
**CANADIAN BROADCAST STANDARDS COUNCIL
ONTARIO REGIONAL COUNCIL**

CITY-TV re *CityPulse* (Neighbourhood Drug Bust)

(CBSC Decision 96/97-0216)

Decided February 20, 1998

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

THE FACTS

During its noon news broadcast of May 5, 1997, CITY-TV (Toronto) aired a report concerning a neighbourhood drug bust. The report was introduced as follows:

Anchor: And a big police broom has been sweeping street level crack cocaine dealers from the Parkdale area. Police announced today that a total of 105 suspected crack dealers aged 14 to 55 have been arrested since late March in Parkdale. Police say that information from area residents was key to the success.

The report was aired again during CITY-TV's 6 p.m. newscast. It went as follows:

Anchor: Next, the story of a neighbourhood plagued by its own explosive situation, Jojo Chintoh tells us tonight that they have gotten some temporary relief from a huge drug bust.

Jojo Chintoh: Yes, Gord, 105 alleged crack cocaine dealers, the youngest fourteen years old, have been arrested in the West End Toronto Community. While police believe a six week sweep will make a dent in the drug trade, residents are very skeptical.

Mr. Boykach (area resident): There are people on the street, right now (who) are crack cocaine dealers.

Mr. Chintoh: Right now?

Mr. Boykach: Yeah, right now, before I talked to you, I passed one.

Ali (area business owner): How long they'll be off the street ... next week they'll be back, ... the week after they'll be back, when they leave here, they'll go 2 blocks down the street, they'll leave and we'll say, "Hey, it's clean you know?", and another two weeks they'll move back to this block.

Mr. Chintoh: The majority of the people arrested here on the streets of the West End in the past six weeks, especially in the area of Lansdowne and Bloor, Lansdowne and Queen, don't even live here, neither do their customers. So why do they come here?

Detective Ian Briggs (14 Division): We have a lot of transient people living in and around this area, and unfortunately the word got out that once crack cocaine really took, this is really where people seem to come down to make their crack purchases.

Mr. Chintoh: That's not fair to this community though?

Detective Briggs: No, not at all. The shop owners, and the people living here, the people walking back and forth, they have to put up with dealers, and being accosted, asked as to whether they want to buy drugs, and that's why they wanted to have something done about this.

Muhammed (area resident): When they've got more police on the road, they see them and they move away, but when there's no cops on the road, they don't care.

Unidentified area resident: These people are sick, they need help. They need help.

Mr. Chintoh: Residents around here tell me without the cooperation of the police, the courts and all levels of government, we will never win this battle. I'm Jojo Chintoh in the West End for CityPulse.

The Letter of Complaint

On May 5, 1997, the complainant sent a letter to CITY-TV which read substantively as follows:

I am writing to object to a report on today's noon newscast on City T.V. The item in question dealt with a press release from the police at 14 Division citing a recent drug bust in the west end of Toronto. Several neighbourhoods were involved in the sweep, none of which were specified by the police. However, when City-TV ran the item, Parkdale was the only area mentioned.

We are concerned that our neighbourhood - Parkdale - is being stigmatized by the press and media by being singled out in this manner. Unfortunately, we have had recourse to complain to your newsroom on more than one occasion about inaccurate reporting in regard to Parkdale.

The complainant sent this letter to the CRTC on May 30, stating that she had "withheld sending this complaint in the hope that [the broadcaster] would respond to [her] letter."

The Broadcaster's Response

Upon receiving the complaint, the CBSC Secretariat forwarded it to the broadcaster following its normal procedure. CITY-TV's Director of News Programming, CityPulse, responded to the complaint by letter dated June 5, 1997. His letter read as follows:

You did not receive a response to your letter as no one in the station can recall seeing your letter. However, on the day of the specific broadcast I was informed that you called the station about the story in question, as the issue was referred to me by Mr. Rubinstein's office.

I spoke to the news writer in question and a clarification was immediately made in our next broadcast. In conversation with the police they estimated for us while only 25% of the dealers arrested were residents of Parkdale, the majority of the customers came from your community. Regardless, our mistake was a sloppy generalization that as broadcasters we consistently strive to avoid and I apologize for that.

As to your concerns about our general treatment of your neighbourhood. We have enjoyed an ongoing dialogue with the residents of Parkdale for about twenty years now and to suggest that our coverage is misleading or inaccurate does not recognize all of the positive attention your community has enjoyed over the years.

I was raised in Parkdale, I have family that lives in Parkdale and many of the staff members here in the newsroom are your neighbours. They all recognize that Parkdale is indeed a vibrant place to live but they also recognize that it had more than its fair share of problems.

I invite you to alert this newsroom at anytime you feel we have misrepresented your home. I also invite you to contact us regarding coverage for any upcoming community events you might feel would present a balanced view of the Parkdale community like the upcoming "Parkdale Then and Now Festival" which we have supported faithfully from the beginning.

Further Correspondence from the Complainant

The complainant was unsatisfied with this response and requested, on June 17, that the matter be referred to the appropriate Regional Council for adjudication. Her request for adjudication was accompanied by the following letter:

In reference to my complainant concerning neighbourhoodism in the news reporting of CityTV, I cannot accept the apology submitted to me by [the Director of News Programming]. My reasons are as follows:

1. The singling out of Parkdale by CityTV in its news report does not truthfully reflect the reality of the police operation as stated in the police media release. In fact [the News Director's] apology was tempered by the statement "the majority of the customers came from your community." I have spoken with Superintendent Keith Cowling of the Metropolitan Police Service (14 Division) and he has assured me that no customers were arrested in the sweep, in fact all the drug purchases were made by undercover police officers. The police were also very clear that the drug arrests covered the whole area of 14 Division, the parameters of which encompass only a small part of Parkdale. It is this type of erroneous assumption that finds its way into CityTV broadcasts and does damage to our community.
2. No direct clarification of the mistake was made on the 6:00 pm news broadcast on 5th May, 1997. What CityTV did was to send a broadcaster and video camera to Parkdale to report on the issue. No public retraction was made, and although Parkdale was not mentioned by name, the visuals were of this neighbourhood in spite of the fact that there was no police statement to justify coverage here. Is this fair and unbiased reporting?
3. The mandate of CityTV is to be "everywhere". They are a unique form of local broadcasting and, as such, they have tremendous power to manipulate public perceptions both in a positive and negative way. However, they also have a responsibility to make sure

that the information they are disseminating is correct and ethically presented, and to refrain from stigmatising neighbourhoods by incorrect reporting or by headlining them in a negative fashion.

4. A private apology to me does not address the point at issue, viz. that CityTV deliberately singled out Parkdale as the neighbourhood in question. It does not inform the public that misinformation was broadcast and as such the error should be corrected publicly in accordance with Article Two of the RTNDA Code of Ethics.

5. The community of Parkdale has suffered from erroneous reporting too many times. It is perceived as a dangerous and unsavoury area mainly because of alarmist reporting in the media. We are trying to correct this image, but are constantly being undermined by news-broadcasts like those of CityTV. On June 11th, for example, a friendly community walk was described by CityTV as taking place on “the troubled streets of Parkdale”. We do not have troubled streets; we are way down the list in terms of crime figures. This stigmatisation must stop.

6. My letter to Mr. Rubinstein was faxed to his assistant on May 5th. I telephoned her to check that she had received it.

In light of the above reasons, I ask you to investigate CityTV's news broadcasting standards, and to request that they make a public retraction of their statement of May 5th, 1997, that 105 drug dealers were arrested in Parkdale.

Further Correspondence from the Broadcaster

The Director of Business Affairs/Legal Counsel responded to the complainant's second letter by a letter dated October 25, 1997. In it, he wrote [all emphasis original]:

You allege “no direct clarification of the mistake was made on the 6:00 p.m. newscast.” However, your original concern was that Parkdale not be named, since the drug sweep took place throughout Metropolitan Toronto police “14 Division”. As [the News Director] stated in his response to you “I spoke to the news writer in question and a clarification [was] immediately made in our next broadcast.”

This in fact was done. First, the 6 p.m. report did not identify Parkdale. Secondly, the report did disclose that the drug sweep took place in the West End of Toronto. This fact is irrefutable.

Citytv spoke with citizens in the affected area who confirmed that drug dealers had been plying their trade in proximity of their homes and businesses. We also confirmed with a spokesperson for 14 Division of Metropolitan Toronto Police that the raids had taken place in 14 Division which is located in the West End of Toronto. This was accurately disclosed in the report.

The CityPulse reporter, Mr. Chintoh stated: “the majority of people arrested here on the streets of the West End in the last 6 weeks, especially in the area of Lansdowne and Bloor and Lansdowne and Queen do not even live here, neither do their customers.”

This statement was accurate, and confirmed by a representative of Metropolitan Toronto Police who appeared on-camera. Consequently, there was no suggestion that the drug dealers or their customers resided in the area. Contrary to your assertions, Citytv did not

engage in “*stigmatising neighbourhoods by incorrect reporting or headlining them in a negative fashion.*”

The CityPulse report accurately stated that neither the buyers or sellers were resident of the community. The report clearly illustrated that the residents of the community were being victimized by the drug dealers, who had come from outside the community.

You also allege in your second letter of complaint “*the visuals were of this neighbourhood in spite of the fact there was no police statement to justify coverage here*”.

You are incorrect. Detective Ian Briggs of 14 Division Metropolitan Toronto Police confirmed that drug trafficking had occurred in the West End area of Toronto and stated in the 6 p.m. report:

“We have a lot of transient people living in and around this area, and unfortunately the word got out that once crack cocaine, really took this is really where people seem to come down to make their crack purchases. [*sic*, this paragraph is incomprehensible but reproduced as provided in the CITY-TV letter]”

It was Mr. Chintoh who stated to Detective Briggs: “That’s not fair to this community though?”

Detective Ian Briggs confirmed that the drug trafficking was unfair to local residents:

“The shop owners, and the people living here, the people walking back and forth, they have to put up with dealers, and being accosted, asked as to whether they want to buy drugs, and that’s why they wanted to have something done about this.”

You claim that the reporting was neither fair nor unbiased. We disagree.

Aside telecasting [*sic*] the statement of a Metropolitan Toronto Police Detective, Mr. Chintoh solicited opinions from residents and shop owners. They did not agree that the problem had ended with the police raids.

A resident of the area, Mr. Bob Boykach was interviewed on-camera.

Mr. Boykach stated: “There are people on the street, right now (who) are crack cocaine dealers.”

Mr. Chintoh then said: “Right now?”

Mr. Boykach “Yeh, right now, before I talked to you, I passed one.”

Mr. Chintoh also solicited opinion from residents and shop keepers as to whether they believed that the police initiative, called “Project Trident” would keep all drug dealers off of their streets and out of their neighbourhoods.

A proprietor of a butcher shop identified as “Ali” confirmed that drug dealers had been selling drugs in proximity to his store on Queen Street West.

“How long they’ll be off the street ... next week they’ll be back, ... the week after they’ll be back, when they leave here, they’ll go 2 blocks down the

street, they'll leave and they say, hey it's clean you know, and another two weeks they'll move back to this block."

Another resident of the area identified as Muhammed stressed the need for enhanced long-term police enforcement:

"When they've got more police on the road, they see them and they move away, but when there's no cops on the road, they don't care."

In summary, had CityPulse only recited the press release issued by 14 Division Metropolitan Toronto Police, without any public response, viewers would have received a biased and one-sided view of an important story which affected many people living in Toronto. Instead, we provided a balanced and accurate story which disclosed:

- < 105 alleged crack cocaine dealers, the youngest 14 years old, had been arrested in the West End of Toronto (correctly identified in the story as Metropolitan Toronto Police "14 Division").
- < A majority of the drug dealers and their customers were not residents of the community and thereby victimized people living in the affected area;
- < While police believed that the 6 week sweep had made a dent in the drug trade, residents of the area were sceptical;
- < In the hours and days following the police raids, residents of the area revealed the drug dealers were still on the streets, in the community plying their trade;
- < Residents and store owners stressed the need for more visible public policing on the streets of the community to deter drug dealing.

Finally, in your letter of June 17th, you accused Citytv of "alarmist reporting". That accusation is without merit. Consider the actual words spoken by Mr. Chintoh: "Residents have told me that without cooperation of police, the courts and all levels of government, we will never win this battle."

Mr. Chintoh accurately identified community law enforcement as a cooperative effort of many parties. Mr. Chintoh suggested that community law enforcement is an ongoing venture, involving not only the Metropolitan Toronto Police Force, but includes the judicial system as well, and is not limited to one-time police raids.

Based upon our review of the tape of the telecast, the report complied with the Code of Ethics of the Canadian Association of Broadcasters and the Radio Television News Directors Association of Canada Code of Ethics which are the only "broadcast codes" which would be applicable in this situation.

Although Mr. Hurlbut acknowledged in his previous correspondence, that the 12 noon report contained information (reference to Parkdale) that was in error, he took immediate action after the telecast to ensure that the error was not repeated and consequently there were no errors or omissions in the 6 p.m. telecast. His actions were completely in compliance with the Codes. There is no requirement in the Broadcast Codes to issue a retraction, or compound an error by reiterating incorrect information in a subsequent news broadcast, as you infer in your June 17th letter.

We submit that the 6 p.m. report was provided with accuracy and without bias.

THE DECISION

The CBSC's Ontario Regional Council considered this complaint under the Codes of Ethics of the Canadian Association of Broadcasters (CAB) and the Radio Television News Directors Association (RTNDA). The relevant provisions read as follows:

CAB Code of Ethics, Clause 6

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.

RTNDA Code of (Journalistic) 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 (Journalistic) Ethics, Article 2

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.

The Regional Council members viewed a tape of the program in question and reviewed all of the correspondence. The Council finds that the broadcast did not contravene the above-noted codes.

The Accuracy of the Report

In their June 5 response, CITY-TV acknowledged that the noon report had not been completely accurate, acknowledging that "our mistake was a sloppy generalization that as

broadcasters we consistently strive to avoid.” The Council does not consider, however, that this or any broadcaster-acknowledged “mistake” necessarily constitutes a breach of the codified broadcast standards. In the Council’s view, absolute perfection is a goal to strive for, but not one which can or should, at *all* times, be enforced. Just as the law does not generally deal with trifles, honest broadcast errors, particularly those which are rapidly put right, cannot reasonably be the object of CBSC sanction. After all, the pace of broadcasting, particularly news broadcasting, in the electronic age is such that inadvertent errors can be expected to occur from time to time. The issue for the public and the CBSC must, in general, surely be *what* the broadcaster does with such an error when made aware of it.

The CBSC has previously accepted that a report may even, in circumstances, not “meet the standards of telling the story fairly, comprehensively and accurately” while not amounting to a breach of the Codes. In *CHAN-TV re Newscast (Recycling Society)* (CBSC Decision 96/97-0004, March 10, 1997), the British Columbia Regional Council found that “the newscasts in question were not in breach of the Code provisions cited above but that, in some respects [...] they were only on the *edge* of acceptability.” In concluding that the broadcaster had not breached the Codes in that case, the B.C. Council stated “[i]t is not, and cannot be, that every inadvertence or inappropriate comment will fall afoul of the various broadcaster Codes.”

In *CFRA-AM re the Mark Sutcliffe and Lowell Green Shows* (CBSC Decisions 9697-0083, 0084 and 0085, May 7, 1997), the announcer had inadvertently identified the victim of a police shooting as a Jamaican. About 30 minutes into the talk show in question, the station became aware of the fact that he was St. Lucian. It quickly corrected the error and dealt with the nationality of the victim accurately for the rest of that show and those of the following days which were under review. The Ontario Regional Council simply concluded:

Of the principal issues raised by the complaint, the first relates to the identification of Mr. Nicholls as “Jamaican”. This occurred to a much less significant extent than has been suggested in the letter of complaint. The characterization of Mr. Nicholls as “Jamaican” did not last for more than 30 minutes of the first of the three programs being reviewed here. It appears to have been an honest error and one which, in any event, was corrected by Mr. Sutcliffe himself as quickly as the information became available to him. It does not constitute a breach of either the CAB or the RTNDA *Codes of Ethics*.

The Ontario Regional Council considers, in this case, that the generalized statement that the drug bust had occurred in Parkdale, as opposed to the West End of Toronto, was made inadvertently and that the inaccuracy is not so significant as to constitute a breach of the above-cited provisions of the Codes. Moreover, the Council notes that the broadcaster corrected its report in order to present the facts accurately in the very next newscast. While the Council recognizes that this mis-identification was the crucial issue to the complainant, it is of the view that the steps taken by the broadcaster to virtually *instantly* put the matter right were sufficient to avoid a conclusion of broadcaster Code breach.

The Use of Retractions in the Broadcast Media

The complainant argued that “the error should be corrected publicly in accordance with Article 2 of the *RTNDA Code of Ethics*.” The Council’s interpretation of the Article 2 terminology “quickly acknowledged and publicly corrected” does not match that of the complainant who appears to be seeking an “on bended knee” solution by the broadcaster. This is not, in the view of the CBSC, the goal of this RTNDA provision. The broadcast medium does not favour the use of retractions given its fast pace and constant evolution of the news in multiple daily newscasts. While an error in the print media has a long lasting effect, the impact of an error in the broadcast media is far more ephemeral. After all, television newscasts are regularly repeated throughout the day and, except for the 28-day logger tape retention required by the CRTC and the CBSC, are not generally publicly archived by anyone. The Council does not believe that it would be unfair to observe that, whether for space storage or other reasons, broadcast reports are not considered to have the archival value of the print media, which all “live” forever in original or microfilmed formats in the National Library and many other libraries in Canada and around the world. It is that permanence which in part results in the need for an equally permanent retraction process.

Retractions are, as one might expect, of a very different nature and serve a different purpose in the electronic arena. They are less frequently required than in the print media for the reasons given above. In the view of the Council, *acknowledgment* would probably only be required in the event of a matter of great moment and widespread effect. The more important goal of Article 2 is the “publicly corrected”; this was accomplished. Nor was there any need to *repeat* the previous mistake in making the correction; the broadcaster’s job is just to present the information *correctly*. Moreover, the textual revision was done “quickly”, as envisaged by the other adverb in the sentence. Accordingly, the Council is of the view that CITY-TV’s actions *vis-à-vis* the inaccuracy noted by the complainant were entirely appropriate and sufficient.

The Issue of Stigmatization by the Media

The complainant also stated a general concern that her community “is perceived as a dangerous and unsavoury area mainly because of alarmist reporting in the media”, calling this stigmatization “neighbourhoodism” on the part of the broadcaster. The Council believes that anyone viewing the first newscast objectively would not have arrived at the same conclusion regarding the stigmatization of Parkdale. The complainant’s concern, in fact, bears some similarity to that of the complainants in *CFMT-TV re South Asian Newsweek* (CBSC Decision 95/96-0160, October 21, 1996). In that case, 17 viewers had signed a common letter of complaint against a station for concentrating on negative aspects of the crucial semi-final match of the 1996 Cricket World Cup which was won by Sri Lanka, their country of origin.

The Ontario Regional Council concluded in that case that the broadcaster had presented a factual and positive account of the World Cup match, despite the riot that had occurred during the contest. Consequently, it concluded that there had not been any breach of the *Code of Ethics*.

In the matter at hand, the complainant suggested that the World Cup victory was an opportunity to broadcast some positive news about Sri Lanka which the broadcaster had missed. The Council does not come to the same conclusion. It considers, first of all, that the broadcaster obviously agreed that the event itself was newsworthy; otherwise the story would not have appeared at all. It is, however, possible that the broadcaster deemed the story worthy of reporting primarily because of the existence of the fan riot. If this was the case, the Council considers that it fell to the broadcaster to make such a choice. It may even be that the story would not have been covered at all without the riots. The Council cannot, of course, know what the coverage, if any, would have been in the absence of the riot. As the station's Vice-President stated in her letter, "We also reported on the events that surrounded the forfeit by India of the semi-final game and the behaviour that caused such an unusual thing to occur at any world championship."

The Council can, however, make an evaluation of the coverage as it actually occurred. In this respect, it concludes that the newscast did not ignore the Sri Lankan victory, nor did it associate the negative riots with the Sri Lankans; the reporting clearly attributed the riots to the Indian fans. Furthermore, the broadcaster did present a factual and positive account of the Sri Lankan victory, which is evidenced by the interviews with various fans. Accordingly, the Council considers that there was both balance and fairness in this specific news presentation.

Similarly here, Parkdale was not the broadcaster's issue; it was the drug bust. By identifying the Police Division responsible for the bust, street designations and other details, CITY-TV provided relevant *peripheral* Metro Toronto geographical information. Even in this connection, Parkdale was not the central issue. If anything, Parkdale residents were given credit for aiding in the multiple arrests over the course of the previous 60 days. The Council finds no bias or even any imbalance, much less a breach of either of the Codes of Ethics in this regard.

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 statement, included in its June 5 apologetic response, that "the majority of the customers came from your community" was inappropriate (especially given the fact that it was directly contradicted by further correspondence emanating from CITY-TV's Director of Business Affairs/Legal Counsel) and may have fuelled the complaint. This having been said, the Council does find that, in the end, CITY-TV's responses addressed fully and fairly all the issues raised by the complainant. 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.