
**CANADIAN BROADCAST STANDARDS COUNCIL
NATIONAL CONVENTIONAL TELEVISION PANEL**

Global Television re *Global National* (Kidnapping Report)

(CBSC Decision 03/04-0324)

Decided December 15, 2004

R. Cohen (Chair), H. Pawley (Vice-Chair), B. Culbert, P. Hebden, M. Hogarth

THE FACTS

On November 18, 2003, at 5:39 pm, during Global Television's early evening news program, *Global National*, Wilf Dinnick reported on the case of Amanda Stamp, who had gone missing from her home in Toronto. Dinnick reported that the woman had allegedly been kidnapped by her estranged boyfriend, who had abducted their child a few months before. The report showed pictures and clips of Amanda Stamp as well as her mother's emotional plea for Amanda's safe return. The report then focused on the alleged kidnapper, Ricardo Lee, who apparently ought not to have been released from prison since there was a pending arrest warrant issued on the basis of a charge that he had made death threats against Stamp. After a brief interview with Ontario's Corrections Services Minister Monte Kwinter, the reporter presented a new twist to the story, which was the sighting of Stamp at a convenience store. Accompanying that part of the report was a video clip showing police officers at the convenience store in question which was described as being in Brampton, Ontario. The reporter's voice-over was as follows:

Just this morning, a woman walked into this convenience store, bought hygiene products, and on her way out tells the cashier she's Amanda Stamp. She [the cashier] should call 911.

The broadcaster included shots of the store's interior and exterior while the reporter commented that a surveillance video had also captured pictures of the vehicle. The report then went on to explain that Stamp had had a violent history with Lee, which included the above-mentioned abduction of their child. Clips of Stamp crying and handing out pictures of her child were shown, as well as a picture of Lee holding the child. The report concluded by raising the question of

Lee's release given the circumstances that surrounded the case. The following complaint was sent on the date of the broadcast to the CRTC, which forwarded it to the CBSC in due course (the full text of the complaint and other relevant correspondence can be found in the Appendix):

I am livid that *Global National* released information to the effect that Ms. Stamp contacted a drug store clerk giving her name and asked them to call 911.

I have contacted an investigator on this file with the York Regional Police, and he has expressed dismay at the release of this information as well.

I request you do not include this information in any further broadcasts.

[...]

Do you even think about the consequences of releasing such information? Did you contact the investigators before you released such information? Are you trying to get the poor woman killed to further the story for your own interests?

You have shown reckless endangering behaviour by reporting this information, possibly jeopardizing this woman's future chances of escape, and possibly her life at the hands of this maniac kidnapper.

The complainant raised additional concerns regarding the use of information obtained on police scanners, which do not fall within the jurisdiction of the CBSC and are not material to the present decision. The Managing Director at Global National News responded to the complainant's letter on December 9.

We share your concerns regarding the reporting of certain details related to Amanda Stamp on *Global National* on November 18th. We included the information in our report in part because we thought other media outlets had already reported it. Following the broadcast York Police contacted us and asked that we not broadcast the information again. We agreed and subsequently withheld additional information regarding another attempt by Ms. Stamp to be rescued. It was a regrettable error on our part and was not repeated. Fortunately Ms. Stamp was rescued, unharmed, the following day.

In reference to your point regarding the use of information gleaned from a police scanner - I believe the statute is the *Radiocommunications Act*, sec. 9(2) - the information in question was confirmed by phone and it was that confirmation which allowed us to use it. But, as noted above, even though we did not violate the Act, the information should not have been broadcast.

We take great pains to ensure that our news coverage is fair, balanced, and accurate. Your letter, together with the concerns expressed by York Police, has been shared with our staff and is a valuable reminder that we must use the appropriate discretion necessary in coverage of hostage situations so as not to endanger those involved.

The complainant responded to the broadcaster the following day. He said in part:

So your [*sic*] saying that because you thought other media broadcast the details, you would too. [...]

Essentially your [*sic*] saying, drat [*sic*] the other media may have broadcast a detrimental fact to the safety of Ms. Stamp, and we have to do the same, so as not to lag behind the eight ball. Never once stopping to think about morals, ethics, personal safety. But seriously, I doubt that anyone in your organization even realized how detrimental those details could actually be.

The CBSC took this letter as the equivalent of a Ruling Request.

THE DECISION

The National Conventional Television Panel examined the broadcast under the following provision of the Radio-Television News Directors Association of Canada (RTNDA) *Code of (Journalistic) Ethics*:

RTNDA Code of (Journalistic) Ethics - Article 10 (Covering Violent Situations)

Reporting on criminal activities such as hostage takings, prison uprisings or terrorist acts will be done in a fashion that does not knowingly endanger lives, offer comfort and support or provide vital information to the perpetrator(s). RTNDA members will contact neither victims nor perpetrators of a criminal activity during the course of the event for the purpose of conducting an interview that would interfere with a peaceful resolution.

The National Conventional Television Panel reviewed all of the correspondence and screened a tape of the news report in question. For the reasons provided at greater length below, the Panel considers that the broadcast of the challenged news report was in breach of the foregoing provision of the *RTNDA Code of (Journalistic) Ethics*.

Reporting on Ongoing Violent Criminal Activities

This is the first occasion on which a CBSC Panel has been called upon to review the broadcast reporting of an ongoing criminal activity. It is, however, an issue that has been clearly anticipated in the *RTNDA Code of (Journalistic) Ethics* and, the Panel finds it useful to add, in Section 5 of the British *Programme Code*, which is administered by Ofcom. While the principles established in the British code are similar to those in the RTNDA Code, its terminology is more precisely suited to the situation that this Panel is facing in the matter at hand. The British Code provides:

5.4 Hijacking and kidnapping reports

It is unacceptable to broadcast any information, whether derived from monitoring of communications or from any other source, that could endanger lives or prejudice the success of attempts to deal with a hijack or a kidnapping [...].

The essential common ingredient of the Canadian and British provisions is the requirement that any broadcast in such circumstances ought not to endanger lives, provide vital information to the perpetrator(s) or potentially interfere with the successful resolution of the matter being reported.

In the matter at hand, the report that Amanda Stamp had been in a quite specific location and had advised a cashier at a store who she was and that the cashier should call 911 was, it seems clear to the Panel, an endangering bit of news. Had the abductor been watching television at the moment of the newscast and learned of what Stamp had said, he may well have taken retributive action. That would have been a tragic outcome, which is clearly what the Code article sought to avoid. It goes without saying it would be no defence to say that “other media outlets had already reported it.” It is surely the obligation of each news medium to determine what does, or does not, reflect their industry’s standards. It is clear that each broadcaster would have to arrive at such a determination for itself. In the present instance, Global Television has breached the codified standard established in Article 10 of the *RTNDA Code of (Journalistic) Ethics*.

Broadcaster Responsiveness

The responsibility of broadcasters extends beyond adherence to the standards established in each of the Codes administered by the CBSC. By their membership in the CBSC, they must also adhere to the principles established in the *CBSC Manual*, one of which is the obligation to respond to written complaints from members of the public who have seen (or heard, in the case of radio) potentially offensive broadcast matter. It is expected that their responses will be thoughtful and reflective of the substance of the complaint. It is also recognized by the Council that even compliant responses will not always satisfy complainants; indeed, in any matter that reaches the adjudication stage, that will be the case. In the matter at hand, there is no doubt that, although the complainant was not satisfied, the Managing Director at Global National News quite satisfied Global’s obligation of responsiveness in the present instance. He admitted that “the information should not have been broadcast”, that Global had made a “regrettable error” and that the incident was “a valuable reminder that we must use the appropriate discretion necessary in coverage of hostage situations so as not to endanger those involved.” The CBSC could not ask for more of an acknowledgment than that.

ANNOUNCEMENT OF THE DECISION

Global Television is required to: 1) announce this decision, in the following terms, once during prime time within three days following the release of this decision and once more within seven days following the release of this decision in the time period in which the *Global National* news report was broadcast; 2) within fourteen days following the broadcast of the announcements, to provide written confirmation of the airing of the announcements to the complainant who filed the Ruling Request; and 3) at that time, to provide the CBSC with that written confirmation and with air check copies of the broadcasts of the two announcements which must be made by Global Television.

The Canadian Broadcast Standards Council has found that, in its broadcast on November 18, 2003 of a news story relating to a kidnapping in Ontario, Global Television's *Global National* breached the terms of the article of the Radio-Television News Directors Association *Code of (Journalistic) Ethics* that requires that news reporting ought not to endanger lives, provide vital information to the perpetrators or potentially interfere with the successful resolution of the matter being reported. In revealing certain unpublicized details relating to the kidnap victim's whereabouts and contact with a store clerk, the Council determined that Global Television had potentially endangered the life of the victim, contrary to the provisions of Article 10 of the Code.

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

APPENDIX

CBSC File 03/04-0324 Global Television re *Global National* (Kidnapping Report)

The Complaint

The following complaint dated November 19, 2003 was sent to the CRTC and forwarded to the CBSC in due course:

I am livid that *Global National* released information to the effect that Ms. Stamp contacted a drug store clerk giving her name and asked them to call 911.

I have contacted an investigator on this file with the York regional police, and he has expressed dismay at the release of this information as well.

I request you do not include this information in any further broadcasts.

What the hell are you trying to do!??

Do you even think about the consequences of releasing such information? Did you contact the investigators before you released such information? Are you trying to get the poor woman killed to further the story for your own interests.

You have shown reckless endangering behaviour by reporting this information, possibly jeopardizing this woman's future chances of escape, and possibly her life at the hands of this maniac kidnapper.

I will be reporting this and making a formal complaint of this disgusting abuse of media intervention in the life of a person at serious risk of losing her life to the CRTC.

The complainant sent a second e-mail to the CRTC on November 19, which was also forwarded to the CBSC:

Further to my complaint regarding *Global National* TV and the reporting of kidnapping victim Ms. Amanda Stamp.

It has come to my attention that an employee of Global TV Vancouver named [D] (no last name given) who works the assignment desk this Tuesday evening, stated to me, after I had contacted them, that the Toronto area Global TV crew heard about the drug store incident specifics (she [Amanda Smart [sic]] told her name and asked the clerk to call 911) on a police scanner.

I am a scanner enthusiast, and there are laws protecting the dissemination of information gained from intercepting radio waves.

The *Radio Act of Canada*, specifically Section 3, *Canada Gazette* Part III, Ch. 11 (12 Mar 1991) for Bill C-40, and Part III, Ch. 17 (02 Jan 1990).

The conditions for scanner state ...

You are not allowed to tell anyone what you heard without the permission of the originator.

With this revelation in mind, I encourage you to pursue both the content of the offending broadcast and the origin of the details which were disseminated via television to the public.

It appears this is a breach of the law in regards to protected radio communications.

Thank you.

The CRTC informed the complainant that interception of radiowaves fell outside the jurisdiction of the CRTC and CBSC, but that the CBSC would be examining his complaint with respect to the actual broadcast.

Following a request from the CBSC for information regarding the date and time of broadcast, the complainant sent the following e-mail on November 25:

I believe my complaint outlined my concerns.

The station is Global TV Vancouver, channel 11, my guide does not refer to the call letters. Surely in your duties and associations you can find the exact call letters.

The name of the show was called *Global National*, it airs at 5:30 pm Pacific Daylight Time. It is a news magazine show.

The date of the broadcast was Tuesday, November 18th.

This information should fulfill the requirements for a formal complaint and allow you the ability to pursue said complaint.

Should you require further info, please don't wait a WEEK to email/correspond with me!

Broadcaster Response

The broadcaster responded to the complainant on December 9 with the following:

Your complaint to the Canadian Broadcast Standards Council (CBSC File Number: C03/04 - 0324) has been forwarded to me for reply.

Our entire news team strives to uphold the highest level of journalistic integrity and ethics at all times. Our staff members are educated to make decisions thoughtfully and with sensitivity and to produce material in accordance with community standards and with the Canadian Association of Broadcasters' (CAB) *Code of Ethics*, *Sex-Role Portrayal Code for Television and Radio Programming*, and the *Voluntary Code Regarding Violence in Television Programming*. Global News also adheres to the Radio Television News Directors Association of Canada (RTNDA) *Code of Ethics*.

We share your concerns regarding the reporting of certain details related to Amanda Stamp on *Global National* on November 18th. We included the information in our report in part because we thought other media outlets had already reported it. Following the broadcast York Police contacted us and asked that we not broadcast the information again. We agreed

and subsequently withheld additional information regarding another attempt by Ms. Stamp to be rescued. It was a regrettable error on our part and was not repeated. Fortunately Ms. Stamp was rescued, unharmed, the following day.

In reference to your point regarding the use of information gleaned from a police scanner -- I believe the statute is the *Radiocommunications Act* s.9(2) -- the information in question was confirmed by phone and it was that confirmation which allowed us to use it. But, as noted above, even though we did not violate the Act, the information should not have been broadcast.

We take great pains to ensure that our news coverage is fair, balanced, and accurate. Your letter, together with the concerns expressed by York Police, has been shared with our staff and is a valuable reminder that we must use the appropriate discretion necessary in coverage of hostage situations so as not to endanger those involved.

Additional Correspondence

The complainant sent a reply email to the broadcaster on December 10, which the CBSC considered the equivalent of a Ruling Request. The complainant wrote:

Hello

Ok, right off the bat ... I'm not impressed with your response, so excuse me while I bite a chunk out of your collective butts.

So your [*sic*] saying that because you thought other media broadcast the details, you would too. Brilliant, let's really make sure Ms Stamp's life is marginalized by all the Canadian broadcasters, and all jump off the cliff together.

It just goes to show for all the high powered dollars that are paid out in your organization, dues paid in your affiliations, and guidelines your [*sic*] constrained by, that your [*sic*] as insensitive to the human condition and common sense as politicians. Don't get me wrong, I don't hate media.

Essentially your [*sic*] saying, drat, the other media may have broadcast a detrimental fact to the safety of Ms. Stamp, and we have to do the same, so as not to lag behind the eight ball. Never once stopping to think about morals, ethics, personal safety. But seriously, I doubt that anyone in your organization even realized how detrimental those details could actually be.

I challenge you brain dead idiots to consider when reporting each and every word "what if it was my child, could anything we say possibly harm or be a detriment to my child".

If you really "share my concerns" your letter would have included steps that you plan to take to ensure nothing like this ever happens again.

You further make comment about information gleaned from a scanner, and make reference that you "confirmed by phone and it was that confirmation that allowed us to use it". What the hell is that supposed to mean? Who confirmed what with who [*sic*], and who gave who [*sic*] permission to use facts from that radio wave scanning to be broadcast. Because in a previous paragraph you state just the exact opposite. Do you think I am a fool?

Please don't assume you didn't violate the Act, you have shown me no proof that indeed [you] had "permission" to broadcast those facts. What makes you think you didn't violate the Act?

I don't know who you are [Managing Director], but your investigation into this whole fiasco that you are relating to me is as shoddy as the quality of your journalism of that night. Your letter ends in single minded fashion, talking about fair, balanced and accurate, hardly the expected summation of the newly enlightened referring to the reporting of hostage situations.

I would have thought words like sensitive, compassionate, humane, might guide you. I would encourage you to consider the revelations we are discussing in most all your reporting, but alas your [sic] probably too desensitized to human suffering by the looks of things. I might also suggest Global pay some penance for its/your unapologetic state, maybe a sizable donation to a battered womans [sic] shelter. To enhance this suggestion, I would remind you it's tax deductible [sic].

I just love the preamble in letters like yours. We are members of this, affiliated with that, and have the highest regard for whatever, dusting off your suit and fixing your corsage. When you should be thanking the Lord himself for the grace in the safe return of Ms. Stamp, no thanks to your bungling effort to dramatize my supper hour. Don't blow roses up my %^#\$#^&.

An apology makes no excuses, and all I'm seeing here is excuses, with no plans to fix a problem. Heck, you didn't even use the word apologize. If my letter was indeed shared to your employees, why haven't I heard a plan to protect the citizens of Canada from a future scenario like this? Do your employees actually get encouraged to present ideas to upper management? I don't think so, why? Because if my letter was shared with your employees, I'm pretty sure they would have formulated conversations and ideas to prevent this type of scenario from reoccurring [sic]. And in turn those ideas might have touched the pages of your letter.

So you either have a bunch of eunuchs working in the news dept., or you have ineffective lines of communication to deal with disasters you have created internally.

With that in mind, I reject this letter as a response of any value from you, and send it back to you to formulate a plan that you can relate back to me, to ensure this kind of idiocy never happens again.

Please find it in your hearts to forgive me for using certain adjectives and nouns and pronouns, as I find emphasis was necessary to convey to you the depth of your callous stupidity.

Awaiting your thoughtful reply.