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**CANADIAN BROADCAST STANDARDS COUNCIL  
PRAIRIE REGIONAL COUNCIL**

CICT-TV re News Item (Murder in the Park)

(CBSC Decision 98/99-0146)

Decided June 16, 1999

S. Hall (Chair), D. Braun (Vice-Chair), D. Dobbie, V. Dubois and D. Ish

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**THE FACTS**

On August 12, 1998, CICT-TV (Calgary) aired a news segment dealing with the stabbing of a local boy in a park in the town of High River. The report was preceded by the following "teaser":

**Nirmala Naidoo-Hill (Anchor):** A 20-year old man is dead after being stabbed at a High River Camp Ground last night. Doug Fraser joins us now with more. Doug?

**Doug Fraser:** Well that's right, Nirmala. Another 18-year old was also stabbed and a 16-year-old is in custody. Police say the dispute started over money.

The report in question was the lead story on CICT's 6 p.m. news. What follows is the complete transcript of the report:

**Nirmala Naidoo-Hill:** In our top story, High River stabbing. A young man is dead after a fight over 40 bucks. Police haven't laid any charges yet but they are questioning a 16-year-old boy in connection with a fatal stabbing at High River.

**Doug Fraser:** 20-year-old T.K. [name of victim truncated for the purposes of this decision] of High River died last night after he was stabbed during a fight. It's our top story tonight. The stabbing happened around midnight in George Lane Park in High River. As Sandra McCallum reports, police say T.K. and another man were stabbed during an argument over a debt of just \$40.

[apparent technical difficulties during the broadcast]

**Doug Fraser:** We apologize, that report is not ready yet. We will have it later in the news program.

...

**Doug Fraser:** Now, as we mentioned at the top of the show, 20 year-old T.K. of High River died last night after he was stabbed during a fight. The stabbing happened around midnight in George Lane Park in High River. Sandra McCallum brings us up-to-date.

**Sandra McCallum:** Police say this 16-year-old is the prime suspect in the murder of T.K. T.K. was stabbed last night and was pronounced dead at the High River Hospital. The altercation started at a house party over a \$40 debt.

**Cpl. Greg Lilburn (High River RCMP):** Police were called to the residence. The young man was arrested a short distance away on an outstanding warrant that's not related to this incident.

**Sandra McCallum:** The dispute then boiled over to the George Lane campground. A group from High River went looking for another group from B.C. C.S. [name truncated for the purposes of this decision] is a friend of the victim.

**C.S. ("Victim's Friend"):** I think it was over drugs, because T.K. was into it and I know those B.C. guys were into it and it's a stupid thing to fight over. It's a stupid thing to get killed over.

**Sandra McCallum:** Police will not confirm if drugs were involved. The fight occurred here. T.K. was stabbed and staggered down this dirt road to get help from a nearby campsite where he collapsed. Police say an 18-year-old was stabbed but is not in critical condition. Sources tell Calgary Summit that a third person was also stabbed. The fighting woke up most of the nearby campers.

**K.R. ("Heard the Fight"):** ... just got into bed and then we hear all this fighting and screaming, banging and yelling for help.

**Sandra McCallum:** High River is a small community and everyone is shocked by this violence.

**Eldon Covey ("Mayor High River"):** ... curfews put on. We've discussed that just a little bit this morning, we've discussed it before. I don't think I would want to be in favour of that but I think that parents got to take more control over their children and know what the heck they're doing.

**Sandra McCallum:** The town has a security guard that patrols this area five nights a week but, unfortunately, last night just happened to be his night off. Now concerned campers say there should be a security presence here every evening.

**C.S. ("Victim's Friend"):** I think that there should be [interrupted] security going around every night. Especially since something like this has happened. It should maybe knock some sense into them.

**Doug Fraser:** Sandra McCallum joins us from the RCMP division headquarters here in Calgary. There are people suggesting that there should be security in the park every night. What are the police in town saying about that?

**Sandra McCallum:** Well we talked to the police earlier on and mentioned a security concern and they indicated that five nights a week was adequate to patrol the area. They said that on the two nights that there isn't a security guard they themselves go through and keep an eye on things. But those that are out to cause problems see the police, disappear, the police leave and out they come again.

**Doug Fraser:** Well, Sandra, what's the latest on the teenager police have in custody? Any charges laid yet?

**Sandra McCallum:** No charges laid yet, Doug, but apparently police believe that it will happen this evening. And if that is the case, then we'll know tomorrow whether or not he's going to be making a court appearance first thing.

**Doug Fraser:** Okay, thanks. Sandra McCallum reporting live this evening from the Royal Canadian Mounted Police headquarters on 16th Avenue.

## The Letter of Complaint

On November 19, the parents of the murder victim wrote to the News Director of CICT-TV, with a copy to the CBSC. This letter stated:

Within hours of the tragedy, we were not only dealing with our son's death, but the broadcasting of an interview with one, C.S., who was misrepresented as "Victim's Friend" and was allowed to spout uninhibitedly about the yet undetermined fact of drugs in this incident. The valued life of our son was immediately minimized and degraded before the facts were even conclusive. There is just so much more to this story!

[...]

We want to inform you that C.S. was not "Victim's Friend" as you bylined her in your reporting. Saying hello to someone riding past on a bicycle does not constitute the relationship of "friend". She was five years younger than our son and not a "friend" even in a loose sense, but a traumatized, vulnerable and attention-seeking fifteen year old whose comments we feel the media exploited in order to sensationalise a story.

Whether drugs were involved in this situation or not is yet to be proven. Why did the adults editing this news footage not leave the uncovering of the facts to the police and the court instead of placing preconceived ideas into the public's minds by the seeming exploitation of the comments of a juvenile far removed from our son and the situation? How can the media just blatantly allow such unbridled comments that damage families, investigation and court cases without conscience or accountability? And what gave the media the right to judge C.S.'s comments as truth or be judge and jury on our son's character by airing the clip and communicating it to thousands? Nothing other than self-serving reporting from our point of view!

By allowing the emotional, unbridled comments of C.S. to air, we feel there has been irreparable emotional and reputation damage as well as undeserved stress on our younger son.

There is much to sensationalise in the young offender's history if the media wants a story, but no, the young offender is protected and the victim again becomes victimized. Our son is the only one who can no longer defend himself, is a safe target to take the fall for all involved in this tragedy and become the pawn in the justice system. We are not fearful of dealing with truth, yet undetermined in this incident, so what gives the media the right to play God and broadcast undetermined "truth" for self-serving purposes?

Would you care to broadcast the many fine qualities of our son? That he came from a loving, supportive and respected family, achieved provincial archery awards and marksmanship, an avid hunter, skier and snow boarder, exceptional horseman, carpentry skills, talented leather crafter, caring brother, his recent boss found him to be "the most responsible young adult he has ever had the pleasure of working with." Only a few of his many fine attributes. That he was not perfect, but well respected by both adults and peers? No, the negative sells! It is not your job to sanitize the news but I believe in accountability for undue and unnecessary suffering and damage to families who also become victimized at the hands of the media, as we feel we ourselves have been. You did not even present an element of the positive!

C.S., as a naive adolescent, was not equipped in her short life experiences to deal with the pressuring wiles of a media out to get a story. Nor do I believe she suspected the long-term effects. We believe this is where ethics and accountability should have come in - from the supposed ADULTS who were not only responsible, but should be accountable for this type of questionable reporting. We are seeking for accountability for the damage we feel has been done. Is this type of seeming exploitation of the comments of a juvenile deemed any more acceptable than child labour or prostitution in our society? I would hope not!

## **The Broadcaster's Response**

The station's News Director replied to the complainant on November 25, 1998 with the following:

Please accept my condolences. I have not lost a child and can only imagine the pain you must feel.

I will try to reply to some of the points you have made in your letter. In no way will I try to minimize or ignore what you feel.

On any given day when we head out on a news story we are trying to deliver the most accurate version of the truth available at the time. It is our responsibility to gather information and report that information in a timely and accurate manner.

When we are covering a murder we know our audience needs to know:

- who are the people involved?
- what is the risk for me?
- where did it happen?
- when did the key events take place?
- why did it happen?

By answering these questions we are doing our job. Many times when we set out to answer these questions we rely on acquaintances, neighbours and friends to fill in some of the blanks.

In your letter you have raised several issues regarding C.S. At this time I can't respond to those, but I can tell you after we interviewed C.S. we checked out her story with several people. Her aunt and three other young people confirmed that C.S. was from the area. She was staying in the campground the night of the incident and she did know your son.

She was judged to be a credible interview in this story for the day. There is no question in the reporter's mind that C.S. believed drugs and a debt were somehow involved in your son's murder.

You have also referred to our lack of coverage on the person charged with the crime. Yes, it is true we are restricted by the *Young Offenders Act* and we are always careful not to fall into contempt of court. These are the laws of the land and we are obviously committed to obeying them.

In your letter you asked the question "Would we care to broadcast the many qualities of our son?" The answer is yes. Our newsroom does not "hound" grieving parents or attend memorial services uninvited. When offered the opportunity to increase our audience's understanding of a tragedy like this we will respond.

It is our understanding that the next court date set in this case is February 22. It is our intention to continue to cover this tragedy. We are committed to telling the truth and I fully expect that we will discover more information in the months to come.

I want you both to know that we care how our stories are received. We have a saying "our viewers are never wrong." When our stories have offended, hurt or just confused someone, we look for ways to improve. Your letter underlines the sensitivities that must be taken into account when balancing the public's right to know with feelings of those most directly affected.

In closing I offer you the opportunity to appear on camera to clarify any of the facts or tell us about your son. Again, please accept our deepest sympathies on the loss of your son.

### **Further Correspondence between the Complainant and the Broadcaster**

The complainant was unsatisfied with the broadcaster's response and requested, on December 7, that the CBSC refer the matter to the appropriate Regional Council for adjudication. With her formal request for a ruling, the complainant added a lengthy note which mainly reiterated her previously made arguments.

On January 12, 1999, the complainant forwarded to the CBSC and CICT-TV a letter of recantation signed by C.S., the interviewee who presented herself as "Victim's Friend" in the report. The recantation stated:

I, C.S., admitted the following to [mother of victim] about an interview I did for the media concerning the murder of her son T.K. on August 12, 1998.

I am sorry that I ever spoke with the media and would like to be able to take back what I said to them. I was wrong in saying what I did because I did not have true or personal knowledge of the facts.

I was not a personal friend of T.K.

I did not know the three young men from British Columbia.

I had no direct personal knowledge of drug involvement.

I have suffered tremendously because of the airing of this interview.

I have apologized for the pain I have caused the [victim's] family with my unfounded comments.

On January 22, the News Director offered a short response to the letter of recantation sent to him by the complainant. This letter stated:

I have received your correspondence dated January 12, 1999. It is evident from the document you have supplied that C.S. has changed her story.

If C.S. lied to us, we are unclear of her motive and we are puzzled why several other young acquaintances and her aunt did not challenge her version.

We are always committed to finding the truth. In this instance I believe the trial will be the test. As we cover the trial, we will report the evidence and if necessary make any corrections to our original story. It should be noted that if a person willfully lies to a news organization, it not only could result in damaging the media outlets reputation, but also charges of public mischief.

I can only imagine how trying this ordeal has been for your family, but I ask for your help and cooperation. Please write or call me as you are informed of trial dates and venues.

A final letter was sent to the broadcaster by the complainant on January 28, 1999. This letter again reiterated the points made in previous letters.

## THE DECISION

The CBSC's Prairie 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 (RTNDA). The relevant clauses 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 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 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 sensationalise 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 news report in question and reviewed all of the correspondence. For the reasons discussed below, the Council finds that the report breached Articles 1 and 3 of *RTNDA Code of Ethics* and Clause 6 of the *CAB Code of Ethics*.

## **New Facts and the Timing of the CBSC's Assessment**

At the outset, the Council considers it very important to make it unequivocally clear that it did *not* rely on the letter of recantation in assessing CICT-TV's coverage of the High River murder under the Codes. Even assuming total legitimacy in its creation, all this letter would indicate, at its best interpretation, is that a *subsequent* change occurred in the factual situation. The point is that the Council must look at the facts *as they existed at the time* of the broadcast. It is only on the basis of these facts that CICT-TV's News Director could have acted. Any *new* after-the-fact information could not reasonably be considered by the CBSC in evaluating the report of CICT-TV at the instant of the broadcast. The old adage that "Hindsight is twenty-twenty" has its fullest application here.

## **Fairness and Accuracy**

The complainants' main concern regarding the report on their son's death relates to the inclusion of a statement in that report that drugs were somehow involved in the murder. While this statement was not made by the reporter (it was rather the result of an interview with a young girl identified as the "Victim's Friend"), the broadcaster is, of course, as responsible for it as if its reporter had herself made the statement. The point in making this distinction in this decision is *not* to imply that the broadcaster's responsibility under the Codes is any different but only to provide the context for the Council's assessment of this report under the Codes. There are, in the Council's view, several problems with the use of the statement "I think it was over drugs, because T.K. was into it." These are as follows.

The most important is that the reporter *did not provide any substantiation of this allegation*; on the contrary, the only other reference to drug involvement in the report is the reporter's statement that "Police will not confirm if drugs were involved." Far from being the counterpoint to C.S.'s statement which the reporter perhaps hoped it was, the refusal by the police to confirm any drug involvement underscores the *weakness* of the single-source allegation. Had there been another *credible* source for that issue, it ought to somehow have been presented to justify such a risky allegation. It is difficult for the Council to imagine that, had *another* credible source been available, it would not have been used in preference to the statement of a 15-year old youngster who may not even have had any significant association with the victim, *who was no longer in a position to speak for himself*. Moreover, there is no mention in the broadcaster's response of any *independent* verification made regarding the allegation that drugs played a part in the crime. In fact, the only check which appears to have been made regarding the involvement of drugs in the crime appears to have been with the police, who "would not confirm that drugs were involved". In light of the apparent contradiction between the official police statement and the view held by the young interviewee, the Council considers that the broadcaster ought to have considered itself "on notice" regarding the allegation and ought, in the circumstances, to have been far more cautious in allowing such a damaging claim to be aired in the report of a recent crime for which arrests had yet to be made.

The Council also considers that even the after-the-fact justification of the choice of the interviewee proffered by the broadcaster is quite weak. The Council notes, as did the complainants in their correspondence, that the statements made by the broadcaster in its response regarding its "background check" on C.S. do not, even after the dust had settled, support the use of the identifying super "Victim's Friend".

All in all, the Council considers that the news report was unreliable, if not also inaccurate, the whole contrary to the requirements of Clause 6 of the *CAB Code of Ethics* and Article 1 of the *RTNDA Code of (Journalistic) Ethics*.

### **Sensationalization**

The Council considers that the selection of the interview with C.S. over any other which could have been, and indeed may have been, obtained sensationalized the story in a manner contrary to Article 3 of the *RTNDA Code of (Journalistic) Ethics* as well as Clause 6 of the *CAB Code of Ethics*. The approach of the broadcaster in this case is not dissimilar from that taken by the broadcaster in *CJRQ-FM re Opinion Poll* (CBSC Decision 94/95-0135, March 26, 1996). In that decision, the Ontario Regional Council dealt with the broadcast of a selection of calls from listeners who provided their views on the issue of taxpayers picking up the tab for sex-change operations. One call which was broadcast contained the following phraseology: "some sick demented obviously mentally disturbed homosexual", "minces into a hospital or clinic" and "this misfit of the natural order". In

assessing the broadcaster's responsibility for the choice of the words to bring to air, the Council stated:

As the broadcaster had selected this call from among 198 calls received in response to their invitation, the Council also concluded that the "choice of the first caller's message was made for the purpose of sensationalizing the item, contrary to the provisions of Article 3 of the *RTNDA Code of (Journalistic) Ethics*."

Since there was no other justification for the inclusion of the drug-related allegation, the Prairie Regional Council does assume that, in this case, the reporter (and the station) assumed that the story would be more "appealing" to the audience by its use and that their decision to include the material was thus intended to sensationalize the story, contrary to Article 3 of the *RTNDA Code of (Journalistic) 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 notes the lengthy and sensitively expressed exchange of correspondence between the broadcaster and the complainants as well as the broadcaster's willingness to provide air time to the complainant. While the Council's position is ultimately different than that taken by the broadcaster, it considers that the broadcaster addressed fully and fairly all the issues raised by the complainant. Consequently, the broadcaster has entirely complied with the Council's standard of responsiveness. Nothing more could have been expected in this regard.

### **ANNOUNCEMENT OF THE DECISION**

The station is required to announce this decision forthwith, in the following terms, during prime time and, within the next thirty days, to provide confirmation of the airing of the statement to the CBSC and to the complainant who filed a Ruling Request.

The Canadian Broadcast Standards Council has found that CICT-TV breached provisions of the Canadian Association of Broadcasters and the Radio and Television News Directors Association's *Codes of Ethics* in its August 12, 1998, broadcast of a news report on the murder of a local boy in High River. The Council finds that, by allowing an unsubstantiated allegation to be made in the report regarding the possible involvement of drugs in the homicide, the broadcaster failed to present the news fairly and accurately as required by clauses in both the *CAB* and *RTNDA Codes of Ethics*. Moreover, the Council considers that the inclusion of this fact was intended to sensationalize the story in contravention of Article 3 of the *RTNDA Code of Ethics*.

*This decision is a public document upon its release by the Canadian Broadcast Standards Council.*