
**CANADIAN BROADCAST STANDARDS COUNCIL
ONTARIO REGIONAL COUNCIL**

CKCO-TV re News Report (Police Arrest)

(CBSC Decision 96/97-0174)

Decided February 20, 1998

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

THE FACTS

On April 13, 1997, one of the stories covered by CKCO-TV (Kitchener, Ontario) in its newscast was that of a murder investigation in nearby Cambridge. At the time of the initial report on this story, details of the crime and subsequent events remained sketchy and the names of the victim and the suspect had not yet been released. The report went as follows:

Anchor: A murder in Cambridge overnight. The victim died this morning after being stabbed outside an apartment [in Galt?] Several hours later, police surrounded a home nearby and waited for a suspect to surrender. CKCO's Rick Walker has more.

Reporter: Police were called to this apartment building on Water Street South in Cambridge around 10 last night. Inside they found a 28-year-old man bleeding in a hallway.

Police Officer: Emergency crews and police responded. That person was taken to the Cambridge Memorial Hospital and he succumbed to his injuries about 7:15 this morning.

Reporter: After talking to people at the scene of the stabbing, police tracked a 31 year-old suspect to this house on Oxford Street in Cambridge. They surrounded the residence and waited for several hours. Finally, the man gave himself up.

Police Officer: We are not releasing the name of the victim pending official identification or the name of the suspected person.

Reporter: Several hours after the stand-off and arrest, a woman removed two dogs from the house. Police have now secured the home and are also preserving evidence at the apartment building. There is still no word on what charges the suspect might face.

Investigators are still interviewing witnesses. The names of the accused and the victim will likely be released sometime tomorrow. In Cambridge, Rick Walker, CKCO Action News.

The report included video footage of the scene of the crime, the house where the stand-off with police apparently took place, as well as the two dogs being removed from the house by a woman and a young girl.

The Letter of Complaint

In an undated letter to the CRTC, which was in turn forwarded to the CBSC, the complainant alleged that CKCO-TV had wrongly exposed his niece in reporting on an assault involving the complainant's brother. His letter stated in part:

This station never used any picture of my brother even though he was the one they wanted the story on. What they did do is put my ten year old niece & her mother on national t.v. My brother has been separated from his family & no-one knew he was in the house until the next day, when police asked his wife to go in & look for him. Whether he is guilty or not is up to the justice system & reporting the news is the job of the t.v. station, but how can they justify abusing a ten year old child's life. Speaking to my niece's mother I find out she is already suffering repercussions from this broadcast & as far as I'm concerned the t.v. station is responsible for this young girl's humiliation. It seems like they forget how vindictive other children can be & are only concerned with glamorizing the situation at the cost of any body [sic]. Now I wonder who the real criminals in society are, the people who break the law or the people who report it. I knew as soon as I saw this broadcast it was my niece & I only see her a few times a year. So neighbourhood children & kids from school would have no problem recognizing her, so far this is the case. ... We always see the news reporting child abuse & exposing people for what they are, well they better start looking at themselves for this is child abuse no matter how you look at it.

The Broadcaster's Response

The Vice President and General Manager of CKCO-TV responded to the complaint by letter dated May 5, 1997. His letter read in part as follows:

Upon receipt of a copy of your letter [...] I reviewed with our news department what had transpired. In addition I viewed the actual video broadcast. [...]

Your letter mentions that we did not show any pictures of your brother, even though he was the accused assailant. This was due to the fact that at the time we aired the story, the police had not officially released the name of the victim, nor of the assailant. This left us in a very difficult position of trying to inform the public of what had transpired without naming the victim or the accused. To do this we attempted to follow the story from beginning to end as we knew it at that time.

We began our news coverage by reporting from the anchor desk about the assault and then turned the story over to one of our reporters. The reporter had gone to the scene of the assault and video taped the street scene as background for his dialogue. We showed a video shot of the interior of the apartment building where the assault took place.

We also featured an interview with one of the police officers and showed video of the house where the accused had taken refuge following the assault. We reported that the police were in the process of securing the house, and that they had requested a woman come to remove two dogs which were in the premises. The woman and her daughter (who we now know is your niece) were video taped leaving the house with the dogs.

I would be more than pleased to make a copy of the tape for you. In it you will clearly see that neither the woman nor your niece seemed distressed at all to be shown on camera and that we didn't identify them with the suspect in any way. In fact, one could argue that we portrayed them as good Samaritan's [sic] who were helping out by ensuring that the animals were not locked up in an empty house and uncared for, while the police secured the residence.

The complainant was unsatisfied with this response and requested, on May 6, that the matter be referred to the appropriate Regional Council for adjudication.

THE DECISION

The CBSC's Ontario Regional Council considered the complaint under Article Four of the Radio Television News Directors Association (RTNDA) *Code of (Journalistic) Ethics*, which reads as follows:

RTNDA Code of Ethics, 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 viewed a tape of the program in question and reviewed all of the correspondence. The members agreed that the broadcast did not contravene the RTNDA *Code of Ethics*.

The Content of the Broadcast

The complainant alleged that "the t.v. station is responsible for [a] young girl's humiliation" for having broadcast her image in a news segment. The Council has previously considered the issue of the right to privacy in *CTV re CANADA-AM (Airborne Hazing)*, (CBSC Decision 94/95-0159, March 12, 1996). In that decision, the Council dealt with, among other things, a concern regarding the invasion of privacy of the persons shown on the home video taken by a member (or members) of the Airborne Regiment and broadcast by CTV. The complainant was concerned in that case that no attempt was made to conceal the identities of the "victims of this debasement." The Council did not consider that the coverage of the incident violated anyone's right to privacy. Its reasons were as follows:

It would be right to observe here that Article 4 of the *RTNDA Code of Ethics*, in dealing with the issue of privacy, makes specific reference to the privacy of *public* persons and not to private persons. This is perhaps because there may otherwise be a tendency on the part of citizens to believe that they have a proprietary interest in the lives of persons who have chosen to make themselves, in part, very public. This could not be said to be the same in the case of non-public figures.

In general, it is also true to observe that the private lives of individuals are of little or no interest to the public. There must, however, be exceptions to this principle or we would never, as a society, be entitled to see news stories on television on the grounds that they may contain footage of an unwilling participant in the event. It would not be realistic, for example, for television station news teams to seek permission from everyone who might be seen on camera at a crime scene, an accident, the picketing of a shop or a legislature, the arrival of a public figure or other events too numerous to describe here.

The point is that the issue is not so much the recording and broadcasting of the *image* of the individual as it is the *identification* of the person. Where the broadcaster provides no information which permits the public at large to identify the individual, such as in this case, the broadcaster has not interfered with that person's right to privacy. The fact that the individual filmed and those close to him may know who he is does not interfere with his right to be free from identification by the public at large.

Circumstances do, moreover, arise from time to time in which the public interest in an event may override the otherwise legitimate interest of individuals to keep their identity and activities free from filmed scrutiny. Even a situation such as the hazing ritual in which a *home video camera* rather than a broadcaster's equipment was present would give rise to this principle. The public had such an abiding interest in learning about the unorthodox and apparently discriminatory practices of the Regiment, whose members had killed Somalis in questionable circumstances thereby affecting the reputation of the *country* in its international peace-keeping role, that the private interest of any individuals seen in the film in question would have been overridden by the public's need to know.

More recently, in *CHAN-TV re Newscast (Recycling Society)* (CBSC Decision 96/97-0004, March 10, 1997), the B.C. Regional Council reiterated the principle enunciated by the Ontario Regional Council in the CTV case, finding that the filming of mentally challenged employees working outdoors and the broadcast of this footage as part of a story regarding the employer did not constitute an invasion of privacy. The Council stated "there was no *identification* of the individuals whose images were briefly on camera and, second, [...] there was a justifiable interest in using those unidentified images to illustrate the story which the public had an interest in knowing."

In this case, the Council notes that the report in question does not mention the name of either the accused or, for that matter, the victim of the assault, and no other indicators were given in the report which would permit the identification of the two persons portrayed by persons other than those who already knew them. The Ontario Regional Council also finds, as it and the B.C. Regional Councils did, in the CTV and CHAN-TV cases, that there was a justifiable interest in using the unidentified but relevant images to illustrate a story about which the public had an interest in learning. This principle is not altered by the age of the individual in the bit of videotape used in the story. The same privacy principles apply whether the image used is that of a child or an adult.

Broadcaster Responsiveness

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 Council considers that the broadcaster's response addressed fully and fairly all the issues raised by the complainant. Nothing more is required. Consequently, the broadcaster has not breached 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.