
**CANADIAN BROADCAST STANDARDS COUNCIL
ATLANTIC REGIONAL COUNCIL**

CIHF-TV re News Item (Random Neighbourhood Shooting)

(CBSC Decision 97/98-0622)

Decided November 25, 1998

C. McDade (Chair), Z. Rideout (Vice-Chair), R. Cohen,
K. MacAulay and H. Montbourquette

THE FACTS

On March 5, 1998, CIHF-TV (Global) (Dartmouth, Nova Scotia) broadcast a short news report on a pellet gun shooting incident. The report, which included visuals of the home from where the shooting allegedly originated, went as follows:

First Co-Anchor: Random neighbourhood shootings are a crime often associated with big cities.

Second Co-Anchor: Many Maritime communities are now experiencing that kind of big city violence. Tonight, a Moncton woman bears the bruises of such a crime. Global's Cortney Pasternak joins us live to tell us what happened. Cortney?

Cortney Pasternak (Reporter): ... Natalie Hopper never thought she'd be the victim of random gun firing in a rural neighbourhood. Now, she wants an apology. Natalie Hopper was on her way to work Tuesday morning when she got a nasty surprise.

Natalie Hopper (Victim): I just came out. I came to my car door and I pulled on the handle to get in the car and it was locked and when I just, my arm was just, like, when I was pulling it back I got hit right there (showing her forearm).

Cortney Pasternak: She says the shot came from this window across the street. Police later confiscated an air gun from the house. Hopper's sweater and jacket padded the hit, but it still left a welt and a bruise behind. An injury, police say, could have been more serious had the pellet hit bare skin.

Cst. Mark Gallagher: You could lose an eye even to the point where, if it was embedded into the facial area, I mean, it could have gone inside, you know, around the brain. I mean, who knows how powerful this little weapon was.

Cortney Pasternak: The suspects are young offenders. Police have yet to lay any charges, but Natalie says, if they're guilty, they should not be let off the hook. In the meantime, she says, an apology would be nice.

Natalie Hopper: I'm waiting for one. The police said that they were going to apologize but I haven't seen anybody yet, so ... And this was on Tuesday morning that it happened.

Cortney Pasternak: A parent in the house in question refused to comment. Cortney Pasternak, Global News, Moncton.

The Letter of Complaint

On March 15, 1998, the owner of the house shown in the report wrote a letter to the CBSC complaining about the invasion of privacy created by this report. The complainant's letter stated:

On Thursday March 5 of this year, during the 6 PM and 11 PM newscasts, the Global station in our area featured a story about a random neighbourhood shooting. This story, I believe, sensationalized the facts, misrepresented my comments and caused harm to my teenage son.

The story begins with an interview with the victim, Natalie Hopper, explaining why she is owed an apology. Later, we are told a parent living in the home where the incident originated had no comment. It is true that I offered no comment originally when the unidentified and unannounced reporter arrived at my door with a male companion. When she asked me if an apology would be offered, I once again told her I had no comment. She than [*sic*] stated that she would interpret [*sic*] my refusal to comment as a refusal to offer an apology.

Feeling trapped, I explained that the alleged perpetrator was a young offender and not necessarily a member of our household. I further told her that I had asked the investigating officer, not the one shown in the news clip, who the victim was and was told that I would have to wait for the legal process to run its course, usually 3 to 4 weeks before I could obtain this information. Incidentally [*sic*], an alleged offender had been visiting our home from out of town and had returned by the time I was made aware of the incident so I had no way of knowing who the victim was.

I further explained that I had not yet contacted a lawyer and because young people were involved, I did not know what I could tell her.

The news story shows my home. Because my house is quite distinctive from the others in the neighbourhood, friends and neighbours recognized it and assumed my son was the perpetrator. He feels humiliated and was singled out at school. The clips of my home were also used to promote their newscast.

I feel my family was treated unethically in this news cast. I've included a copy of our local newspaper's account of the same story. It was published Saturday March 7 in the 'Times Transcript'. I have no problem with their version.

I await the result of your investigation with the broadcaster.

The Broadcaster's Response

On April 15, 1998, the Program/Promotion Manager for CIHF-TV responded to the complainant in the following terms:

We have received a copy of your letter which was sent to the Canadian Broadcast Standards Council on March 15, 1998 with respect to the above-noted news story. The original letter was misdirected to our Global Ontario station which accounts for the delay in my response. We apologize for any inconvenience this may have caused.

Along with myself, the news directors in Nova Scotia and New Brunswick have reviewed our coverage of this news story. The Radio Television News Directors Association of Canada (RTNDA) have established a Code of Ethics by which we govern our news gathering. Article One of the Code states that; *The main purpose of broadcast journalism is to inform the public in an accurate, comprehensive and balanced manner about events of importance.* Furthermore, the CAB Code states that; *it is the responsibility of member stations to ensure that news shall be represented with accuracy and without bias.* It is our belief that the journalist involved presented a factual, unbiased report of the events in question.

You stated in your letter that the story "sensationalized the facts, misrepresented my comments and caused harm to my teen-age son." You acknowledge that you had made "no comment", however, your concern arose from the reporter saying that she would interpret your refusal to comment as a refusal to offer an apology. The content of that conversation was neither stated nor implied in our news report. We simply said "a parent in the house in question refused to comment."

You are also concerned about the fact your home was shown in the report. As the shots were allegedly fired from your home, which was right across the street from the victim, it was appropriate for us to have video of the location included in our story. Again the RTNDA Code (Article Four) states; *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.* While it is unfortunate your son was "singled-out", our report in no way laid any blame on any particular individual.

You close your letter by stating that you believed your family was treated unethically, particularly in comparison to a newspaper report. In fairness, the newspaper report was not a story on the actual event, but rather a feature report on the issue of pellet guns. As well, it is difficult to compare the presentation of television; which is a visual medium, to newspaper; which is not.

As stated in the CAB Code, *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.*

At Global Television, we believe that based on the facts we were given by the police detachment, the interview with the victim and our attempt to present the "other" side of the story by contacting you, we performed our job as a news broadcaster in a most responsible manner.

The complainant was unsatisfied with the broadcaster's response and requested, on April 30, 1998, that the CBSC refer the matter to the appropriate Regional Council for adjudication.

THE DECISION

The CBSC's Atlantic Regional Council considered the complaint under Clause 6 of the *CAB Code of Ethics* as well as Articles 1, 3 and 4 of the *Code of (Journalistic) Ethics* of the Radio Television News Directors Association (RTNDA). The texts of these clauses 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 (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 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.

RTNDA Code of (Journalistic) Ethics, Article 4

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 news item in question and reviewed all of the correspondence. The Council considers that the program in question does not violate either of the Codes mentioned above.

The Content of the Report

On its most basic level, the news report did not, in the view of the Atlantic Regional Council, distort or sensationalize any aspect of the story. The event was, after all, a “random gun firing in a rural neighbourhood.” The house from which the shot apparently came was depicted on screen although it was not actually identified. Moreover, an air gun was “later confiscated [by police] from the house.” The story then focussed on the nature of the injuries suffered by the victim and described what *might* have happened, had the shot struck another part of the victim’s body or had she not been as well protected by the clothing she was wearing. The story identified *no individual* and was quite clear about the fact that no charges had yet been laid. In fact, a good deal of the background orientation of the story centers around the fact that the victim was looking for an apology. All in all, in the view of the Atlantic Regional Council, the story was the opposite of sensationalized; it was, if anything, *understated*. There was not a scrap of video footage or audio dialogue that was remotely overstated or even exciting beyond the obvious *and accurate* report that a shooting of some kind had taken place in a neighbourhood utterly unaccustomed to such an event.

As to the question of misrepresentation complained of, the Council finds no justification. While the complainant alleges that the reporter stated that she would interpret his “refusal to comment as a refusal to offer an apology”, she did not actually do so on air. All she said was: “A parent in the house in question refused to comment.” And that, even according to the letter written by the complainant, was absolutely true. He said “It is true that I offered no comment originally” when the reporter presented herself. He explains that he went on to refuse to comment when asked about an apology. It is, therefore, entirely justified for the reporter to conclude that “A parent in the house in question refused to comment” and difficult for the Council to understand why the complainant has not accepted that statement of the reporter’s as black-and-white true.

Insofar as the complainant has expressed a concern regarding harm caused to his son, there was no specific allegation made. The reporter scrupulously avoided using any name which could have led to a conclusion that she had breached the *Young Offenders Act*. Neither of the young persons was identified, directly or indirectly. At worst, one might wonder about the reporter’s choice of the sentence “The suspects [plural] are young offenders [a defined term in the criminal law]”; however, no individual or individuals is, or are, named. And, since the term “young offender” again appears to have been proffered by

the complainant himself in an initial telephone conversation with the reporter, it was not used irresponsibly. While it may be true that the house may be distinctive in its neighbourhood, and indeed that some friends, neighbours or relatives may have been able to identify the owner of the house on this basis, there is insufficient information in the report to make it clear to *others* who the possible perpetrators of the alleged offence might be. As the Ontario Regional Council said in *CITY-TV re Speakers Corner* (CBSC Decision 97/98-0572, July 28, 1998),

As to the question of identification of the complainant, the Council considers that, had the segment permitted an identified individual to be harshly criticized by an apparent member of her family, this might have offended certain privacy principles which underlie the principle of "full, fair and proper presentation of ... opinion [and] comment" provided in the third paragraph of Clause 6 of the CAB Code of Ethics. The Council does not consider it necessary, however, to deal with this particular issue here as the segment complained of was purged of all identifying elements by the broadcaster prior to airing. To the extent that the complainant considered herself "identified" or targeted by her nephew's comments, it would only, in effect, have occurred within the context of her family and friends and not in the broad context of the broadcaster's audience.

In the view of the Council, the report was in total conformity with each of the above-noted Code provisions. It was accurate, neither distorted nor sensationalized, not unjustifiably intrusive and "full, fair and proper" as required by Clause 6, paragraph 3 of the *CAB Code of Ethics*.

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.