
**CANADIAN BROADCAST STANDARDS COUNCIL
ONTARIO REGIONAL COUNCIL**

CIII-TV re Newscast (Early Parole Hearing)

(CBSC Decision 96/97-0001)

Decided May 8, 1997

A. MacKay (Chair), R. Stanbury (Vice-Chair), R. Cohen (*ad hoc*),
P. Fockler, M. Hogarth, M. Ziniak

THE FACTS

Among the many issues covered in the Global TV 6:30 p.m. newscast of August 12, 1996 was the story of the early parole hearing for Clifford Olson, the convicted murderer serving a life sentence (with no eligibility for release for 25 years). The host introduced the report on the hearing (which occurred as the result of the exceptional measure provided to convicted murderers in the "faint hope clause" in the Criminal Code) in the following words:

It was exactly 15 years ago today that Clifford Olson was arrested for the murders of 11 children in British Columbia and that also means that, as of today, Olson becomes eligible to apply for early parole. As his victims' families observe this very painful anniversary, they're continuing to fight the section of the Criminal Code that makes it possible, as Global's Robin Percival reports.

Robin Percival's introduction of the two-and-a-half-minute news story was done in the following terms:

Clifford Olson is serving a life sentence for the sex slayings of 11 children. That means no chance of parole for 25 years except under one circumstance. Under section 745 of the Criminal Code, he can apply for a review of his parole eligibility after just 15 years which makes him eligible to apply as of today.

Her report then moved to an interview with the parent of one of the victims who discussed her concerns relating both to the idea of holding a hearing after fifteen years and to Olson's

alleged manipulation of the system. Robin Percival continued her report on the so-called “faint hope clause” with statements by a representative of the Canadian Police Association, Justice Minister Alan Rock and MP John Nunziata on the issue of amending section 745. She finished with an interview of another parent of a victim who discussed the ongoing pain of 15 years. Percival closed with the following words:

Although it's unlikely that Olson would actually get early parole, critics say the “faint hope clause” gives criminals more opportunity to torment their victims. Still, any amendments to the clause won't be made until the House resumes sitting in the fall at the earliest. Robin Percival, Global News, Ottawa.

The Letter of Complaint

The complaint of August 12, which was written directly to Robin Percival and copied to the CBSC, came from a victim of an assault. She was concerned with the media's, and this reporter's, use of the word “sex” in connection with such violent crimes. [The boldface emphasis is original.]

Over and over you hear these phrases, take your pick, you all use them. Sex crimes, sex criminals, sex offenses, sex offenders, sex murders, sex murderers, or your favourite, **sex slayings**. Do you have some kind of secret rule in the media to see how many times you can use the word 'sex' inappropriately, incorrectly and in a way that offends as many people as possible?

That is how you and other newsreaders and reporters refer to these perverts and what they have done. Even though no one but the tragically naive or the totally ignorant believe these types of crimes are, in fact, motivated by sexual desire or primarily about sexual activity at all. If all these people wanted was sex they'd go find a normal partner or hire a hooker for god's sake. But they don't do they? Because sex is not the point. That's not why they perpetrate these crimes. That is the superficial appearance of these crimes, it is the form of acting out these criminals choose to use, but no, it has little if anything to do with sex. That's the media's, and thus the public's, preoccupation and overly simplistic 'explanation' for what these criminals do. If you look beyond the surface, you will see what all this is really about, and that is violence - violence against victims invariably smaller and weaker than themselves. It's about hatred and contempt for the innocence, the vulnerability and the right of their victims to say 'no.' It's about having total power and control over their victims. It's about using them as objects to act out their sick fantasies or to work out their grudges, with their victims becoming scapegoats for those who have 'wronged' them in some way.

...

This is not about 'political correctness'. If for no other reason I would wish this abuse and misuse of language changed because it isn't even grammatically correct. I challenge you to find a dictionary that defines 'sex' as an adjective, which is how all of you seem to use it. And if you have no standards when it comes to the use of the English language, I would ask you to at least be accurate in your reporting of events. As far as I know, 'sex' and 'crime' are not synonymous, and combined, the words become an oxymoron. And as far as I know, 'sex' is not listed in the Criminal Code as a crime. But harassment is, rape is, molestation is, assault is, murder is. No, as far as I can tell, sex is considered an entirely legal, voluntary activity between consenting individuals. And 'sex slaying'? I don't recall 'slaying' being used as a

legal term, it's not even commonly used in everyday conversation, so why do you use it? Because it's 'catchy'? Because it goes so well with 'sex'? I would ask you to really think about the words you use, why and the impact they have on the people who hear them. And please talk to your colleagues about this.

The Broadcaster's Response

In his letter of September 5, the Executive Producer of News and Information Programming for Global News apologized for any distress this story may have caused the complainant and explained that:

I am writing in reply to your letter of concern relating to our most recent "Clifford Olson" news story. First I want to apologize for any distress Ms. Percival's story may have caused you and assure you that the offending terminology was not used for the sake of sensationalism. While the term "sex crime" may be arguable [*sic*] grammatically incorrect, it has become accepted jargon in today's society. It is a broad designation commonly used to indicate crimes where sexual violation or assault is involved. I believe as you do that most people understand that crimes of this type are not motivated by sexual desire. I hope Global News and other media are partially responsible for enlightening the general public in this regard. As journalists we regularly deal with sensitive and controversial issues and we are very aware of the impact our stories have on viewers. We are also cautious of given [*sic*] unnecessary news coverage to certain publicity seeking individuals. In the case of Ms. Percival's story it related to legislation I am sure, especially from your perspective, needed further examination. Secondly the press conference at the centre of her story was arranged by the families of Clifford Olson's victims. They want to see the law effecting [*sic*] early parole changed. I again apologize for anything you may have found offensive but I hope you accept the positive aspects of our report as well. It provided an opportunity for victims to get their concerns before the public and the legislators who can effect change.

The complainant was unsatisfied with this response and requested, on September 19, that the CBSC refer the matter to the appropriate Regional Council for adjudication.

THE DECISION

The CBSC's Ontario Regional Council considered the complaint under Clause 6 of the *CAB Code of Ethics*, which reads 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 analysing 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.

The Regional Council members viewed a tape of the program in question and reviewed all of the correspondence. While the Council considers that the program in question does not violate the *CAB Code of Ethics*, it does sympathize with an important point made by the complainant. Both the conclusion regarding the Code and the discussion of the non-Code related point of the complainant are dealt with below.

The Content of the Program

In the news report in question, the term "sex slayings" was used only once, namely, in the introduction to the two-and-a-half-minute report, which, in the view of the Council, was entirely focussed on the issue of the "faint hope clause" and the appropriateness of early parole eligibility for the perpetrators of heinous crimes. In general, the Council considers that the news report in question was sober and responsible and, more to the point, was "full, fair and proper" as required by the *Code of Ethics*. In the circumstances, the Council has no hesitation in concluding the Global Television was not in breach of the news provision of the *Code of Ethics*.

The Use of the Term "Sex" in Reporting Physical Crimes

Despite this conclusion, the Council considers that there is an important message in the complaint which rises above the simple technical concern of Code breaches and which was obviously the paramount issue for the complainant. Her concern was related, in a broad sense, to the use of the word "sex" in reports concerning crimes involving rape, murder and other forms of violence against women (which could be extended, presumably, to cover men and children of either gender). The Council members agree with the complainant that there may be a tendency in the media to readily use the word "sex" adjectivally in relation to the reporting of crimes whose nature is not essentially *sexual*, but which rather involve an abuse of power. The issue for the Council is not a grammatical one; it relates rather to a willingness, even if generally unintentional, to link "sex", a generally permissible social activity, with physical *crimes* extending from assault through murder, which are not. The Council considers that broadcasters should be more cautious in their linking of the two.

The Broadcaster's Response

The CBSC always recognizes the broadcaster's obligation, as a CBSC member, to be responsive to complainants. In this case, the Regional Council considers that the response from the broadcaster dealt fairly and sensitively with the issues raised by the complainant. Nothing more could have been expected of Global. 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.