARACTERS WERE VICIOUSLY SLANDERED TO ASSIST THE THIS [*sic*] FUNDRAISERS.

The CBSC in turn sent the complainants' letter to the broadcaster for the purpose of replying to the viewers.

The Station's Reply

On July 31, CITY-TV's News Director responded to the complainants' letter in the following terms:

As the Director of News Programming I will address the specific concerns you raised in your summary:

1. On the evening of June 11/96 our Assignment Editor, while monitoring the police dispatch, sent a camera to your residence and recorded the search of the premises and seizure of seventy or so cats and dogs. We interviewed the arresting officers as to the condition of the residence and the nature of the charges that both you and [the other complainant] face. Further, we interviewed staff at the Toronto Humane Society (abbreviated as "T.H.S.") as to the welfare to the animals seized from your home. We presented all the information that was available to us; as [the other complainant] made every attempt to avoid our crew and you yourself were in police custody when our cameras caught up with you the following day. I can assure you we have every intention of following this story through the courts and I promise, as in all our stories, both you and [the other complainant] will be given ample opportunity to speak to our cameras directly.
2. There was absolutely nothing misleading about our report. Our story was centred on the information provided to us by the authorities in question. That you take issue with the T.H.S. and the alleged complicity of the Metropolitan Police, if grounded, will surface during the court proceedings and, I reiterate, we indeed will be there to cover your case and take your statement.
3. Citytv does not have a policy that allows anyone to purchase video from any story that they were involved in. We do however give access to video for human interest or educational items but when it comes to hard news our policy does not allow public copies of such material.

There were a number of other items that you allege as fact in your letter that I believe need clarification:

1. We did not sell the story to anyone.
2. We have no knowledge of any form of fundraising about which you speak.
3. To date no charges of fraud have been laid against the police or the T.H.S. by yourself or [the other complainant].

With regard to our relationship with the T.H.S., we, as community based broadcasters cover the goings on of many organizations within our city. The T.H.S. would receive the same attention as does the Red Cross, the Food Bank or the United Way to name just a few and we are committed to these relationships purely on community based values.

The Ruling Request

The CBSC process is not rigidly formalistic. It does, however, aim at obtaining the broadcaster's reply to the complainant within 14 days of receiving the complaint from the CBSC. In this case, the viewers did not wait long enough for that delay, however informal, to expire. They had not yet seen the station's response by the time they requested, on July 28, that the CBSC refer the matter to the appropriate Regional Council for adjudication. This is, in itself, unusual and inappropriate. The point about the broadcaster's reply, which *was* timely in this case, is that it represents an attempt to resolve the issues complained of between the broadcaster and the complainant, without the need of having a Regional Council adjudication. While the Council has decided to rule in *this* case, despite this irregularity, it does not consider itself to be bound to take this step in any such case which may arise in future.

There is, however, a more stringent requirement relating to the time frame in which a complaint must be made, namely, within four weeks following the broadcast complained of. The rationale is not purely formalistic. It relates to the requirement imposed by the CRTC that broadcast licensees retain their logger tapes for that four week period, after which they are free to recycle them. Hence, any delay in making a complaint which exceeds the four weeks will customarily put the CBSC in the position of being unable to adjudicate the matter.

In this matter, the complainants, who were *early* in remitting their Ruling Request, altered the document to refer not only to the CITY-TV newscast of June 12 but also, *too late*, to the CITY-TV newscasts of June 11, 13 and 14. At the time of receipt of the Ruling Request, the Council did not consider it possible to raise the issue of the other three days of broadcasts more than four weeks after they had been made. As described above, the broadcaster is not under an obligation to retain logger tapes for such an extended period of time; furthermore, the Council had not received any

complaint from these or any other viewers regarding the other newscasts. The Council does not consider that the raising of *new* program dates without any substantive letter of complaint regarding those programs gives rise to any obligation on the part of the broadcaster to respond to those issues under the rubric of the same complaint. Nor, it goes without saying, can there be any expectation that the Council will deal with such matters.

THE DECISION

The CBSC's Ontario Regional Council considered the complaint under the *Code of Ethics* of the Canadian Association of Broadcasters (CAB) and the *Code of (Journalistic) Ethics* of the Radio and Television News Directors Association. The relevant Articles of those Codes read as follows:

CAB Code of Ethics, Clause 6 - News

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 broadcasts 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.

RTNDA Code of Ethics, Article 1:

The main purpose of broadcast journalism is to inform the public in an accurate, comprehensive and balanced manner about events of importance.

RTNDA Code of Ethics, Article 3:

Broadcast journalists will not sensationalize news items and will resist pressures, whether from inside or outside the broadcasting industry, to do so. They will in no way distort the news. Broadcast journalists will not edit taped interviews to distort the meaning, intent, or actual words of the interviewee.

The Regional Council members viewed a tape of the June 12 newscast and reviewed all of the correspondence. The Council considers that the broadcast in question does not breach either the *CAB Code of Ethics* or the *RTNDA Code of (Journalistic) Ethics*.

The Content of the Program

The Council is of the view that the complainants' principal concern was with the Toronto Humane Society and its purported abuse of power, not to mention the recognition by the duly constituted authorities of the T.H.S. role in the oversight of abusers of animals. It goes without saying that it does not fall within the mandate of the Council to consider such questions.

Insofar as the reporting of the arrest of the individuals is concerned, the Council has no difficulty. Nor does the Council consider that, in *not* interviewing the parties charged by the police, the broadcaster has done anything improper or out of the ordinary. It must be remembered that the reporting of an arrest is not the equivalent of the reporting of two or more sides of a controversial issue. In the latter case there is an obligation on the broadcaster to present the *various* points of view fairly.

No such obligation exists in the simple reporting of a non-controversial news event, which is what an arrest is. If there is any counterpoint to the arrest itself, it is provided by the rules of the criminal justice system. There is necessarily attached to every arrest a *societal* presumption of innocence which is, in a sense, the counterpoint or balance to the news of the arrest itself. There is not otherwise any duty on the broadcaster to *seek* the almost inevitable claim of innocence on the part of the accused. A forum is provided for accused individuals to articulate that perspective; there is no need for the broadcaster to provide it before the trial.

Furthermore, as the *RTNDA Code of (Journalistic) Ethics* provides: "The main purpose of broadcast journalism is to inform the public in an accurate, comprehensive and balanced manner about events of importance." Similarly, the *CAB Code of Ethics* states, "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*. [Emphasis added.]" This CITY-TV did in reporting the arrest and multiplicity of charges. Nor, in doing that, did they fall afoul of any of the other codified requirements. The Council considers that the news story was reported both "with accuracy and without bias." If sensationalism there was, it arose *out of the story itself* and not from the station's reporting of it. There was no distortion in the recounting of events by CITY-TV.

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. It is a responsibility of membership in the CBSC for the broadcaster to be responsive to audience complaints. In this case, the Regional Council considers that the response from the broadcaster responded issue by issue to the matters raised by the complainant. It was a tough but fair reply. Consequently, the station did not breach the Council's standard of responsiveness.

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.